
Motor Vehicle Division Informational Memo # 24-05 **2024 Legislation –Special Minor’s Restricted License**

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FROM: MVD Policy & Compliance Team

TO: All Motor Vehicle Division staff

EFFECTIVE: July 1, 2024

SUBJECT

This informational memo explains legislation enacted during the 2024 legislative session which replaces the minor’s school license (MSL) with the new special minor’s restricted license (SMRL) and changes the name of the current (rarely used) restricted license to restricted work license.

SUMMARY

Following the efforts of the 2023 legislative study committee on teen driving, the legislature passed a Senate File 2109 to comprehensively re-write the laws governing the current minor school license (MSL). Under the new law, the MSL is renamed to special minor’s restricted license (SMRL) and is expanded to include work privileges, standardize driving distances for all students and purposes, and create more stringent penalties for minors that have a traffic offense while using the license.

Eligibility. The new SMRL can be issued to homeschooled students, students attending public school or students attending an accredited private school if they are between the ages of 14 and 18, have completed driver’s education, and have held an instruction permit for at least six months prior to applying for the SMRL. A student no longer needs to live at least one mile from their school to qualify.

Driving purposes. The SMRL allows the license holder to drive unaccompanied over the most direct and accessible route for employment, school, extracurricular activities, refueling at a gas station, farm work, or farm-related work up to 25 miles from their residence in the hour before and after their scheduled classes, activity, or work shift. However, public school students who live in their district of enrollment can drive between their home and school regardless of distance.

Application. In order to be issued the SMRL, an applicant must submit certification from their school of enrollment or, if homeschooled, from their primary instructor. To drive for employment, the minor must carry a consent form in the vehicle that has been completed by their parent or guardian that lists their employer’s information. To drive from multiple residences, the minor must carry a consent form in the vehicle authorizing up to 3 residences. The minor must present this form to law enforcement if requested.

Consequences. A SMRL holder will receive a mandatory 3-month suspension for a conviction for any traffic violation other than a parking violation, a violation of a restriction of the license, or if they cause an accident or collision. A suspension will delay issuance of an intermediate license by an additional 3 months per violation

provided the 6 months immediately preceding the application for an intermediate license are violation and accident free. Unlike current law, a violation of a restriction of the license will now be considered a moving violation.

A brief table showing the difference between the current law and new law is included at the end of this memo for a quick reference.

Restricted work license. The restricted license that is currently available for 16- to 18-year-olds who are not attending school is renamed to restricted work license but otherwise remains the same. However, this license is very rarely issued.

The legislation will become effective July 1, 2024.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=SF2109>

CURRENT

Currently, MVD can issue a minor school license (MSL) to minors between the ages of 14 and 18 who complete driver's education, and hold an instruction permit for 6 months prior to applying for the license. An authorized school official, superintendent, or principal must certify that the student is enrolled in public school or an accredited private school on the MSL affidavit (Form 430021).

The MSL holder is allowed to drive unaccompanied over the most direct and accessible route between the hours of 5am to 10pm to attend scheduled classes, extracurricular activities, to complete farm work if they reside on a farm or are employed on a farm, to a fuel station, or to a bus stop. Private school students can drive up to 50 miles, whereas public school students can drive within their district or a contiguous district.

A public-school student must live at least one mile from school to be eligible for the license unless approved by the school board and is allowed to drive to school regardless of distance if they reside within the school district they are enrolled in or a contiguous district. A homeschooled student is only eligible for a MSL if they are dual enrolled in a public school or accredited private school.

A violation of a restriction of the license is not considered a moving violation on the driving record. The license holder receives a 30-day suspension if they have one traffic offense, and a 30-day revocation for any subsequent offense in addition to a 6-month downgrade to an instruction permit. All minors must maintain a clean driving record for 6 months prior to issuance of an intermediate license.

