

Approved January 29, 1990  
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at  
Chairperson

1:30 ~~am~~/p.m. on January 25, 1990 in room 519-S of the Capitol.

All members were present except:

Representatives Allen and Freeman, excused.

Committee staff present:

Bruce Kinzie, Revisor of Statutes  
Hank Avila, Legislative Research  
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Rep. Vince Snowbarger  
Rep. Dale Sprague  
Mr. Craig Grant, Kansas National Education Association  
Mr. Ed Klumpp, Kansans for Highway Safety  
Mrs. Mary Turkington, Kansas Motor Carriers Association  
Rep. Donna Whiteman  
Mr. Bill Curtis, Kansas Association of School Boards

The meeting was called to order by Chairman Crowell, and the first order of business was a bill request.

Representative Vince Snowbarger requested that a bill be introduced which exempts cities, counties and townships from bonding requirements under special fuel tax laws.

A motion was made by Representative Guldner that this be introduced as a Committee bill. The motion was seconded by Representative Dean. Motion carried.

The next order of business was a hearing on HB-2298 concerning age of applicants for drivers' licenses.

Representative Dale Sprague, sponsor of the bill, briefed the Committee on its contents. He outlined a proposed substitute bill for HB-2298. (See Attachment 1)

Mr. Craig Grant, Kansas National Education Association, spoke in support of HB-2298. (See Attachment 2)

Mr. Ed Klumpp, Kansans for Highway Safety, testified in favor of HB-2298. (See Attachment 3)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on January 25, 1990

Mrs. Mary Turkington, Kansas Motor Carriers Association, testified in support of HB-2298. (See Attachment 4)

Mr. Gerald W. Henderson, United School Administrators, did not testify, however submitted written testimony in support of HB-2298. (See Attachment 5)

The hearing on HB-2298 ended.

The next order of business was a hearing on HB-2343 concerning school attendance as a condition of licensing to operate a motor vehicle.

Representative Donna Whiteman, sponsor of the bill, briefed the Committee on its contents. (See Attachment 6)

Committee discussion and questioning followed Representative Whiteman's remarks.

Mr. Gerald W. Henderson, United School Administrators, was not present to testify, but submitted written testimony concerning HB-2343. (See Attachment 7)

Mr. Bill Curtis, Kansas Association of School Boards, testified as an opponent concerning HB-2343. (See Attachment 8)

The hearing on HB-2343 was concluded.

The minutes of the House Transportation committee held on January 24, 1990, were approved as written.

The meeting was adjourned at 3:20 p.m.

  
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Rex Crowell, Chairman



*Sprague*  
*HB 2298*

To: House Committee on Transportation  
From: Rep. Dale Sprague  
Re: HB No. 2298

I would propose a substitute bill for HB No. 2298, containing the following requirements:

- (a) Full driver's license privilege at age 18;
- (b) Full driver's license privilege at age 17, if the person has successfully completed a driver's training course;
- (c) A restricted class C or D license at age 16. The restricted license would entitle the licensee to operate the appropriate vehicle during the hours from 7AM to 7PM.
- (d) An instruction permit at age 15. The permit would entitle such person to operate a passenger car or a motorcycle when accompanied by an adult who is at least 21 years of age and holds a valid driver's license for the class of vehicle being operated.
- (e) Grandfather clause for driver's licenses, restricted licenses or instruction permits issued prior to the effective date.

*Attach. 1*

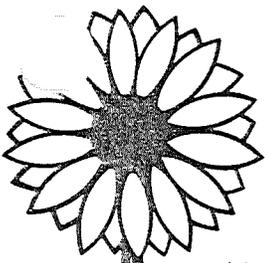


Craig Grant Testimony Before The  
House Transportation Committee  
Thursday, January 25, 1990

Thank you, Mr. Chairman. Members of the committee, my name is Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to speak to the committee on HB 2298.

We will only speak to the concept of delaying the age at which children can obtain a Kansas driver's license. We support moving the age back and giving preferential treatment to those who have completed a driver's training course, suggestions made by Representative Sprague. We believe that 14 is too young, as a rule, to allow learner's permits and restricted licenses. Maturity is gained differently by different individuals. Since there is no test devised I am aware of to measure levels of maturity, we believe that in general a person 14 or 15 years of age is too young to have access to driving.

