

Weidman
Johnson
May

2362

HSB 595

TRANSPORTATION

Introduced By
JIF

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BRAUNS)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing all counties not served by a permanent state
2 department of transportation facility to issue driver's
3 licenses, nonoperator identification cards, and persons with
4 disabilities identification devices under certain conditions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 321.186, unnumbered paragraph 1, Code
2 2001, is amended to read as follows:

3 The department may examine every new applicant for a
4 driver's license or any person holding a valid driver's
5 license when the department has reason to believe that the
6 person may be physically or mentally incompetent to operate a
7 motor vehicle, or whose driving record appears to the
8 department to justify the examination. ~~The examinations shall~~
9 ~~be held in every county within periods not to exceed fifteen~~
10 ~~days except that the driving skills test for a commercial~~
11 ~~driver's license shall be given only at locations where~~
12 ~~required driving skills may be adequately tested, including~~
13 ~~pretrip and off-road examinations.~~ The department shall make
14 every effort to accommodate a functionally illiterate
15 applicant when the applicant is taking a knowledge test. The
16 department shall make every effort to have an examiner conduct
17 the commercial driver's license driving skills tests at other
18 locations in this state where skills may be adequately tested
19 when requested by a person representing ten or more drivers
20 requiring driving skills testing.

21 Sec. 2. Section 321M.1, Code Supplement 2001, is amended
22 to read as follows:

23 321M.1 DEFINITIONS.

24 As used in this chapter, unless the context otherwise
25 requires:

26 ~~1. "Cluster" means a group of four to six contiguous~~
27 ~~counties serving a population area comparable to an area~~
28 ~~served by a department itinerant team, that is subject to an~~
29 ~~agreement among the participating counties that is executed~~
30 ~~pursuant to chapter 28E.~~

31 ~~2.~~ 1. "Commercial driver's license" means a driver's
32 license valid for the operation of a commercial motor vehicle,
33 as regulated by chapter 321.

34 ~~3.~~ 2. "County issuance" means the system or process of
35 issuing driver's licenses, nonoperator identification cards,

1 and persons with disabilities identification devices,
2 including all related testing, to the same extent that such
3 items are issued by the department.

4 ~~4-~~ 3. "Department" means the state department of
5 transportation.

6 ~~5-~~ 4. "Digitized photolicensing equipment" means the
7 machines and related materials, obtained pursuant to contract,
8 the use of which results in the on-site production of driver's
9 licenses and nonoperator identification cards.

10 ~~6---~~ "~~Digitized-photolicensing-equipment-contract-period~~"
11 ~~means-the-period-of-time-that-the-contract-for-the-digitized~~
12 ~~photolicensing-equipment-is-in-effect,-including-any-contract~~
13 ~~extensions-elected-by-the-department-under-the-terms-of-the~~
14 ~~contract-~~

15 ~~7-~~ 5. "Driver's license" means any license or permit
16 issued to a person to operate a motor vehicle on the highways
17 of this state, including but not limited to a driver's,
18 commercial driver's, temporary restricted, or temporary
19 license and an instruction, chauffeur's instruction,
20 commercial driver's instruction, or temporary permit.

21 ~~8---~~ "~~Initial-opt-in-period~~" ~~means-the-first-opportunity-for~~
22 ~~a-county-to-indicate-its-interest-in-being-authorized-to~~
23 ~~participate-in-county-issuance-~~

24 ~~9-~~ 6. "Issuing county" means a county that is
25 participating in county issuance.

26 ~~10---~~ "~~Itinerant-team~~" ~~means-a-traveling-team-of-department~~
27 ~~personnel-assigned-to-license-issuance-activities-in-a~~
28 ~~specified-geographic-area-~~

29 ~~11-~~ 7. "Motor vehicle" means a vehicle which is self-
30 propelled, including but not limited to automobiles, cars,
31 motor trucks, semitrailers, motorcycles, and similar vehicles
32 regulated under chapter 321.

33 ~~12-~~ 8. "Nonoperator identification card" means the card
34 issued pursuant to section 321.190 that contains information
35 pertaining to the personal characteristics of the applicant

1 but does not convey to the person issued the card any
2 operating privileges for any motor vehicle.

