

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1986

DATE: March 10, 2004

Version: Second engrossment

Authors: Johnson, J. and others

Subject: Making school attendance a condition of having a driver's license

Analyst: Lisa Larson, 651-296-8036

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

For persons under age 18, makes (1) attending school and conforming with school attendance policies, (2) receiving a high school diploma or its equivalent, or (3) formally withdrawing from school a condition of receiving, retaining, and renewing a driver's instruction permit, motorized bicycle permit, and provisional driver's license.

Section

- 1 School attendance requirement; driving privileges.** Allows public school boards to vote by September 30 to waive (or rescind waiving) the school attendance requirement for driving privileges for the present and future school years.

Makes this section effective July 1, 2004.
- 2 Persons not eligible.** Requires a person under age 18 to present a certificate of school attendance or a certificate that the attendance requirement is waived to the Department of Public Safety as a condition for the department to issue a driver's license.

Makes this section effective September 1, 2004, and applicable to all persons under age 18 who possess or apply for a driver's instruction permit or provisional license on or after that date.
- 3 Persons less than 18 years of age.** Authorizes the Department of Public Safety to issue an instruction permit to a qualified applicant who presents a certificate of school attendance or a

Section

certificate that the attendance requirement is waived.

Makes this section effective September 1, 2004, and applicable to all persons under age 18 who possess or apply for a driver's instruction permit or provisional license on or after that date.

- 4 Instruction permit use by person under age 18.** Requires permit holders to comply with school attendance requirements where applicable. Directs the commissioner to cancel the permit of a permit holder who does not attend school.

Makes this section effective September 1, 2004, and applicable to all persons under age 18 who possess or apply for a driver's instruction permit on or after that date.

- 5 Motorized bicycle.** Allows the department to issue a motorized bicycle instruction permit to an otherwise qualified 15 year old applicant who presents a certificate of school attendance or a certificate that the attendance requirement is waived.

Makes this section effective September 1, 2004, and applicable to all persons under age 18 who possess or apply for a motorized bicycle instruction permit on or after that date.

- 6 School attendance requirement for driver's instruction permit, motorized bicycle permit, and provisional license.**

Subd. 1. Issuance of renewal of driver's instruction permit, motorized bicycle permit, or provisional license. (a) Makes school attendance a condition for persons under 18 to receive a new driver's instruction permit, motorized bicycle permit, or provisional license or to renew a permit except when the school attendance requirement is waived. Indicates that a person satisfies the school attendance requirement by (1) receiving a high school diploma or its equivalent, (2) formally withdrawing from school, or (3) enrolling in a public, nonpublic, or home school and conforming to school attendance policies and, where applicable, student conduct policies under the Pupil Fair Dismissal act.

(b) Requires a person under age 18 who applies for a driver's instruction permit, motorized bicycle permit, or provisional license to submit information certifying that the conditions under paragraph (a) have been met.

(c) Requires the school the applicant attends to certify the applicant's attendance record for the current and preceding school year to the extent the information is available. Directs the Department of Public Safety to develop a certification form for school administrators that includes the applicant's name, date of birth, and address. Requires schools to obtain parents' consent to release to the Department of Public Safety any data that are not defined as directory information. Directs public schools to include a notice in the school attendance policy that the school will request parents' consent to release nonpublic attendance-related data on their student to the Department of Public Safety.

Subd. 2. Cancellation of permit or license. (a) Directs the Department of Public Safety to cancel the instruction permit, motorized bicycle permit, or provisional license of a person under age 18 when the person's school notifies the department that the

Section

person (1) is a truant and has not formally withdrawn from school, is not being home schooled or attending a nonpublic school and has not received a diploma or its equivalent, or (2) has been expelled from school and is not enrolled and attending school elsewhere.

(b) Directs the Department of Public Safety to cancel the instruction permit or license until the earliest of: (1) the person becomes age 18; (2) 120 days after the department's cancellation notice or the end of the semester when the person returns to school, whichever is last; or (3) the expulsion is dismissed at the school board's direction.

(c) Requires schools to (1) transmit an electronic notice to the Department of Public Safety that includes information about the school's UFARS number and the person's name, date of birth, and address (schools must obtain parents' consent to release any data not defined as directory information), and (2) notify the person and the person's parent or guardian by certified mail or other means that the person's instruction permit, motorized bicycle permit, or provisional license is subject to being cancelled.

Directs the Department of Public Safety to notify the person that the person's instruction permit, motorized bicycle permit, or provisional license is cancelled five days from the date of the notice.

(d) Directs schools, after receiving parents' consent to release the data, to electronically inform the Department of Public Safety when a person satisfies one of the conditions in paragraph (b) for reinstating the person's driving privileges.

Subd. 3. Hardship waiver. Allows a person to request a hardship waiver from the school superintendent or other school administrator. Requires a hearing within seven days of the request. Directs the superintendent or other administrator to appoint an appeals committee to hear evidence and recommend in writing within two days of the hearing whether or not to cancel the person's instruction permit, motorized bicycle permit, or provisional license. Allows the school, the person facing cancellation of a permit or provisional license, and the person's parent or guardian to present evidence. Requires the school superintendent or other administrator within seven days of the hearing date, and after receiving parents' consent to release data, to electronically inform the Department of Public Safety of a decision about whether or not to reinstate the person's permit or provisional license. Makes the decision of the school superintendent or other administrator final.

Makes this section effective September 1, 2004, and applicable to all persons under age 18 who possess or apply for a driver's instruction permit, motorized bicycle permit, or provisional license on or after that date.

7 Notice to parent or guardian when a child is a continuing truant. Adds to the truancy notice sent to a child's parent or guardian information that the school must notify the Department of Public Safety to cancel the child's driving privileges when the child is truant, unless the school waived the school attendance requirement. Requires public schools to obtain parents' consent to release the data to the Department of Public Safety.

Section

Makes this section effective September 1, 2004.