We would support some form of HB 2298 which would increase the driver's age in Kansas. Thank you for listening to our concerns.



# Kansans for Highway Safety

1-26-90

HOUSE BILL 2298

THE REMOVAL OF 14 AND 15 YEAR OLD DRIVERS from Kansas Highways is a matter of saving the lives of our children. One needs only to look at the numbers of people that are killed and maimed each year at the hands of 14 and 15 year old drivers. Twenty four drivers under the age of 16 were involved in fatal accidents during 1986 through 1988. Two hundred and forty nine drivers under 16 were involved in accidents with the most serious injuries indicated as incapacitating, the most serious non-fatal injury category in accident reporting. Eleven hundred twenty five more were driving in less serious injury accidents. THAT IS 1,398 DRIVERS UNDER 16 INVOLVED IN AN INJURY ACCIDENT IN THREE YEARS. And many of these accidents involved multiple injuries or deaths. When the extremely low mileage driven by this age group is considered, this is obviously a very high accident rate. More teens are killed and seriously injured at the hands of the 14 and 15 year old drivers than from homicides, assaults, and child abuse combined.

THE NEED TO RESTRICT THE DRIVING OF 16 AND 17 YEAR OLD DRIVERS is also a matter of protecting our children. During 1986 through 1988, twenty four sixteen year olds and thirty two seventeen year olds were driving when involved in fatal accidents. Another 2,696 sixteen year olds and 2,898 seventeen years olds were involved in injury accidents. Many of these were late night accidents and many involved alcohol.

THE NEED IS CLEAR. THE METHOD NEEDS TO BE DETERMINED. The Kansans for Highway Safety support House Bill 2298 and the recommended changes submitted by Rep. Sprague. It is the position of our organization that to promote highway safety in Kansas and the safety of our children the following items must be contained in the bill:

1. There should not be any person licensed to drive under the age of 16 and the driving priviledges of those under 18 must be restricted.
2. The granting of a full license at age 17 with the successful completion of an approved Driver's Education Course is acceptable.
3. The age restriction applied should contain a curfew. The current laws referal to "...to and from school, to, from and during work..." is so confusing that the interpretation by the courts, as well as the interpretation by law enforcement is inconsistant and difficult to apply. This is evidenced by the fact that the Attorney General's Office has addressed these issues several times during the past several years. We do believe however that these hours need to accommodate the sixteen and seventeen year olds that work late evening wage earning jobs.
4. The issuance of an instruction permit prior to age sixteen is also acceptable. This would allow those who will turn 16 late in the year to participate in summer drivers education programs. However we believe that the age should be 15 years and 6 months since an instruction permit is only valid for six months. This would allow for the instruction permit to be valid up to the age of sixteen.
5. A grandfather clause is also good in order to apply fairness in the transition to the new system.
6. We also beleive that MANDATORY DRIVER EDUCATION for all first time drivers is vital to the proper training and licensing of Kansas drivers. This should be given a one year moratorium after passage of the bill to allow for implementation of the required schools.

ALCOHOL IS ALSO A MAJOR CONCERN IN THIS AGE GROUP. In 1988, 19 drivers under the age of 16 had been drinking and 230 16 and 17 year old drivers had been drinking when involved in an accident. Many others were arrested for DUI before they were involved in accidents.

MANY CRIMINAL ACTS ARE COMMITTED BY PERSONS UNDER 18 who utilize vehicles to carry out their crimes. Although no statistical data is available in this area, law enforcement officers who work late nights will readily verify that this is fact.

WE ARE NOT BREAKING NEW GROUND HERE. The attached charts show that there are only thirteen states that allow 14 years olds to drive. Of those thirteen states eight allow it only with "hardship cases" or with "extenuating circumstances," two allow them to drive only during daylight hours, and two only allow driving when a parent or guardian is in the car. That only leaves Kansas that currently allows the fourteen year olds such a free reign at driving. There are only seven states that currently have a minimum driving age of 15. Of those seven states three allow driving with curfew restrictions, two only with extenuating circumstances, and one allows driving only with a parent in the car. Kansas currently has the most leniant laws in the country concerning the licensing of 14 and 15 year olds.

The licensing guidelines of this bill are supported by studies and by the National Highway Safety Administration as being life saving measures. Examples are attached.

