

Motor Vehicle Division Informational Memo # 19-01

Minor School License for Private School Students Administrative Rules Update

DATE: March 5, 2019

FROM: Sara Siedsma, Compliance Officer, MVD

TO: All Driver & Identification Services staff, Iowa County Treasurers and County Treasurer's staff that issue driver's licenses and non-operator's identification cards.

SUBJECT

This informational memo explains an update to administrative rule chapter 761—602, Classes of Driver's Licenses. In 2018, Iowa Code section 321.194 was amended to address minor school license requirements for students that attend accredited nonpublic schools (i.e., private schools). The update to this rule chapter conforms to those legislative changes and makes other technical changes.

SUMMARY

Prior to July 1, 2018, Iowa Code section 321.194, which governs minors' school licenses, was directed toward students attending public schools and did not specifically address minors' school license issuance for students attending private schools. The language that previously existed in Iowa Code section 321.194 tied the distance a student using a minor's school license could drive to school district boundaries and required approval for the license by certain public school officials. Because private schools do not have a traditional school district like public schools and do not necessarily have the same types of school officials as public schools (for example, a private school may employ a school president rather than a principal), the 2018 legislative changes were made to address these disparities by establishing a geographic boundary that applies to private school students and accounting for private school officials that differ from public school officials. The legislative changes provided that a student attending a private school is limited to driving no more than a 25-mile driving distance between the student's residence and school and that the appropriate private school official has the responsibility to sign the certificate of necessity for the minor's school license, and the rule amendments reflect the statutory requirements.

The rules were also amended to allow a private school student who is the subject of driver's education hardship waiver to have the waiver signed by either the authority in charge of the private school or the public school official in the student's school district of residence. This change was made to allow private school students to avoid having to take an extra step to request a hardship waiver from a public school official that may not be familiar with the student.

The administrative rule amendments are effective March 6, 2019.

LINK TO IOWA ADMINISTRATIVE RULES

<https://www.legis.iowa.gov/docs/aco/arc/4271C.pdf>

CURRENT

Based on the 2018 legislative changes, we have already changed our processes to adhere to the new 25-mile driving distance requirements for private school students.

You may wish to review the previous policy guidance we issued and revised (REVISED PM-17-07 minor school license for private school students) when the 2018 legislation became effective for more information about the background of the legislation.

For internal DOT employees, you may find the revised 2017 memo in the W drive at the address below:

W:\MotorVehicle\Policy & Communications\Memorandums\Memos\Policy Memos

For County Treasurers and staff, you may find the revised 2017 memo at the link to the county treasurer’s manual below:

<https://iowadot.gov/mvd/ovs/ctmanual/memos/REVISED-PM%2017-07.pdf>

NEW

As of March 6, 2019, the rules will align with Iowa Code section 321.194 and our current processes for minor school licenses issued to students attending private schools.

BUSINESS IMPACT

This directive does not impact the way that DIS operates as we have already updated our processes to reflect the new driving distance requirements for minor school licensees attending private schools, rather this directive is just informing you that the administrative rules have now been updated.