

FEB 25 2005
TRANSPORTATION

HOUSE FILE 450
BY UPMEYER

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

A BILL FOR

1 An Act relating to special minor's licenses for nonpublic school
2 students.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.194, subsection 1, unnumbered
2 paragraph 1, Code 2005, is amended to read as follows:

3 Upon certification of a special need by the school board,
4 superintendent of the applicant's school, or principal, if
5 authorized by the superintendent, or by the authorities in
6 charge of a nonpublic school, the department may issue a class
7 C or M driver's license to a person between the ages of
8 fourteen and eighteen years whose driving privileges have not
9 been suspended, revoked, or barred under this chapter or
10 chapter 321J during, and who has not been convicted of a
11 moving traffic violation or involved in a motor vehicle
12 accident for, the six-month period immediately preceding the
13 application for the special minor's license and who has
14 successfully completed an approved driver education course.
15 However, the completion of a course is not required if the
16 applicant demonstrates to the satisfaction of the department
17 that completion of the course would impose a hardship upon the
18 applicant. The department shall adopt rules defining the term
19 "hardship" and establish procedures for the demonstration and
20 determination of when completion of the course would impose a
21 hardship upon an applicant.

22 Sec. 2. Section 321.194, subsection 1, paragraph a,
23 subparagraph (1), Code 2005, is amended to read as follows:

24 (1) During the hours of 6 a.m. to 10 p.m. over the most
25 direct and accessible route between the licensee's residence
26 and schools of enrollment and between schools of enrollment
27 for the purpose of attending duly scheduled courses of
28 instruction and extracurricular activities within the school
29 district, or for the purpose of attending such courses and
30 activities at a nonpublic school of enrollment outside the
31 school district of the licensee's residence.

32 Sec. 3. Section 321.194, subsection 1, paragraph b, Code
33 2005, is amended to read as follows:

34 b. Each application shall be accompanied by a statement
35 from the school board, superintendent, or principal, if

1 authorized by the superintendent, or authorities in charge of
2 the applicant's school. The statement shall be upon on a form
3 provided by the department. The school board, superintendent,
4 ~~or~~ principal, if authorized by the superintendent, or
5 authorities in charge shall certify that a need exists for the
6 license and that the board, superintendent, ~~or~~ principal
7 authorized by the superintendent ~~is~~, or authorities in charge
8 are not responsible for actions of the applicant which pertain
9 to the use of the driver's license. Upon receipt of a
10 statement of necessity, the department shall issue the
11 driver's license. The fact that the applicant resides at a
12 distance less than one mile from the applicant's school of
13 enrollment is prima facie evidence of the nonexistence of
14 necessity for the issuance of a license. The school board or
15 authorities in charge of a nonpublic school shall develop and
16 adopt a policy establishing the criteria that shall be used by
17 a school district administrator or a nonpublic school to
18 approve or deny certification that a need exists for a
19 license. ~~The~~ A public school student may appeal to the school
20 board the decision of a school district administrator to deny
21 certification. The decision of the school board is final.
22 The driver's license shall not be issued for purposes of
23 attending a ~~public~~ school in a school district other than
24 either of the following:

25 (1) The district of residence of the parent or guardian of
26 the student.

27 (2) A district which is contiguous to the district of
28 residence of the parent or guardian of the student, if the
29 student is enrolled in the a public school which is not in the
30 school district of residence because of open enrollment under
31 section 282.18 or as a result of an election by the student's
32 district of residence to enter into one or more sharing
33 agreements pursuant to the procedures in chapter 282, or if
34 the student is enrolled in a nonpublic school which is not in
35 the school district of residence.

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EXPLANATION

This bill authorizes the state department of transportation to issue a special minor's license to a person between 14 and 18 years of age for the purpose of attending courses of instruction and extracurricular activities at a nonpublic school at which the person is enrolled. Currently, the special minor's license is only available to students enrolled in a public school.

The authorities in charge of the nonpublic school would have to certify to the department that a special need exists for the license. The applicant's driving record must meet the standards for a special minor's license and the applicant must have completed an approved driver's education course unless the department waives the requirement on the basis of hardship. The special minor's license entitles the holder to operate a motor vehicle between the hours of 6 a.m. and 10 p.m. between the licensee's residence and schools of enrollment and between schools of enrollment for the purposes of attending classes and extracurricular activities. The school of enrollment must be within the school district of residence of the licensee's parent or guardian or within a contiguous school district. A person with a special minor's license may also drive at any time when accompanied by an adult licensee qualified to accompany a person with an instructor's permit.