NUMBER OF TEENAGE DRIVERS UNDER 18 YEARS OLD  
INVOLVED IN ACCIDENTS 1986 THROUGH 1988  
BY MOST SEVERE INJURY CLASSIFICATION

1988

AGE	NO INJURY	FATAL	INCAPACITATING INJURY	NON INCAPACITATING INJURY	POSSIBLE INJURY	TOTAL	PERCENTAGE OF ALL ACCIDENTS	PERCENTAGE OF DRIVERS IN AGE GROUP TO ALL DRIVERS
15 & LESS	1378	10	81	225	145	1839	2%	1.25%
16	3359	7	131	423	327	4247	4%	1.43%
17	3795	8	168	450	392	4813	4%	1.72%

1987

AGE	NO INJURY	FATAL	INCAPACITATING INJURY	NON INCAPACITATING INJURY	POSSIBLE INJURY	TOTAL	PERCENTAGE OF ALL ACCIDENTS	PERCENTAGE OF DRIVERS IN AGE GROUP TO ALL DRIVERS
15 & LESS	1380	8	81	217	146	1832	2%	NOT AVAILABLE
16	3550	9	142	408	343	4452	4%	NOT AVAILABLE
17	3769	12	134	468	363	4746	4%	NOT AVAILABLE

1986

AGE	NO INJURY	FATAL	INCAPACITATING INJURY	NON INCAPACITATING INJURY	POSSIBLE INJURY	TOTAL	PERCENTAGE OF ALL ACCIDENTS	PERCENTAGE OF DRIVERS IN AGE GROUP TO ALL DRIVERS
15 & LESS	1425	6	87	234	158	1910	2%	NOT AVAILABLE
16	3357	8	124	443	331	4263	4%	NOT AVAILABLE
17	3460	12	131	420	330	4353	4%	NOT AVAILABLE

THREE YEAR TOTAL

AGE	NO INJURY	FATAL	INCAPACITATING INJURY	NON INCAPACITATING INJURY	POSSIBLE INJURY	TOTAL	PERCENTAGE OF ALL ACCIDENTS	PERCENTAGE OF DRIVERS IN AGE GROUP TO ALL DRIVERS
15 & LESS	4183	24	249	676	449	5581	2%	NOT AVAILABLE
16	10266	24	397	1274	1001	12962	4%	NOT AVAILABLE
17	11024	32	433	1338	1085	13912	4%	NOT AVAILABLE

COMPILED FROM FIGURES FURNISHED BY KANSAS DEPARTMENT OF REVENUE DRIVER CONTROL BUREAU AND KANSAS DEPARTMENT OF TRANSPORTATION PLANNING.

RESTRICTIONS IMPOSED ON 14 YEAR OLD DRIVERS

STATE	REST. LIC.	RESTRICTIONS
ALASKA	14	PARENTAL CONSENT REQUIRED IF UNDER 18. UNDER 16 ONLY FOR HARDSHIP CASES.
ARKANSAS	14	UNDER 16 ONLY WITH LICENSED ADULT.
IDAHO	14	UNDER 16 DAYLIGHT HOURS ONLY.
KANSAS	14	TO, FROM, DURING WORK; TO, FROM SCHOOL; WITH ADULT LICENSED DRIVER.
MICHIGAN	14	AGES 14 THROUGH 17 FOR EXTENUATING CIRCUMSTANCES ONLY.
MONTANA	14	UNDER 14 HARDSHIP CASES ONLY.
NEVADA	14	UNDER 16 ONLY WITH VERIFIED NEED.
NORTH DAKOTA	14	PARENT OR GUARDIAN VEHICLE ONLY.
OHIO	14	UNDER 16 ONLY FOR EXTENUATING CIRCUMSTANCES.
OREGON	14	UNDER 16 ONLY FOR EXTENUATING CIRCUMSTANCES.
SOUTH DAKOTA	14	UNDER 16 6AM TO 8PM; OTHER TIMES WITH PARENT OR GUARDIAN.
TENNESSEE	14	EXTENUATING CIRCUMSTANCES ONLY.
WISCONSIN	14	EXTENUATING CIRCUMSTANCES ONLY.

SOURCE: JANUARY 1990 POLK'S MOTOR VEHICLE REGISTRATION MANUAL, VOLUME I.

