

Motor Vehicle Division Informational Memo # 16-05
Administrative Rules Update-Classes of Driver's Licenses

DATE: September 7, 2016

FROM: Melissa Spiegel, Director, Office of Driver Services

TO: All Driver Services staff, Iowa County Treasurers and County Treasurers' staff that issue driver's licenses.

SUBJECT

This informational memo explains administrative rule changes adopted in 2016 that impact Classes of Driver's Licenses. Specifically, the rule changes affect passenger restrictions for intermediate license holders, eligibility for intermediate licenses and full licenses and minor school licenses.

SUMMARY

The rule changes adopted in 761 IAC, chapter 602 were part of the department's five year review of its rules and conform the rules to department practices and current state and federal laws and regulations. Sometimes the department needs to adopt rules to implement new procedures and other times rule changes are made to bring the rules in line with current procedures. These particular rules changes do not implement any new procedures, rather they simply conform the rules to the procedures we already have in place. **The administrative rule changes are effective September 7, 2016.**

LINK TO ADMINISTRATIVE RULES

<https://www.legis.iowa.gov/law/administrativeRules/rules?agency=761&chapter=602&pubDate=08-31-2016>

CURRENT

The administrative rules did not reflect all of our procedures regarding passenger restrictions for intermediate license holders, eligibility for intermediate licenses and full licenses and minor school licenses.

NEW

The rule amendments include technical and punctuation corrections, and an update to the department's website. The rule amendments also include substantive changes, which reflect our current procedures, in the following areas:

- Passenger restriction for intermediate license holders (761 IAC 602.2):
 - Adds a new subrule regarding explanation of the passenger restriction and the process to waive it.
 - Aligns with Iowa Code section 321.180B, which requires a person under eighteen receiving an intermediate license to be restricted to driving with one minor, unrelated passenger without supervision unless a parent or guardian waives the restriction at the time the license is issued.

- States the form of the restriction as it appears on the license when the restriction is accepted.
- Allows a parent or guardian to waive the restriction at a later date by obtaining a duplicate license.
- Eligibility for intermediate license and full license (761 IAC 602.11):
 - Adds new paragraphs to clarify the calculation of periods of eligibility for intermediate and full licenses.
 - For many years, Iowa Code section 321.180B required a minor to hold an instruction permit for six months before obtaining an intermediate license, and be accident and conviction free.
 - In 2014, the legislature amended section 321.180B to require a one year instruction permit, but retained the six month accident and conviction free requirement.
 - Initially, we applied the one year and six month time periods consecutively.
 - After consultation with the attorney general's office, we determined the one year period to hold an instruction permit should be counted cumulatively. Meaning, we could count the period of time the individual held an instruction permit before suspension toward the required one year, and only the six-month period to accident free must be counted consecutively.
 - Also clarifies in rules that prior to issuing a full license, the individual must hold an intermediate license and be accident and conviction free for the twelve months preceding the application.
- Minor school license (761 IAC 602.26):
 - Aligns rules with Iowa Code section 321.194 regarding the hours and purposes for which a minor school licensee may drive unaccompanied.
 - Specifies that no special form is required to demonstrate hardship exits for purposes of completing driver education. A written statement signed by the parent or guardian and the school is sufficient.
 - Allows a minor of divorced or separated parents to drive to and from school and either parent's residence, as long as the parent resides within the district of enrollment or a contiguous district.

RESOLUTION

The administrative rules changes bring our rules up to date with current procedures related to passenger restrictions for intermediate license holders, eligibility for intermediate licenses and full licenses and minor school licenses.

RESULT

The administrative rule changes do not implement any new procedures, rather they simply conform the rules to the procedures we already have in place.