

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 2463/Senate File 2109	House Transportation:	<b>PASSED</b> 13-8 (2/7/2024)
Committee:	Transportation	House Floor:	
Floor Manager:	Rep. Brent Siegrist	Senate Floor:	<b>PASSED</b> 33-15 (3/26/2024)
Date:	April 10, 2024	Governor:	
Staff:	Brad Trow (1-3471)		

### Driving Privileges for Drivers Under 18

- House File 2463/Senate File 2109 is the result of the Minor Driver’s License Interim Committee that met last fall.
- The bill would replace the current school permit and farm work permit system with a new restricted work license and a special minor’s restricted license.
- The special minor’s restricted license would be for those between the age of 14.5 and 16 who has an instructional permit, has completed driver’s education or have been allowed by the DOT to get the license without driver’s ed due to hardship, and is enrolled in a school.
- The special minor’s restricted license would allow qualifying teens to drive to and from school, extracurricular activities, work, and stop at service stations.
- In order to use the special minor’s restricted license to drive to and from work, the teenager must have written permission from a parent or guardian filed with the DOT. Driving time would be limited to 1 hour before or after school, extracurricular activities, or their work shift.
- The distance a teenager would be allowed to drive with a special minor’s restricted license is 25 miles, unless the distance between the driver’s residence and their school is more than 25 miles within the same school district.
- A teenager with a special minor’s restricted license would be allowed to have siblings and one unrelated person in the car with them. This is the same as current law. The teenager with this license would be allowed to have up to three residences, as long as they have been filed with the DOT.

### Section by Section Analysis – Senate File 2109

Section 1 – Disposition of a child found to have committed a delinquent act (Iowa Code section 232.52)

The section amends subsection (2)(a)(4)(b), by changing the name of a “school license” to “special minor’s restricted license”.

Section 2 – Definitions of words and phrases (Iowa Code section 321.1)

The section amends subsection 20A to change the definition of “driver’s license” to include a restricted work license and a special minor’s restricted license, which are addressed in the bill.

Section 3 – Driver education – restricted license – reciprocity (Iowa Code section 321.178)

The section amends subsection 2 of this Code section to change the restricted license a person between 16 and 18 can obtain for the purpose of driving to and from work. Under the bill, this license will now be known as a “restricted work license” and makes the necessary changes to reflect this.

Section 4 – Graduated driver’s licenses for persons aged fourteen through seventeen (Iowa Code section 321.180B)

Section 4 amends Iowa Code section 321.180B, dealing with the current graduated driver’s license system for underage drivers, by providing that a person in this age group has their special minor’s restricted license revoked, then they are ineligible to obtain a restricted work license.

Section 5 – Fees for driver’s licenses (Iowa Code section 321.191)

The section amends subsection (6) to change the names of school permits and restricted licenses to “special minor’s restricted license” and “restricted work permit”. The fee remains at eight dollars.

Section 6 – Special minor’s licenses (Iowa Code section 321.194)

The section strikes the current language in Iowa Code section 321.194 and replaces it with the language laid out in section 6.

**Eligibility** – Subsection 1 sets out who is eligible for the special minor’s restricted license. Under the bill, this type of license is limited to persons under the age of sixteen and meet the following conditions:

- Currently have a learner’s permit;
- Have completed an approved driver education course, or has been found by the DOT that completion of the course would impose a hardship on the applicant; and
- Has submitted certification from the applicant’s school that the applicant is a student there or from the minor’s primary instructor if they are receiving private instruction.

**Consent – Employment** - Subsection 2 deals with the ability of a license applicant to drive their place of employment unsupervised. The applicant must submit to the DOT written consent from the applicant’s parent or guardian, which must include the name and address of the applicant’s place of employment or primary farm location. If the applicant’s employment changes before the license has been issued, then the parent or guardian must update their consent.

**Ineligibility** - Subsection 3 sets out who shall not be issued a special minor’s restricted license. An applicant will not be eligible for the license if any of the following have occurred during the six months preceding their application:

- The applicant’s driving privileges have been suspended, revoked, or barred under Iowa Code chapter 321 (Motor Vehicles and the Law of the Road) or 321J (Operating While Intoxicated);
- The applicant has been found to be at fault for causing an accident or collision; OR
- The applicant has been convicted of violating a state law or city ordinance regulating the operation of a motor vehicle. This does not apply if the conviction is for a parking violation.

**License Privileges** - Subsection 4 establishes the driving privileges for the new type of license. The special minor’s restricted license will be classified as a Class C or Class M license under the DOT. They are permitted to drive motor vehicles governed by chapter 321 other than commercial motor vehicles, motor vehicles with more than two axles, a motor vehicle towing another vehicle, or operating as a chauffeur.

A licensee shall drive the most direct route between their residence, school or place of private instruction, place of employment or location of farm work, and closest service station for any of the purposes listed below, as long as the distance is 25 miles or less and they are carrying their license:

1. To return to their licensed residence following the end of the school day, extracurricular activities of the school, work shift, or farm or farm-related work;

2. To go to school. If the licensee attends a public school and lives within the school district but the school is more than 25 miles from their home, they may still drive to school.
3. To participate in extracurricular activities;
4. To work, if they have submitted the parent or guardian's consent to work as set out in subsection 2;
5. To assist parents, guardians, or employer with farm work or in connection with any farm job, employment, or farm-related work – including travel to or from the location of farm work, if they live on a farm or work on a farm; and
6. To refuel the vehicle.