RESTRICTIONS IMPOSED ON 15 YEAR OLD DRIVERS

STATE	REST. LIC.	RESTRICTIONS
FLORIDA	15	UNDER 16 DAYTIME ONLY. UNDER 16 ONLY WITH LICENSED ADULT.
LOUISIANA	15	UNDER 17 ONLY 5AM TO 11 PM SUNDAY-THURSDAY; 5AM TO 12 MIDNIGHT FRIDAY & SATURDAY
MINNESOTA	15	UNDER 16 FOR EXTENUATING CIRCUMSTANCES ONLY, INCLUDING FARM WORK BASED ON NEED.
NORTH CAROLINA	15	ONLY WITH PARENT OR GUARDIAN IN VEHICLE. PERMIT OBTAINED BY PARENT OR GUARDIAN.
RHODE ISLAND	15	UNDER 18 WITH PARENTS APPROVAL.
SOUTH CAROLINA	15	UNDER 16 6AM TO 6PM; 6PM TO 6AM WITH LICENSED ADULT.
TEXAS	15	EXTENUATING CIRCUMSTANCES ONLY.

SOURCE: JANUARY 1990 POLK'S MOTOR VEHICLE REGISTRATION MANUAL, VOLUME I.

## DRIVERS LICENSE LAWS

STATE	LEARNING PERMIT	MINIMUM AGE FOR REST. LIC.	MINIMUM AGE FOR FULL LICENSE	RESTRICTIONS	DRIVER'S ED
ALABAMA	15		16	NONE	RECOMMENDED BUT NOT REQUIRED.
ALASKA	14	14	16	PARENTAL CONSENT REQUIRED IF UNDER 18. UNDER 16 ONLY FOR HARDSHIP CASES.	NOT REQUIRED.
ARIZONA	15 7mos		18	PARENTAL CONSENT REQUIRED IF UNDER 18.	NOT REQUIRED.
ARKANSAS	14	14	16	UNDER 16 ONLY WITH LICENSED ADULT.	NOT REQUIRED.
CALIFORNIA	18		18	UNDER 18 FOR HARDSHIP CASES. FULL LICENSE AT 16 WITH DRIVER'S EDUCATION.	NOT REQUIRED.
COLORADO	15 6mos	16	18	STEP PROGRAM. MINOR (16-17), PROVISIONAL (18-20), ADULT (21 AND OVER).	REQUIRED UNDER 18.
CONNECTICUT	16 1mo	16 1mo	18	NONE	REQUIRED UNDER 18.
DELEWARE	18		18	AGE 16 AND ABOVE WITH DRIVERS ED.	REQUIRED UNDER 18.
DIST. OF COL.	16		16	UNDER 18 ONLY WITH PARENTAL PERMISSION.	NOT REQUIRED.
FLORIDA	15	15	16	UNDER 16 DAYTIME ONLY. UNDER 16 ONLY WITH LICENSED ADULT.	NOT REQUIRED.
GEORGIA	15		16		NOT REQUIRED.
HAWAII	15		15		NOT REQUIRED.
IDAHO	16	14	16	UNDER 16 DAYLIGHT HOURS ONLY.	REQUIRED UNDER 16.
ILLINOIS	15		16		REQUIRED UNDER 18.
INDIANA	16		16		NOT REQUIRED.
IOWA	14	16	18	UNDER 18 ONLY FOR JOB RELATED WITH VERIFIED EMPLOYMENT.	REQUIRED UNDER 18.
KANSAS	14	14	16	TO, FROM, DURING WORK; TO, FROM SCHOOL; WITH ADULT LICENSED DRIVER.	NOT REQUIRED.
KENTUCKY	16		16		NOT REQUIRED.
LOUISIANA	15	15	17	UNDER 17 ONLY 5AM TO 11 PM SUNDAY-THURSDAY; 5AM TO 12 MIDNIGHT FRIDAY & SATURDAY	NOT REQUIRED.
MAINE	15		15		REQUIRED UNDER 17.
MARYLAND	15 9mos	15 9mos	16	UNDER 18 NO NIGHT DRIVING UNLESS WITH ADULT LICENSED DRIVER OR COMPLETED ONE YEAR OF CONVICTION FREE DRIVING.	REQUIRED UNDER 18.
MASSACHUSETTS	16	16	18	UNDER 18 NO DRIVING BETWEEN 1AM AND 4AM WITHOUT PARENT OR GUARDIAN.	REQUIRED UNDER 21.
MICHIGAN	16	14	18	AGES 14 THROUGH 17 FOR EXTENUATING CIRCUMSTANCES ONLY.	REQUIRED UNDER 18.
MINNESOTA	15	15	16	UNDER 16 FOR EXTENUATING CIRCUMSTANCES ONLY, INCLUDING FARM WORK BASED ON NEED.	REQUIRED UNDER 18.
MISSISSIPPI	15		15		NOT REQUIRED.
MISSOURI	16		16		NOT REQUIRED.
MONTANA	14	14	15	UNDER 14 HARDSHIP CASES ONLY.	REQUIRED UNDER 16.
NEBRASKA	15		16		NOT REQUIRED.
NEVADA	15 6mos	14	16	UNDER 16 ONLY WITH VERIFIED NEED.	NOT REQUIRED.
NEW HAMPSHIRE			18		REQUIRED UNDER 18.
NEW JERSEY	16	16	17	UNDER 17 DAYLIGHT ONLY, WITH LICENSED ADULT DRIVER.	REQUIRED UNDER 17.
NEW MEXICO			15		REQUIRED UNDER 16.
NEW YORK	16	16	18		REQUIRED TO APPLY FOR LICENSE.
NORTH CAROLINA	15	15	16	ONLY WITH PARENT OR GUARDIAN IN VEHICLE. PERMIT OBTAINED BY PARENT OR GUARDIAN.	REQUIRED UNDER 18.
NORTH DAKOTA	14	14	16	PARENT OR GUARDIAN VEHICLE ONLY.	REQUIRED UNDER 16.
OHIO	14	14	16	UNDER 16 ONLY FOR EXTENUATING CIRCUMSTANCES.	REQUIRED UNDER 18.
OKLAHOMA	15 6mos		16		NOT REQUIRED.
OREGON	15	14	16	UNDER 16 ONLY FOR EXTENUATING CIRCUMSTANCES.	NOT REQUIRED.
PENNSYLVANIA	16	16	18	UNDER 18 5AM TO MIDNIGHT WITH PARENTS, GUARDIAN, OR SPOUSE.	NOT REQUIRED.
RHODE ISLAND	16	15	18	UNDER 18 WITH PARENTS APPROVAL.	REQUIRED UNDER 18.
SOUTH CAROLINA	15	15	16	UNDER 16 6AM TO 6PM; 6PM TO 6AM WITH LICENSED ADULT.	NOT REQUIRED.