NEW

As of July 1, 2024, MVD can issue a special minor's restricted license (SMRL) to minors between the ages of 14 and 18 who complete driver's education and hold an instruction permit for 6 months prior to applying for the license. An authorized school official, superintendent, or principal must certify that the student is enrolled in public school or an accredited private school on the SMRL affidavit (Form 430021). A primary instructor must certify that a homeschooled student receives competent private instruction or independent private instruction

on the SMRL affidavit. In addition, Form 430022 Parental Consent for SMRL must be completed by a parent or guardian and carried by the minor in the vehicle. Form 430022 must be presented to law enforcement upon request.

The SMRL holder is allowed to drive unaccompanied over the most direct and accessible route up to 25 miles from home in the hour before and after a scheduled work shift, farm work, or farm-related work, classes, extracurricular activities, or to a fuel station. However, a public-school student that resides within their school district of enrollment may drive to school or extracurricular activities within their school district regardless of distance.

The license holder will receive a 3-month suspension for each conviction for a violation of any traffic law other than a parking violation, if they violate a restriction of the license, or if they are at fault for an accident or collision. For each offense, the license holder will be delayed an additional 3 months before upgrading to an intermediate license for each suspension in addition to maintaining a clean driving record for 6 months. A violation of a restriction of the license counts as a moving violation on the driving record.

BUSINESS IMPACT

Approximately 20,000 MSLs are issued by MVD and county treasurers each year. This legislation significantly impacts the process for issuing the MSL (now SMRL). We are in the process of updating the minor school license affidavit, our website, trainings, and publications. We anticipate that there will be significant interest from the public in the new license and many questions from parents, teens, and law enforcement regarding the new SMRL, so it is important that staff is informed about who is eligible for the SMRL and what a SMRL holder can do with the license.

We are also creating a new consent form (Form 430022) on which parents will list a minor’s employment information, additional residential addresses (if any), and extracurricular activities but this form will **not** be given to DL issuance staff or retained in MVD records in any way and does not need to be reviewed by staff prior to issuance. This form is to be completed by the parent or guardian and carried by the minor in their vehicle at all times and presented to law enforcement if requested.

QUESTIONS AND ANSWERS

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

WILL MINORS THAT WERE ISSUED A MSL PRIOR TO THE LAW CHANGE BE REQUIRED TO HAVE THEIR LICENSE RE-ISSUED?

No, a minor that was issued a MSL prior to July 1, 2024, does not need to be issued a new credential due to this law change. They can continue to use the card they were issued previously but they must abide by all new SMRL driving distance and will be sanctioned following the new structure if they are ticketed, violate a restriction, or cause an accident after July 1, 2024.

A current MSL holder **cannot** drive for work after July 1 unless and until their parent or guardian completes the new consent form and carries the form in their vehicle.

WHAT IS CHANGING WITH THE REQUIRED FORMS?

The minor school license affidavit will be renamed the “SMRL affidavit” and updated to include the option for a primary instructor to certify that a homeschooled student receives independent private instruction or competent private instruction. This affidavit is still required for issuance and will still be scanned on the documents tab at the time of issuance and retained in ERMS.

In addition, the minor will have to carry a separate consent form (Form 430022) in the vehicle that lists their employment information, multiple residence information (if any), extracurricular activities, and is signed by their parent or guardian. **The completed consent form (Form 430022) is not retained by MVD or scanned into ERMS;** it should be in the vehicle with the minor at all times so that it may be presented to law enforcement upon request. **The consent form will be available on our website and at all driver’s license locations on July 1, 2024.**

WHAT DO CURRENT MSL HOLDERS NEED TO DO TO BEGIN DRIVING FOR EMPLOYMENT?