**Restrictions** - Subsection 5 sets the limits on what the licensee may and may not do. They are:

- A licensee may operate the vehicle during the hour before and after the school day, extracurricular activities, work shift, or farm or farm-related work;
- A licensee may transport only one unrelated minor in the vehicle.
- A licensee may drive on a highway, only as long as it is part of the most direct route between the residence and school, extracurricular activity, or work;
- A licensee may not use a cell phone or other electronic entertainment device while driving, unless the device is permanently installed in the vehicle or the portable device is operated through permanently installed equipment. DOT and DPS will create an educational program to foster compliance with this restriction; and
- A licensee may drive to their place of employment or location of farm work if their parent or guardian has submitted their written consent to this, as provided in subsection 2.

**Certification** - Subsection 6 sets out the certification process for a school district to certify that a licensee is a student of the district. A school shall submit a certification form verifying that the licensee is enrolled in the school. The certification form will also include a statement that the official signing for the school is not responsible for the actions of the licensee in driving a motor vehicle.

If the licensee attends a public school, the form shall be signed by the school board, superintendent, or principal when authorized by the superintendent. If the licensee attends an accredited private school the form shall be signed by the authorities in charge of the school. If the licensee receives private instruction, the certification shall be made by the licensee's primary instructor.

**License Sanctions** - Subsection 7 sets out the situations when a special minor's restricted license will be subject to suspension, revocation, or other sanction. These licenses will be subject to sanction for the same reasons as other types of motor vehicle operator licenses are currently sanctioned. In addition to these, there are additional situations where a special minor's restricted licensee can have their license suspended for three months:

- When it has been determined that the licensee has violated the restrictions set out in this section for this type of license or they have been found to be at fault in an accident or collision;
- When the licensee has been convicted of violating a state law or city ordinance regarding the operation of a motor vehicle (other than parking violations);

If the DOT suspends a special minor's restricted license, the DOT shall not issue an intermediate license under the graduated driver's license system (321.180B) for three months per each violation after the licensee's 16<sup>th</sup> birthday.

**Citations for Violation of Restrictions** - Subsection 8 provides that if a licensee violates the restrictions listed in subsection 5, those violations will be treated as moving violation, and will not be cited under Iowa Code section 321.193.

**Definitions** - Subsection 9 establishes the definitions used for the new licenses. Of interest is the definition of “residence”, which allows a licensee to have up to three different residences. The licensee’s parent or guardian must provide the DOT with written consent for these additional residences.

**Rules** - Subsection 10 authorizes the DOT to adopt administrative rules to govern the section.

Section 7 – Suspension for failure to attend (Iowa Code section 321.213B)

The section amends Iowa Code section 321.213B to conform the language of the section with the new license.

Section 8 – Violations resulting in injury or death – additional penalties (Iowa Code section 321.482A)

The section amends Iowa Code section 321.482A to insert references to the new Code provisions relating to the special minor’s restricted license created in the bill.

Section 9 – Previously Issued Special Minor’s License

The section provides that if individuals have a special minor’s license when this bill goes into effect, that license is still valid. A holder of the existing special minor’s license cannot utilize it to drive to their place of employment unaccompanied until their parent or guardian has provided written consent to the DOT, as is would be required under the bill.

## AMENDMENTS TO SENATE FILE 2109

**H-8275, by Siegrist:** The amendment makes a number of changes recommended by the Department of Transportation to remain consistent with other Code provisions related to driving by minors and reduce administrative issues.

*Operation 1* amends Section 4 of the bill covering the interaction of the new license with the graduated driver’s license system. The amendment strikes language in the bill that would create an additional waiting time prior to upgrading to an intermediate license.

*Operation 2* amends Section 6 of the bill, by changing the age when a person can apply for a Special Minor’s Restricted License. The amendment strikes the age from being under 16, and instead to between 14 and 18. Currently, school permits can be issued to 16 & 17 year olds. The amendment keeps that option.

*Operation 3* amends Section 6 of the bill to insert the requirement that the student driver have had the instruction permit for at least six months before obtaining the Special Minor’s Restricted License.

*Operation 4* amends Section 6 of the bill by changing the language in the employment consent provisions. The amendment changes how this is to be handled, with the student keeping the consent form in their vehicle instead of having to go to the DOT and file it.

*Operation 5* again amends the employment consent provision in Section 6 of the bill. This part of the amendment sets out what will be in the written consent form, which will be developed by the DOT.

*Operation 6* is another part of changing the employment consent form. This requires the completed employment consent form to be in the vehicle of the student with the Special Minor’s Restricted License.

*Operation 7* again makes changes to the employment consent form. This requires the DOT to develop the form.

*Operation 8* amends the license sanctions provisions of Section 6, to make the penalties consistent with other licensing penalties for underage drivers.

*Operation 9* changes the definition of “place of employment” in Section 6 of the bill by striking the current age restriction language and inserting between 14 and 18 years old to be consistent with the changes made in Operation 2 of the amendment.

*Operation 10* changes the definition of “residence” in Section 6 to remove the requirement that the information on residences be filed with the DOT. Instead, this information must be kept in the vehicle driven by the licensee.

*Operation 11* amends Section 9 dealing with previously issued work permits to provide that the employment consent form does not have to be filed with the DOT.

**H-82xx, by Siegrist:** The amendment to H-8275 would strike the definition of “farm-related work” added on the Senate floor. The amendment also renumbers that provision in the bill.