STATE	LEARNING PERMIT	MINIMUM AGE FOR REST. LIC.	MINIMUM AGE FOR FULL LICENSE	RESTRICTIONS	DRIVER'S ED
SOUTH DAKOTA	14	14	16	UNDER 16 6AM TO 8PM; OTHER TIMES WITH PARENT OR GUARDIAN.	NOT REQUIRED.
TENNESSEE	15	14	16	EXTENUATING CIRCUMSTANCES ONLY.	NOT REQUIRED.
TEXAS	15	15	16	EXTENUATING CIRCUMSTANCES ONLY.	REQUIRED UNDER 18.
UTAH	16		16		REQUIRED TO APPLY FOR LICENSE.
VERMONT	15	16	18	PARENTAL CONSENT.	REQUIRED UNDER 18.
VIRGINIA	15 8mos		16		REQUIRED UNDER 18.
WASHINGTON	15		16		REQUIRED UNDER 18.
WEST VIRGINIA	16		18	UNDER 18 MUST BE IN SCHOOL.	REQUIRED UNDER 18.
WISCONSIN	15 6mos	14	16	EXTENUATING CIRCUMSTANCES ONLY.	REQUIRED UNDER 18.
WYOMING	15		16		REQUIRED.
PUERTO RICO	16	16	18	ONLY WITH PARENTAL CONSENT. UNDER 18 PASSENGER CAR ONLY.	REQUIRED.

SOURCE: JANUARY 1990 EDITION OF POLK'S MOTOR VEHICLE REGISTRATION MANUAL, VOLUME 1.

# PROVISIONAL DRIVER LICENSING SYSTEM

## FOR YOUNG NOVICE DRIVERS

### INTRODUCTION

Young, novice drivers are severely over represented in traffic crashes. Most states have made efforts to overcome this problem but success has been limited. Based upon research and the experience of the states, and recommendations of knowledgeable driver licensing officials, the NHTSA has developed a provisional licensing system which provides for the gradual introduction of young novice drivers into the driving environment.

