

Red Tape Review Rule Report (Due: September 1, 20 24)

Department Name:	Department of Transportation	Date:	6/17/2024	Total Rule Count:	7
IAC #:	761	Chapter/ SubChapter/ Rule(s):	634	Iowa Code Section Authorizing Rule:	321.178, 321.178A
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The intended benefit of this chapter is to explain driver education course requirements for school districts and private and commercial driver education schools including the qualification, application, and certification requirements for behind-the-wheel instructors. The chapter also explains the requirements for a teaching parent to provide driver education as an alternative to a driver education course offered by a course provider.

Additionally, the benefit is to increase compliance with driver education laws, which are intended to ensure that, before becoming licensed, drivers receive adequate education on traffic laws, driver preparation and readiness, vehicle movements, risk reduction, environmental factors, distractions, alcohol and other drugs, adverse conditions, vehicle requirements, and personal responsibility as they relate to operating a motor vehicle.

Is the benefit being achieved? Please provide evidence.

The benefits are being achieved. The evidence for this benefit is demonstrated by the compliance of driver education providers. There are currently 326 classroom teachers that are certified behind-the-wheel instructors and 283 certified behind-the-wheel instructors that do not provide classroom instruction. There are 99 public school districts certified to provide driver education courses and 42 private driver education companies, and 6 colleges that provide driver education in Iowa. Additionally, 11,447 students have completed parent taught driver education since the program began on July 1, 2021.

What are the costs incurred by the public to comply with the rule?

Individuals seeking approval as a behind-the-wheel instructor incur tuition costs to complete an approved instructor preparation course. Individuals seeking to complete a driver’s education course or a parent-taught driver’s education program incur costs from the course provider or vendor. These costs are assessed directly by the course providers and vendors and are not determined or retained by the Department. Private/commercial driver’s education companies seeking approval by the Department incur an annual \$25 fee.

What are the costs to the agency or any other agency to implement/enforce the rule?

There are no costs to the Department to implement the rules beyond those that would otherwise be required to administer the statute, which requires the Department to license and approve driver's education programs, behind-the-wheel instructors, and parent-taught driver's education curriculum vendors.

Do the costs justify the benefits achieved? Please explain.

There are no costs to comply with the rules beyond those that would otherwise be required to administer the statute.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

There is no less restrictive alternative available for approving and licensing driver's education programs, behind-the-wheel instructors, and parent-taught driver's education curriculum vendors, which the Department is required to do by Iowa Code sections 321.178 and 321.178A. Establishing basic application and eligibility criteria in the rules help ensure the process is clear for applicants and is consistently applied.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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634.4 Driver education course standards and requirements.

634.4(1) This subrule is revised because it is redundant.

634.4(2) This subrule is revised because it is duplicative of statutory language.

634.4(3) This subrule is revised to remove unnecessary language.

634.6 Instructor qualifications, application, and certification.

634.6(1) This subrule is revised because it is redundant.

634.6(2) This subrule is revised to remove unnecessary language.

634.6(5) This subrule is revised to remove unnecessary language.

634.6(6) The subrule is revised because it is redundant.

634.6(7) This subrule is revised to remove unnecessary language.

634.7 Instructor disqualification, investigation, and cancellation.

634.7(1) This subrule is revised to remove unnecessary language.

634.8 Private and commercial driver education schools.

634.8(1) This subrule is revised to remove unnecessary language.

634.8(2) This subrule is revised to remove unnecessary language.

634.8(3) This subrule is revised to remove unnecessary language.

634.9 This subrule is deleted because it is unnecessary.

634.10 This subrule is deleted because it is unnecessary.

634.11 Driver education—teaching parent.

634.11(1) This subrule is revised to remove unnecessary language.

634.11(2) This subrule is revised because it is duplicative of statutory language.

634.11(3) This subrule is revised to remove outdated and unnecessary language.

RULES PROPOSED FOR REPEAL (list rule number[s]):

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

- 634.1 Information and location.
- 634.2 Definitions.
- 634.3 Driver education course standards and requirements.
- 634.4 Instructor qualifications, application, and certification.
- 634.5 Instructor disqualification, investigation, and cancellation.
- 634.6 Private and commercial driver education schools.
- 634.7 Driver education—teaching parent.

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	637
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	60

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.