A minor that was issued a MSL prior to July 1, 2024, that wants to use the license to drive to work will need to have their parent or guardian complete the consent form (Form 430022) and carry the form with them in the vehicle. A new consent form must be completed for each job the minor has or if the minor changes jobs. We will be mailing a letter to all current MSL holders providing them with this information and a copy of the new parental consent form (Form 430022). **In addition, Form 430022 will be available on our website for parents to print or can be picked up at any of our driver’s license locations on July 1, 2024.**

CAN A TEEN USE THE SMRL FOR WORK ALONE, IF THEY DON’T WANT TO DRIVE TO SCHOOL?

Yes, if a teen would only like to utilize the SMRL for one of the approved purposes but not others, they are able to do so. The issuance process for the SMRL would remain the same regardless of whether the teen utilizes the SMRL for one or all of the approved purposes, a school official must certify on the affidavit that the student is enrolled in public or private students and a primary instructor must certify on the affidavit that a student is homeschooled.

WHAT IF A TEEN’S DRIVING DISTANCE IS NO LONGER ALLOWED UNDER THE NEW SMRL?

There may be some current MSL holders who are able to drive to school, extracurricular activities, and farm work who, beginning July 1, 2024, **will no longer be allowed to drive to those locations due to the new SMRL driving distance allowance.**

For example, an existing MSL holder who drives 30 miles to private school will no longer be allowed to do so as of July 1, 2024. They must adhere to the 25-mile driving limit.

For another example, an existing MSL holder who drives to a contiguous public school district for an extracurricular activity can only drive to that activity after July 1 if it is 25 miles or closer to their home.

HAS ANYTHING CHANGED WITH MINORS DRIVING FOR FARM WORK?

There are 2 differences from the MSL as it relates to farm work: (1) the allowed driving distance is reduced from 50 miles to 25 miles and (2) if the minor is employed on a farm that is not owned by their parents, they must carry the consent form completed by their parents.

CAN A STUDENT NOW DRIVE TO A SCHOOL DISTRICT THAT IS NOT CONTIGUOUS TO THE ONE THEY LIVE IN?

Yes, but only if the school is within 25 miles of their residence. The new legislation eliminated the contiguous school district rule.

Notably, a SMRL holder can drive to a school within their home district regardless of the distance. This means they are eligible to drive to school if they live more than 25 miles from school if they live within the school district in which they are enrolled as a student.

WHAT IF A STUDENT NEEDS TO DRIVE FROM MULTIPLE RESIDENCES?

Under the new legislation, a parent or guardian of a minor that has more than one residence can provide written consent for their minor to drive to up to three different addresses. There will be a section on the new parental consent form (Form 430022) that the parent can list the additional address(es). The minor is required to carry the form with them in the vehicle and present it to law enforcement if requested.

WHAT ARE THE DIFFERENCES FOR SANCTIONS?

There are several differences from the previous MSL sanction structure. Under the new SRML rules:

- A conviction for any traffic violation, violation of a restriction, or at fault accident will carry a mandatory a three-month suspension.
- All traffic violations will cause a 3-month suspension whether they are moving or non-moving violations. The only exception is a parking violation. The 3-month suspensions do not stack, meaning that if two offenses occur on the same day, the licensee will serve the two suspensions simultaneously (rather than serving 6 months of suspended time).
- A violation of a restriction is now considered a moving violation, which means that it will count towards other sanctions (such as habitual violator or habitual offender).
- A second or subsequent offense will carry a 3-month suspension just as a first offense does. We will no longer issue a revocation for a second or subsequent offense for this license.
- We will no longer downgrade the minor to an instruction permit for 6 months after a second violation.
- A licensee's ability to upgrade to an intermediate license is delayed an additional 3-months per suspension. The 3-month delays are **stacking**, which means that if a minor has two offenses (triggering two suspensions), they must wait an additional 6 months (3 months + 3 months) before upgrading provided the most recent 6 months before upgrading are with a clean driving record.

However, as soon as the minor turns 18 they can upgrade to a full privilege license and any of these sanctions or consequences are moot. Contact your supervisor or the ACE team to end a sanction prior to upgrading if needed.