Portions of this model provisional licensing system were field tested in the State of Maryland. The program showed a five percent reduction in crashes and a 10 percent reduction in traffic convictions for 16 and 17-year old drivers. It was estimated that only about half of the young drivers in the 16-17 age group were actually operating with provisional licenses at any particular time during the program, while the other half were operating with full driving privileges. Therefore, the total effectiveness of the Maryland program, in terms of reducing crashes and convictions, may have been higher.

### BACKGROUND

Drivers 16 and 17 years of age have more than twice the average number of crashes in their first year of driving, and have four times as many crashes per mile driven as do experienced adult drivers. Traffic safety authorities attribute the driving problems of young drivers to: (1) driving inexperience and lack of adequate driving skills; (2) excessive driving during high risk hours (nighttime); (3) alcohol involvement; (4) risk-taking, immaturity; and (5) poor driving judgement and decision making. They believe that considerable driving experience is required--after driver education and after initial licensing--before young drivers achieve safe driving know-how, skill, and judgment.

Analysis of novice driving behavior have identified that young drivers receive more speeding convictions and have more crashes where speeding was the major contributing factor than do experienced drivers. This may be caused by inexperience, poor judgment and the tendency for risk taking.

NHTSA roadside surveys indicate that young drivers are over represented in traffic during the nighttime hours. Therefore, these inexperienced drivers are over exposed during the hours of highest risk and during more hazardous driving situations. It appears likely that even if they were not less skilled and did not take more risks than experienced drivers, they still might be in more crashes simply because they drive at more dangerous times. A major reason for young drivers being over exposed during nighttime hours may be related to their life-style, which results in more recreational driving at night than is done by other drivers.

SOURCE: Provisional Driver Licensing System for Novice Drivers, National Highway Traffic Safety Administration, Dec. 1985.

o Nighttime Driving Restrictions The objective of this countermeasure is to control the driving behavior of novice drivers by providing supervised driving during the more hazardous, nighttime period. Crash statistics from NHTSA's Fatal Accident Reporting System (FARS) indicate that young drivers are more likely to be involved in serious traffic crashes at night than during the daylight hours. Their crash rates are highest between 10:00 p.m. and 2:00 a.m. The consensus of traffic safety authorities is that alcohol use, immaturity, lack of driving experience and a high amount of exposure account for many of the nighttime crashes involving young drivers. This suggests that young, novice drivers should not be allowed to drive between 10:00 p.m. and 6:00 a.m. or if they do, they must be accompanied by a licensed parent or licensed adult over the age of 25.

The provisional licensing program demonstration project in Maryland prohibited operation of a motor vehicle between the hours of 1:00 to 6:00 a.m. for drivers on a provisional license unless accompanied by an adult. Because of the successful results of the project, Maryland has extended the duration of the nighttime curfew period for one hour, from midnight to 6 a.m.

A recent Insurance Institute for Highway Safety study of states with nighttime curfews found a reduction in the crashes involving 16 year old drivers. Thirty-three States have placed some form of restriction upon young drivers (see Appendix B). The following states have nighttime restrictions for 16 and 17 year old drivers:

Illinois - 11:00 p.m. - 6:00 a.m.  
Louisiana - 11:00 p.m. - 5:00 a.m.  
Maryland - 12:00 a.m. - 6:00 a.m.  
Massachusetts - 1:00 a.m. - 5:00 a.m.  
New York - 9:00 p.m. - 5:00 a.m.  
Pennsylvania - 12:00 a.m. - 5:00 a.m.

o Parent-supervised Driving Practice The objective of this countermeasure is to increase the amount of on-road driving practice received by the young novice driver. A secondary objective is to provide parents with training and instruction materials to help them supervise the new driver. The need for this countermeasure is supported by indepth crash investigation data which indicate inexperience of young drivers is a prime cause of crashes. It is further supported by research which indicates that young drivers receive insufficient behind-the-wheel driving practice in high school driver education classes. Traffic safety authorities believe that parents are an important influence in the development of their youngsters' driving skill.

SOURCE: Provisional Driver Licensing System for Novice Drivers, National Highway Traffic Safety Administration, Dec. 1985.