3 ~~13.---"Opt-in" means a county's indication of its interest
4 in being authorized to participate in county issuance, or to
5 continue participating in county issuance.~~

6 ~~14.---"Opt-in period" means a time period when a county may
7 indicate its interest in being authorized to participate in
8 county issuance, or to continue participating in county
9 issuance.~~

10 ~~15.---"Opt-out" means the choice of a county that is
11 authorized to issue licenses to terminate that authorization
12 and its participation in county issuance.~~

13 ~~16.---"Opt-out period" means a time period when a county
14 that is authorized to issue licenses may terminate that
15 authorization and its future participation in county issuance.~~

16 ~~17. 9. "Persons with disabilities identification devices"
17 means those devices issued pursuant to chapter 321L.~~

18 Sec. 3. Section 321M.3, Code 2001, is amended by striking
19 the section and inserting in lieu thereof the following:

20 321M.3 AUTHORIZATION TO ISSUE LICENSES.

21 Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone,
22 Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cass, Cedar,
23 Cherokee, Chickasaw, Clarke, Clayton, Crawford, Dallas, Davis,
24 Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin,
25 Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin,
26 Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper,
27 Jefferson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon,
28 Madison, Mahaska, Marion, Mills, Mitchell, Monona, Monroe,
29 Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth,
30 Pocahontas, Poweshiek, Ringgold, Sac, Shelby, Sioux, Tama,
31 Taylor, Union, Van Buren, Warren, Washington, Wayne,
32 Winnebago, Winneshiek, Worth, and Wright counties shall be
33 authorized to issue driver's licenses, nonoperator
34 identification cards, and persons with disabilities
35 identification devices on a permanent basis, provided that

1 such counties continue to meet the department's standards for
2 issuance.

3 Sec. 4. Section 321M.4, Code 2001, is amended by striking
4 the section and inserting in lieu thereof the following:

5 321M.4 TERMINATION OF AUTHORIZATION -- FAILURE TO MEET
6 STANDARDS.

7 a. If a county is subject to termination of its county
8 issuance authorization for failure to meet the department's
9 standards for issuance, the county shall not issue driver's
10 licenses, nonoperator identification cards, or persons with
11 disabilities identification devices until the county has been
12 reauthorized by the department.

13 b. The department is not obligated to provide service in a
14 county for issuance of driver's licenses, nonoperator
15 identification cards, or persons with disabilities
16 identification devices if the county fails to meet the
17 department's standards for issuance.

18 Sec. 5. Section 321M.5, subsection 2, paragraphs e and f,
19 Code 2001, are amended by striking the paragraphs.

20 Sec. 6. Section 321M.6, subsection 2, paragraph c, Code
21 2001, is amended to read as follows:

22 c. The department provides supervision over the issuance
23 of commercial driver's licenses, including the administration
24 of written and driving skills tests by the office of the
25 county treasurer. However, the failure of the department to
26 provide appropriate supervision shall not alone be used as a
27 reason to deny certification.

28 Sec. 7. Section 321M.6, subsection 4, Code 2001, is
29 amended to read as follows:

30 ~~4. The issuance of commercial driver's licenses for~~
31 ~~residents of a county whose issuance rights have been~~
32 ~~terminated under subsection 3 may be provided by other~~
33 ~~counties in the relevant cluster, according to the provisions~~
34 ~~of section 321M.5.~~ The department is not obligated to provide
35 service in a county for issuance of commercial driver's

1 licenses if the county fails to meet certification standards
2 under this section. ~~However, the department shall facilitate~~
3 ~~appropriate arrangements for availability of such services as~~
4 ~~it deems necessary.~~

5 Sec. 8. Section 321M.9, subsection 2, paragraph b, Code
6 2001, is amended to read as follows:

7 b. An issuing county shall be entitled to one set of
8 digitized photolicensing equipment, unless the county was
9 served at multiple sites by the department, in which case the
10 county shall be entitled to two sets of digitized
11 photolicensing equipment. ~~A county shall indicate at the time~~
12 ~~of opting in how many sets of equipment are needed by the~~
13 ~~county.~~

14 Sec. 9. Section 321M.10, subsection 1, Code 2001, is
15 amended to read as follows:

16 1. The department shall retain all supervisory authority
17 over the county ~~treasurers who shall be subject to the~~
18 ~~supervision of the department and~~ driver's license issuance
19 program. The county treasurers and their employees shall be
20 considered agents of the department when performing driver's
21 licensing functions.

22 Sec. 10. Section 321M.8, Code 2001, is repealed.

23 EXPLANATION

24 This bill authorizes all counties not served by a permanent
25 state department of transportation facility to issue driver's
26 licenses, nonoperator identification cards, and persons with
27 disabilities identification devices on a permanent basis if
28 the county meets the department's standards for issuance.
29 Currently, only Adams, Cass, Fremont, Mills, Montgomery, and
30 Page counties are permanently authorized to issue such
31 licenses and devices. Up to 42 other counties are currently
32 allowed to opt in by indicating an interest in being
33 authorized to issue driver's licenses. A county may currently
34 opt out by indicating that the county wishes to terminate its
35 authorization to issue driver's licenses.

