

Motor Vehicle Division Policy Memo # 20-06

Driver Improvement Administrative Rule Updates

DATE: May 11, 2020

FROM: Sara Siedsma, Compliance Officer, MVD

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

SUBJECT

This policy memo explains updates to administrative rule chapter 761—615, Sanctions and associated policy changes.

SUMMARY

The update to this rule chapter aligns with existing legal authority and allows a person convicted of a first offense for unlawfully passing a school bus under Iowa Code section 321.372(3) to be eligible for the driver improvement program established in rule 761—615.43(321) in lieu of a driver's license suspension. Currently under the rules, a person who is convicted of a first offense for unlawfully passing a school bus faces a 30-day driver's license suspension.

This rulemaking was initiated because it has been reported to us that there are difficulties in charging and convicting a person for this offense due to the accompanying consequences (i.e., driver's license suspension and the requirement to hold SR-22 insurance for two years following the suspension). The belief is that allowing a person convicted of a first offense for unlawfully passing a school bus to attend the driver improvement program in lieu of a driver's license suspension will address some of the difficulties with achieving convictions for this offense by offering a consequence that is more in line with other first-time traffic violation convictions.

A driver who attends a driver improvement course for this offense would still be subject to a probationary driving period and would be subject to a driver's license sanction if the driver commits a violation during the probationary period. Furthermore, a driver who fails to attend or successfully complete the driver improvement course would be subject to a driver's license suspension.

The administrative rule amendments are effective May 13, 2020.

LINK TO ADMINISTRATIVE RULES

<https://www.legis.iowa.gov/docs/aco/arc/5017C.pdf>

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide additional clarification which will be helpful to you and to customers.

WHEN WILL A PERSON CONVICTED OF A FIRST OFFENSE UNLAWFULLY PASSING A SCHOOL BUS BE ELIGIBLE TO ATTEND DRIVER IMPROVEMENT INSTEAD OF HAVING THEIR DRIVER'S LICENSE SUSPENDED?

The rules take effect May 13, 2020 and programming has been completed to allow a person to be assigned to take driver improvement instead of being issued a driver's license suspension. If the conviction is sent to us on or after May 13, 2020, the person will be eligible for driver improvement instead of a suspension.

WHY ARE WE MAKING THIS OFFENSE ELIGIBLE FOR DRIVER IMPROVEMENT?

Since we instituted a driver's license suspension for a first offense unlawfully passing a school bus, the rate of conviction for this offense has steadily decreased, but the rate of being charged or cited for this offense has stayed relatively the same. When a person is charged with this offense, but there is no conviction, the person will have no consequence, which is the opposite of the intent of the law. Therefore, we are making this change in an effort to reverse that trend by offering a consequence that is more in line with other first-time traffic violation convictions.

WHAT HAPPENS IF THE PERSON HAS A FIRST OFFENSE UNLAWFULLY PASSING A SCHOOL BUS CONVICTION ON THEIR RECORD AT THE SAME TIME AS ANOTHER OFFENSE/CONVICTION ELIGIBLE FOR DRIVER IMPROVEMENT?

If the person is eligible for driver improvement for more than one offense, for example the person has a first conviction for unlawfully passing a school bus and at the same time has a serious violation conviction for speeding 25 mph over the limit, the person will be assigned to take driver improvement for the offense with the longest suspension period.

WHAT HAPPENS IF A PERSON ATTENDS DRIVER IMPROVEMENT FOR A FIRST OFFENSE UNLAWFULLY PASSING A SCHOOL BUS AND THEN RECEIVES A SECOND CONVICTION FOR UNLAWFULLY PASSING A SCHOOL BUS?

Even if the person successfully completes driver improvement for a first offense unlawfully passing a school bus, the conviction is still recorded on the person's driving record. A second conviction for unlawfully passing a school bus will cause us to issue a 90-day driver's license suspension in accordance with Iowa administrative rule 761—615.17(2)(d)(2).