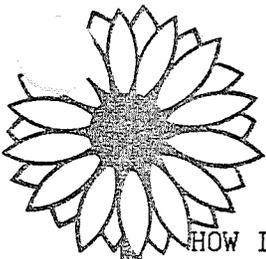
EXCERPTS FROM: Provisional Driver Licensing System for Novice Drivers, National Highway Traffic Safety Administration, Dec. 1985.

12. Seaver, W.B.; Nichols, J.L.; Carlson, W.L.; and Voas, R.B.; An Analysis of the Impact of Driver Education on the Licensing of 16 and 17 Year Olds, National Highway Traffic Safety Administration, National Highway Traffic Safety Administration, Washington, DC, 20590, August 1979. (DOT HS-804 850)

Abstract: A study was done to explore the hypothesis that driver education increases the number of teenagers licensed to drive before age 18. Results showed that (1) driver education is significantly and positively related to the licensing rate of 16 and 17 year olds, (2) this relationship may be as large as a 42 percent increase in licensed drivers per enrollment in driver education, (3) the relationship was not greatly diminished when economic and mobility factors were controlled, (4) the relationship was stronger between 1971 and 1975 than it was between 1965 and 1970, and (5) the presence of driver education laws had a significant direct negative relationship with the licensing of young drivers while it had a positive relationship with driver education enrollment. These results suggest that driver education probably accounts for at least some increase in the licensing of young drivers.

23. Preusser, David F., Williams, Allan F., Zador, Paul L. and Blomberg, Richard D., The Effect of Curfew Laws on Motor Vehicle Crashes, Dunlap and Associates East, Inc. and Insurance Institute for Highway Safety, Washington, D.C. 20037, September 1982.

Abstract: Twelve states in the U.S. have curfew laws, which prohibit young drivers from operating motor vehicles during late evening and/or early morning hours. The effect of such laws on motor vehicle crashes was studied in four of these states. In each state studied, the laws were found to substantially reduce the crashes of 16 year olds. Sixteen year old driver crash involvements during curfew hours were reduced by an estimated 69 percent in Pennsylvania, 62 percent in New York, 40 percent in Maryland, and 25 percent in Louisiana. Except in Maryland, the percentage of the 16 year old population licensed was lower in those states that had a curfew than comparison states. New York, which has the strongest curfew law, has the lowest 16 year old licensure rate in the U.S., and Pennsylvania is the second lowest. It is possible that curfew laws reduce early licensure, in which case reductions in crash involvements resulting from curfews may be even greater.



Ed Klumb  
Jan. 25, 1990

# Kansans for Highway Safety

HOUSE BILL 2298

Jan. 25, 1990

HOW IMPORTANT IS THIS BILL TO TRAFFIC SAFETY AND THE SAFETY OF OUR CHILDREN.

- > A DRIVER UNDER THE AGE OF 18 WILL BE INVOLVED IN AN ACCIDENT EVERY 48 MINUTES.
- > ONCE EVERY TWO WEEKS A DRIVER UNDER THE AGE OF 18 WILL BE INVOLVED IN A FATAL ACCIDENT.
- > OVER 400 DRIVERS UNDER THE AGE OF 18 WILL BE INVOLVED IN AN ACCIDENT RESULTING IN A FATALITY OR INCAPACITATING INJURY EACH YEAR.
- > IN 1988 249 DRIVERS UNDER 18 WERE INVOLVED IN LATE NIGHT ACCIDENTS AFTER CONSUMING ALCOHOL.
  - \* 230 OF THESE WERE 16 OR 17 YRS. OF AGE.

WE SUPPORT HB 2298 WITH THE CHANGES RECOMMENDED BY REP. SPRAGUE THE SPONSOR OF THE BILL.

## MAIN POINTS OF SUPPORT

NO ONE UNDER 16 SHOULD BE LICENSED.

THOSE UNDER 18 SHOULD HAVE CURFEW RESTRICTIONS PLACED ON THEIR LICENSE.

DRIVERS EDUCATION SHOULD BE REQUIRED FOR ALL FIRST TIME DRIVERS.

## WE ALSO CONCUR THAT

17 YEAR OLDS COULD BE GIVEN A FULL LICENSE PROVIDED THEY HAVE SUCCESSFULLY COMPLETED A DRIVERS EDUCATION PROGRAM.

AN INSTRUCTION PERMIT COULD BE ISSUED BEFORE A PERSON IS 16. BUT WE RECOMMEND THAT THE AGE BE SET AT 15 1/2.

