

Motor Vehicle Division Informational Memo # 21-08

2021 Legislation – Minor School License for Farm Work

DATE: March 23, 2021

FROM: Sara Siedsma, Compliance Officer, MVD

TO: All Motor Vehicle Division staff, Iowa County Treasurers and County Treasurer's staff that issue driver's licenses and nonoperator's identification cards.

SUBJECT

This informational memo explains legislation enacted during the 2021 legislative session which expands the permissible uses for a minor school license (MSL) to include driving for farm-related work if the minor either lives on a farm or is employed on a farm, as long as the driving distance between the point of origin and destination is no more than 50 miles. ***While the bill has been passed and signed by the Governor, it does not become effective until July 1, 2021.***

SUMMARY

Senate File 231 adds new privileges to the MSL for eligible drivers by allowing a minor age 14-18 who holds an MSL to drive unaccompanied between 5am and 10pm to assist their parent, guardian, or employer with any farm-related work, as long as the driving distance between the origin and destination is no more than 50 miles. The minor's farm-related driving must be over the most direct and accessible route, similar to the school-related operation requirements for the current MSL.

The legislation still requires a minor to be eligible primarily for the "school" portions of the MSL in order to be issued the MSL (i.e., the minor must live within their public-school district of enrollment or a contiguous district, or they must live within 50 miles of their private school, and they must have an application signed by the appropriate school administrator). Effective July 1, 2021, minors who hold an MSL will be able to use the MSL to drive for farm-related purposes, in addition to the school-related purposes. In other words, under this legislation the minor can only be issued the MSL if they are eligible for the MSL for school-related purposes under 321.194(3)(e) or (f). A minor who is ineligible for the school-related purposes of the MSL could not be issued the MSL for farm-related purposes alone. Once a minor is issued an MSL, they can use it for any school or farm-related purposes for which they are eligible.

The legislation is effective July 1, 2021.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/docs/publications/LGE/89/SF231.pdf>

CURRENT

Under current law, a minor is only permitted to use an MSL to drive for school-related purposes and there is no authority for the minor to utilize the MSL for farm-related work.

NEW

As mentioned above, the legislation will allow a minor who lives or works on a farm and who holds an MSL to use the MSL to drive for farm-related purposes as long as the driving distance between the origin and destination is no more than 50 miles. There has been no change to the geographic eligibility criteria for issuing an MSL (the minor must live within their public-school district of enrollment or a contiguous district, or they must live within 50 miles of their private school).

BUSINESS IMPACT

This legislation does not require DOT or county staff who issue MSLs to perform any new actions, and our process for issuing MSLs is not changing. Central office MVD staff will update the minor school license affidavit and our DOT website and other informational forms when the bill becomes effective on July 1, 2021. The legislation does not require any programming or card re-design, since it is not creating a new license, but rather expanding the permitted purposes of the existing MSL.

QUESTIONS AND ANSWERS

The following questions and answers provide additional information to you and to customers.

HOW SHOULD WE RESPOND IF SOMEONE ASKS IF A MINOR CAN USE THEIR MSL TO DRIVE FOR FARM-RELATED WORK RIGHT NOW?

Although the legislation has been signed by the Governor, it *does not become effective until July 1, 2021*. Therefore, if a customer asks you if their current MSL (or newly issued MSL) can be used for farm-related purposes, you should tell them no, and that the new law allowing the MSL to be used for farm-related purposes does not take effect until July 1, 2021.

WILL WE BE REQUIRED TO VERIFY THAT THE MINOR LIVES OR WORKS ON A FARM?

No. The duty to certify the need for the MSL still remains with the school administrator. The school administrator must still sign the Affidavit for Minor School License (Form 430021) attesting to the minor's need for the license. We will not receive or require any additional information relating to farm work as a part of the MSL application. We will rely on the school administrator's and parent/guardian approval.

WILL A SCHOOL ADMINISTRATOR BE REQUIRED TO VERIFY THAT THE MINOR LIVES OR WORKS ON A FARM?

The new law does not require the school administrator to verify that the student lives or works on a farm when signing-off on the MSL affidavit. However, the new law prohibits a school administrator from refusing to sign-off on the MSL affidavit because the minor lives one-mile or less from the school but lives or works on farm. Driving for farm-related purposes for an eligible minor will simply become a permitted purpose of the MSL for a qualifying minor living or working on a farm and will not require any further verification from either the DOT or the school administrator.

ARE THERE ANY VEHICLE TYPES A MINOR ON AN MSL CANNOT DRIVE?

The law prohibits a minor on an MSL from operating a commercial motor vehicle, a vehicle requiring a Class D chauffeur’s license, a vehicle with more than two axles, a vehicle towing another vehicle, or a motorcycle (unless the minor has a motorcycle endorsement).

CAN A SCHOOL ADMINISTRATOR APPROVE AN MSL IF THE MINOR DOES NOT OTHERWISE QUALIFY UNDER THE SCHOOL-RELATED CRITERIA FOR THE MSL?

No. The minor must be eligible for the school-related purposes of the license to be approved for an MSL. In other words, a minor who does not qualify for the MSL because they do not live within their public-school district or residence or a contiguous district or within 50 miles of their private school does not qualify for the MSL even if they reside or work on a farm. **It is very important to remember that the law did not create a new minor farm work license, rather the MSL is still a minor school license that will just so happen to allow driving for farm-related purposes for those minors living or working on a farm.**

WHO DECIDES IF A MINOR IS DRIVING APPROPRIATELY FOR FARM-RELATED PURPOSES?

It will be up to law enforcement to decide if a minor is driving appropriately for farm-related purposes and issue a citation to those who are violating the law. A school administrator, law enforcement officer, or parent still has the ability to report to us in writing if the minor is violating the permitted operations of the license and we have the authority to suspend the license upon such written notification under administrative rule 761 IAC 615.21.

CAN A MINOR DRIVE BETWEEN TWO RESIDENCES IF THE MINOR’S PARENTS ARE DIVORCED OR SEPERATED IF THE MINOR IS DRIVING FOR FARM-RELATED PURPOSES?

Yes, if driving between the two residences is related to the farm work. Because an MSL holder who lives or works on a farm can use their MSL to drive for any farm-related purpose, rather than just for school or extracurricular purposes, they will be allowed to drive between the residences of each parent listed on their driver’s license if they are driving between residences for farm-related purposes and the distance between the two residences IS not more than 50 miles.

WHAT IF A MINOR LIVES OR WORKS ON A FARM, BUT ALSO LIVES ONE-MILE OR LESS FROM THEIR SCHOOL OF ENROLLMENT?

The legislation does not allow a school administrator to withhold their approval of the MSL affidavit if the minor lives or works on a farm just because the minor lives one-mile or less from their school of enrollment. The law will continue to allow a school administrator to withhold their approval of the MSL affidavit if the minor lives one-mile or less from their school of enrollment as long as the minor does not live or work on a farm.

HOW WILL A SCHOOL ADMINISTRATOR KNOW IF A MINOR LIVES OR WORKS ON A FARM, BUT ALSO LIVES ONE-MILE OR LESS FROM THEIR SCHOOL OF ENROLLMENT?

The legislation does not address this. School administrators will need to develop what criteria they will follow when evaluating MSL affidavits for students who live or work on a farm.