

Motor Vehicle Division Informational Memo # 23-05

2023 Legislation--Behind-the-Wheel Driver's Education Instructors

DATE: April 21, 2023

FROM: Kasey Lee, MVD Compliance Officer

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

EFFECTIVE: July 1st, 2023

SUBJECT

This informational memo explains legislation passed during the 2023 legislative session which allows behind-the-wheel instructors to conduct the final driving test of a driver education course.

SUMMARY

SF 157, enacted in the 2023 legislative session, changes who is authorized to complete the final field test (i.e. driving test) at the end of an approved driver education course.

Iowa Code section 321.178 establishes requirements for driver's education courses, including the specification that the course include a final driving test prior to completion. This section also distinguishes between fully licensed classroom instructors, who can teach the classroom portion and/or the driving portion of a driver's education course, and behind-the-wheel instructors, who can only teach the driving portion.

Current law requires that the final drive test be conducted by a licensed classroom teacher. The legislation will now allow a qualified behind-the-wheel instructor to also conduct the final drive test instead of only allowing a licensed classroom teacher to conduct the final drive test.

The impetus behind this law change is that many driver's education programs consist of only one or two licensed classroom teachers to provide classroom instruction to large groups of students, and several behind-the-wheel instructors that provide instruction to groups of 2-3 students at a time in a vehicle. This structure makes it difficult for driver's education programs to efficiently complete final drive tests.

The legislation is effective July 1, 2023.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/docs/publications/LGE/90/SF157.pdf>

CURRENT

Currently, a final driving test conducted as part of the completion of a driver education course must be completed by a licensed classroom teacher.

NEW

Effective July 1st, 2023, the final driving test of a driver's education course may be conducted by a qualified behind-the-wheel instructor.

BUSINESS IMPACT

This legislation primarily impacts Central Programs Bureau driver's education team.

This legislation does not impact the MVD's processes for issuing driver's licenses and conducting drive exams. The final drive test that is part of the driver's education course is not equivalent to a drive exam conducted by a DOT or county certified drive examiner.

A parent, guardian or behind-the-wheel instructor may still request that DOT or county staff conduct a drive exam prior to issuance of a license using the current process in place, even if the student completed a driver's education program.

QUESTIONS AND ANSWERS

DOES THIS CHANGE OUR ISSUANCE PROCESS AFTER CUSTOMER'S HAVE PASSED A DRIVER'S EDUCATION COURSE?

No, this legislation does not affect our process for conducting a requested drive exam following a student's completion of an approved driver's education course. **The final drive test referred to in this legislation is part of the driver's education course only, it does not refer to the drive exams conducted by MVD or county treasurer staff.**

This legislation also does not impact the current process for parent-taught driver's education under 321.178A. Students who have completed parent taught driver's education are still required to pass a drive exam with an MVD or county treasurer examiner prior to license issuance.

WHO WILL BE IMPACTED BY THIS CHANGE?

School districts that conduct driver's education courses and private driver's education programs will be impacted most by this change. This change will make it easier and more efficient for many drivers' education programs to conduct the final drive test in their program. Students and families should be positively impacted by this change as driver's education courses are conducted more efficiently.

IS A BEHIND-THE-WHEEL INSTRUCTOR REQUIRED TO CONDUCT FINAL DRIVE TESTS?

No; the change is optional for each driver's education program. A program may choose to continue to conduct the driver's education drive tests only with licensed classroom teachers.