HOW DO THE 3-MONTH DELAYS PER SUSPENSION WORK?

For each suspension the licensee is subject to, there will be a 3-month delay added to the SMRL holder’s earliest date of eligibility to upgrade to an intermediate license at age 16 provided the most recent 6 months before they apply for an intermediate license are with clean driving record. The 6-months with a clean driving record can overlap with the 3-month delay following the SMRL holder’s 16th birthday (meaning the 3-month delay and the 6-month clean driving record period can be counted simultaneously).

As a reminder, if the student has a violation and is suspended for 3 months, we will not begin counting the 6 months for a clean driving record until after the suspension has ended. So, a licensee who has a violation will serve a 3-month suspension, then once they turn 16, they will need to wait an additional 3 months before they can upgrade to an intermediate license provided the most recent 6 months are with a clean driving record.

For example, a SMRL holder that has had one suspension can upgrade to an intermediate license 3 months after their 16th birthday at the earliest, provided they have had a clean driving record for at least 6 months following the end of their suspension.

A SMRL holder that has had two suspensions can upgrade to an intermediate license 6 months after their 16th birthday at the earliest, provided they have had a clean driving record for at least 6 months following the end of their most recent suspension.

OVERVIEW OF MSL (PRIOR TO 7/1/24) AND SMRL (7/1/24 AND LATER)

Student Type	Requirements	Minor School License (current)	Special Minor’s Restricted License (as of 7/1/24)
Public School	Driving purpose	School of enrollment; school-sponsored extracurricular activities; farm work; bus stop; fuel station on route	School of enrollment; extracurricular activities; work location; fuel station
	Driving distance	Within school district of residence or contiguous school district; within 50 miles for farm work	Within 25 miles of residence (or more than 25 miles if driving to school in the district they live in)
	Authorizing official	School superintendent or principal	Same for school; parent for work purposes
Accredited Private School	Driving purpose	School of enrollment; school-sponsored extracurricular activities; farm work; bus stop; fuel station on route	School of enrollment; extracurricular activities; work location; fuel station

	Driving distance	Within 50 miles of residence	Within 25 miles of residence
	Authorizing official	Authorized school official (i.e., school principal)	Same for school; parent for work purposes
Home School	Eligibility	Must first be dual enrolled at a public or private school	N/A
	Driving purpose	If dual enrolled - school of enrollment; school-sponsored extracurricular activities; farm work; bus stop; fuel station on route	Location student receives competent or independent private instruction; extracurricular activities; work location; fuel station
	Driving distance	Depends on if student is dual enrolled at a public or private school (would follow those rules)	Within 25 miles of residence
	Authorizing official	Superintendent or principal of dual-enrolled school	Primary instructor; parent for work purposes
ALL	Age/Experience	At least 14 ½ years old, complete driver's education, hold instruction permit for 6 months	Same
	Eligibility	Live at least one mile from school or live and work on farm	N/A
	Forms	MSL Affidavit submitted to DOT for initial application (form 430021)	SMRL Affidavit submitted to DOT for initial application (form 430021) Parental consent (Form 430022) carried in car for law enforcement, never submitted to DOT)
	Allowed driving times	Between 5 a.m. and 10 p.m.	One hour before and one hour after scheduled course, extracurricular activity and/or work shift
	Minor passengers allowed	One unrelated minor passenger	Same
	Penalties	<u>1st offense</u> : 30-day suspension	<u>Any offense</u> : 3-month suspension * 3-month delay for each offense before upgrading to an intermediate license

		<p><u>2nd offense</u>: 30-day suspension + drop down to instruction permit for 6 months</p> <p>*Maintain clean driving record for 6 months prior to upgrading license</p>	*Maintain clean driving record for 6 months prior to upgrading license
	Proof for Law Enforcement	License restriction on physical card	Parental consent form carried in vehicle (Form 430022)
	Electronic Devices	Prohibited while driving	Same