Substituted for by SF 2156
3/18/02
P. 820
FEB 15 2002

Place On Calendar

HOUSE FILE 2362
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 595)

WITHDRAWN

Passed House, Date 3-18-02 Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing all counties not served by a permanent state
2 department of transportation facility to issue driver's
3 licenses, nonoperator identification cards, and persons with
4 disabilities identification devices under certain conditions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6
7

HF 2362

HOUSE FILE 2362

H-8096

1 Amend House File 2362 as follows:
2 1. Page 4, line 7, by striking the letter "a."
3 and inserting the following: "1."
4 2. Page 4, line 13, by striking the letter "b."
5 and inserting the following: "2."

By WEIDMAN of Cass

H-8096 FILED FEBRUARY 26, 2002

Adapted 3/18/02

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

S.F. _____ H.F. 2362

1 Section 1. Section 321.186, unnumbered paragraph 1, Code
2 2001, is amended to read as follows:

3 The department may examine every new applicant for a
4 driver's license or any person holding a valid driver's
5 license when the department has reason to believe that the
6 person may be physically or mentally incompetent to operate a
7 motor vehicle, or whose driving record appears to the
8 department to justify the examination. ~~The examinations shall~~
9 ~~be held in every county within periods not to exceed fifteen~~
10 ~~days except that the driving skills test for a commercial~~
11 ~~driver's license shall be given only at locations where~~
12 ~~required driving skills may be adequately tested, including~~
13 ~~pretrip and off-road examinations.~~ The department shall make
14 every effort to accommodate a functionally illiterate
15 applicant when the applicant is taking a knowledge test. The
16 department shall make every effort to have an examiner conduct
17 the commercial driver's license driving skills tests at other
18 locations in this state where skills may be adequately tested
19 when requested by a person representing ten or more drivers
20 requiring driving skills testing.

21 Sec. 2. Section 321M.1, Code Supplement 2001, is amended
22 to read as follows:

23 321M.1 DEFINITIONS.

24 As used in this chapter, unless the context otherwise
25 requires:

26 ~~1- "Cluster" means a group of four to six contiguous~~
27 ~~counties serving a population area comparable to an area~~
28 ~~served by a department itinerant team, that is subject to an~~
29 ~~agreement among the participating counties that is executed~~
30 ~~pursuant to chapter 28E.~~

31 2- 1. "Commercial driver's license" means a driver's
32 license valid for the operation of a commercial motor vehicle,
33 as regulated by chapter 321.

34 3- 2. "County issuance" means the system or process of
35 issuing driver's licenses, nonoperator identification cards,

1 and persons with disabilities identification devices,
2 including all related testing, to the same extent that such
3 items are issued by the department.

4 ~~4-~~ 3. "Department" means the state department of
5 transportation.

6 ~~5-~~ 4. "Digitized photolicensing equipment" means the
7 machines and related materials, obtained pursuant to contract,
8 the use of which results in the on-site production of driver's
9 licenses and nonoperator identification cards.

10 ~~6--"Digitized-photolicensing-equipment-contract-period"~~
11 ~~means-the-period-of-time-that-the-contract-for-the-digitized~~
12 ~~photolicensing-equipment-is-in-effect,-including-any-contract~~
13 ~~extensions-elected-by-the-department-under-the-terms-of-the~~
14 ~~contract-~~

15 ~~7-~~ 5. "Driver's license" means any license or permit
16 issued to a person to operate a motor vehicle on the highways
17 of this state, including but not limited to a driver's,
18 commercial driver's, temporary restricted, or temporary
19 license and an instruction, chauffeur's instruction,
20 commercial driver's instruction, or temporary permit.

21 ~~8--"Initial-opt-in-period"-means-the-first-opportunity-for~~
22 ~~a-county-to-indicate-its-interest-in-being-authorized-to~~
23 ~~participate-in-county-issuance-~~

24 ~~9-~~ 6. "Issuing county" means a county that is
25 participating in county issuance.

26 ~~10--"Itinerant-team"-means-a-traveling-team-of-department~~
27 ~~personnel-assigned-to-license-issuance-activities-in-a~~
28 ~~specified-geographic-area-~~

29 ~~11-~~ 7. "Motor vehicle" means a vehicle which is self-
30 propelled, including but not limited to automobiles, cars,
31 motor trucks, semitrailers, motorcycles, and similar vehicles
32 regulated under chapter 321.

33 ~~12-~~ 8. "Nonoperator identification card" means the card
34 issued pursuant to section 321.190 that contains information
35 pertaining to the personal characteristics of the applicant

1 but does not convey to the person issued the card any
2 operating privileges for any motor vehicle.

3 ~~13.--"Opt-in"-means-a-county's-indication-of-its-interest
4 in-being-authorized-to-participate-in-county-issuance,-or-to
5 continue-participating-in-county-issuance-~~

6 ~~14.--"Opt-in-period"-means-a-time-period-when-a-county-may
7 indicate-its-interest-in-being-authorized-to-participate-in
8 county-issuance,-or-to-continue-participating-in-county
9 issuance-~~

10 ~~15.--"Opt-out"-means-the-choice-of-a-county-that-is
11 authorized-to-issue-licenses-to-terminate-that-authorization
12 and-its-participation-in-county-issuance-~~

13 ~~16.--"Opt-out-period"-means-a-time-period-when-a-county
14 that-is-authorized-to-issue-licenses-may-terminate-that
15 authorization-and-its-future-participation-in-county-issuance-~~

16 ~~17- 9. "Persons with disabilities identification devices"
17 means those devices issued pursuant to chapter 321L.~~

18 Sec. 3. Section 321M.3, Code 2001, is amended by striking
19 the section and inserting in lieu thereof the following:

20 321M.3 AUTHORIZATION TO ISSUE LICENSES.

21 Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone,
22 Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cass, Cedar,
23 Cherokee, Chickasaw, Clarke, Clayton, Crawford, Dallas, Davis,
24 Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin,
25 Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin,
26 Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper,
27 Jefferson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon,
28 Madison, Mahaska, Marion, Mills, Mitchell, Monona, Monroe,
29 Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth,
30 Pocahontas, Poweshiek, Ringgold, Sac, Shelby, Sioux, Tama,
31 Taylor, Union, Van Buren, Warren, Washington, Wayne,
32 Winnebago, Winneshiek, Worth, and Wright counties shall be
33 authorized to issue driver's licenses, nonoperator
34 identification cards, and persons with disabilities
35 identification devices on a permanent basis, provided that

1 such counties continue to meet the department's standards for
2 issuance.

3 Sec. 4. Section 321M.4, Code 2001, is amended by striking
4 the section and inserting in lieu thereof the following:

5 321M.4. TERMINATION OF AUTHORIZATION -- FAILURE TO MEET
6 STANDARDS.

7 a. If a county is subject to termination of its county
8 issuance authorization for failure to meet the department's
9 standards for issuance, the county shall not issue driver's
10 licenses, nonoperator identification cards, or persons with
11 disabilities identification devices until the county has been
12 reauthorized by the department.

13 b. The department is not obligated to provide service in a
14 county for issuance of driver's licenses, nonoperator
15 identification cards, or persons with disabilities
16 identification devices if the county fails to meet the
17 department's standards for issuance.

18 Sec. 5. Section 321M.5, subsection 2, paragraphs e and f,
19 Code 2001, are amended by striking the paragraphs.

20 Sec. 6. Section 321M.6, subsection 2, paragraph c, Code
21 2001, is amended to read as follows:

22 c. The department provides supervision over the issuance
23 of commercial driver's licenses, including the administration
24 of written and driving skills tests by the office of the
25 county treasurer. However, the failure of the department to
26 provide appropriate supervision shall not alone be used as a
27 reason to deny certification.

28 Sec. 7. Section 321M.6, subsection 4, Code 2001, is
29 amended to read as follows:

30 ~~4. The issuance of commercial driver's licenses for~~
31 ~~residents of a county whose issuance rights have been~~
32 ~~terminated under subsection 3 may be provided by other~~
33 ~~counties in the relevant cluster, according to the provisions~~
34 ~~of section 321M.5.~~ The department is not obligated to provide
35 service in a county for issuance of commercial driver's

1 licenses if the county fails to meet certification standards
2 under this section. ~~However, the department shall facilitate~~
3 ~~appropriate arrangements for availability of such services as~~
4 ~~it deems necessary.~~

5 Sec. 8. Section 321M.9, subsection 2, paragraph b, Code
6 2001, is amended to read as follows:

7 b. An issuing county shall be entitled to one set of
8 digitized photolicensing equipment, unless the county was
9 served at multiple sites by the department, in which case the
10 county shall be entitled to two sets of digitized
11 photolicensing equipment. ~~A county shall indicate at the time~~
12 ~~of opting in how many sets of equipment are needed by the~~
13 ~~county.~~

14 Sec. 9. Section 321M.10, subsection 1, Code 2001, is
15 amended to read as follows:

16 1. The department shall retain all supervisory authority
17 over the county ~~treasurers who shall be subject to the~~
18 ~~supervision of the department and~~ driver's license issuance
19 program. The county treasurers and their employees shall be
20 considered agents of the department when performing driver's
21 licensing functions.

22 Sec. 10. Section 321M.8, Code 2001, is repealed.

23 EXPLANATION

24 This bill authorizes all counties not served by a permanent
25 state department of transportation facility to issue driver's
26 licenses, nonoperator identification cards, and persons with
27 disabilities identification devices on a permanent basis if
28 the county meets the department's standards for issuance.
29 Currently, only Adams, Cass, Fremont, Mills, Montgomery, and
30 Page counties are permanently authorized to issue such
31 licenses and devices. Up to 42 other counties are currently
32 allowed to opt in by indicating an interest in being
33 authorized to issue driver's licenses. A county may currently
34 opt out by indicating that the county wishes to terminate its
35 authorization to issue driver's licenses.

Legislative Fiscal Bureau

Fiscal Note

HF 2362 – Drivers' Licenses Issuance, County Treasurers (LSB 6207 HV)
Analyst: Mary Beth Mellick (Phone: (515) 281-8223) (marybeth.mellick@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 2362 authorizes all counties not served by a permanent State Department of Transportation facility to issue driver's licenses, non-operator identification cards, and person with disabilities identification devices, provided that the counties continue to meet the Department's standards for issuance. A county shall be entitled to one set of digitized photo-licensing equipment, unless the county was served at multiple sites by the Department, in which case the county shall be entitled to two sets.

Assumptions

1. A total of 33 counties, in addition to the current 48 counties, may elect to provide driver's license services.
2. The Department currently operates permanent driver's license issuance stations in 18 counties.
3. Under current law, 18.0% or approximately 158,000 driver's licenses, identification cards, and identification devices are issued by the counties per year. The 48 counties currently retain \$3.75 per issuance, for a total of \$593,000.
4. Under the proposed law, 31.0% or approximately 267,000 licenses will be issued by the counties per year. The counties will collect approximately \$1.0 million.
5. Due to insufficient information, it is not known if the \$3.75 retained by the counties for each driver's license or identification card issued will cover the increased staff cost.
6. Under current law, 81.0% or approximately 696,000 driver's licenses, identification cards, and identification devices are issued by the Department per year.
7. Under the proposed law, 69.0% or approximately 587,000 licenses will be issued by the Department per year.
8. Under the proposed law, each of the 81 counties will maintain at least one set of photo-licensing equipment. An estimated 20 sets of photo-licensing equipment will be needed, in addition to the 13 sets the Department currently maintains. Costs are currently based on \$2.62 per license, for a total cost of \$2.2 million. Under the proposed law, costs are estimated at \$2.92 per license for a total cost of \$2.5 million.
9. The Department would realize a reduction of 17.0 FTE positions under the proposal. Six DOT teams (28 FTEs) would be eliminated. Six additional supervisors would be needed for new county issuance locations, in addition to five DOT positions at the Spencer location. The reduction in FTE positions would result in a salary savings of approximately \$440,000 per year.
10. The Department currently maintains 16 vehicles used for travel to county issuance offices. Under the proposed law, ten vehicles will be eliminated, and six vehicles will be kept for supervisors.

Fiscal Impact

State Government

The fiscal impact of HF 2362 is a decrease in revenues of \$409,000 to the Road Use Tax Fund (RUTF), and an decrease in costs to the Department of \$184,000.

County Government

The fiscal impact of HF 2362 is an increase in revenues of \$409,000. The increase will be used to offset the cost to the counties for issuing licenses. Expenditure information is not currently available from county governments.

<u>Driver License Revenues</u>	Current Law	Proposed	Change
	FY 2001	HF 2362	
Road Use Tax Fund	\$ 11,841,000	\$ 11,432,000	\$ -409,000
Retained by Counties	593,000	1,002,000	409,000
Total	<u>\$ 12,434,000</u>	<u>\$ 12,434,000</u>	<u>\$ 0</u>

<u>Expenditures</u>	Current Law	Proposed	Change
	FY 2001	HF 2362	
Department of Transportation	\$ 2,238,000	\$ 2,054,000	\$ -184,000
Counties	.	.	.
Total	<u>\$ 2,238,000</u>	<u>\$ 2,054,000</u>	<u>\$ -184,000</u>

* County expenditure information is not available.

Source

Department of Transportation

/s/ Dennis C Prouty

February 20, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