WE BELIEVE THAT THE CURFEW WOULD ADDRESS THE PROPER USE OF FARM VEHICLES.

## WORDING CONCERNS

IF A REFERENCE TO FARM VEHICLES REMAINS IN THE BILL, THEN THOSE VEHICLES SHOULD BE RESTRICTED TO A MAXIMUM SIZE BY USING EITHER A MAXIMUM REGISTERED WEIGHT OF VEHICLE REGISTERED AS A FARM VEHICLE(ex. 36M) OR A MAXIMUM NUMBER OF AXLES (ex. 3).

ANY RESTRICTION SHOULD BE ENFORCEABLE. AVOID TO, FROM, DURING WORK AND SCHOOL.

AT THE VERY LEAST SPECIFICALLY DEFINE THE TERMS WORK AND SCHOOL TO AVOID THE ENFORCEMENT CONFUSION.

A CURFEW WOULD ELIMINATE THIS PROBLEM.

ANY REFERENCE TO A "LICENSED ADULT" WOULD BE BETTER UNDERSTOOD BY USING "DRIVER OVER 21 LICENSED IN THE VEHICLE CLASS BEING OPERATED."

Mary  
HB 2298

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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Presented to the House Transportation Committee;  
Rep. Rex Crowell, Chairman; Statehouse, Topeka,  
Thursday, January 25, 1990.

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In support of a substitute bill for H.B. 2298  
concerning the age of applicants for driver's  
licenses.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here this afternoon with Tom Whitaker, our Governmental Relations Director; representing our 1,525 member-firms and the highway transportation industry.

We appear here to support proposed revisions in the driver's license ages as contained in substitute for H.B. 2298.

We understand that there would be a grandfather clause for driver's licenses, restricted licenses or instruction permits issued prior to the effective date of the act.

We do believe that age 14, in these days of traffic complexities, is too young an age to assume the responsibilities attendant to even a restricted license.

Att. 4

While there may be some hardships invoked with the proposed changes contained in the substitute bill, our industry believes that, overall, these revisions are a safeguard for the young drivers who are asked to assume the responsibility not only for their own life but for the lives of others with whom these young drivers will be sharing our streets and highways.

We therefore support the intent of the bill and would be pleased to respond to any questions you may have.

####



*Henderson  
Didn't testify*

HB 2298

Testimony presented to the House Committee on Transportation  
by Gerald W. Henderson, Executive Director  
United School Administrators

Thursday, January 25, 1990

Mister Chairman and members of the committee: Please accept my apologies for not appearing in person.

United School Administrators of Kansas is generally supportive of the provisions of HB 2298. One concern, however, needs to be addressed.

Most high school activities occur after regular school hours. While some school districts provide transportation from athletic practices, few who provide such transportation do so from door to door. In most cases students are delivered to a central pick-up location. The point is that totally removing driving privileges from 14 and 15 year olds may restrict ability to participate in activities rather than encourage such participation. This is especially probable in rural areas. If transportation is needed for school activity programs districts will need some help with the funding.

GWH/kt

*Att. 5*

ELI NA L. WHITEMAN  
 MINORITY WHIP  
 REPRESENTATIVE, 102ND DISTRICT  
 RENO COUNTY  
 P.O. BOX 1224  
 401 W. FIRST  
 HUTCHINSON, KANSAS 67504



TOPEKA

HOUSE OF  
 REPRESENTATIVES

January 25, 1990

## TESTIMONY

HOUSE TRANSPORTATION COMMITTEE ON HB 2343

HIGH SCHOOL DROPOUTS ARE EVERYBODY'S PROBLEM

In 1987-88 during the 180 day school year, 5,105 Kansas students dropped out of school - an average of 28 students each day. If 28 students drop out of Kansas schools each day of the 1990-91 year, there is a tremendous loss of not only individual potential but a loss of economic potential that you and I will have to deal with in future years. The good news is a person with a high school diploma will earn about \$200,000 more in a lifetime than one who drops out of school. The bad news is that those who drop out of school become part of the \$40 million plus statistic which represents the money paid by SRS for supporting families.

When we talk about education the main focus has always been more dollars. The Governor has proposed a total budget of \$5.045 billion and 43% or \$2.199 billion has been spent for education.

In addition to dollars we must focus on creative solutions to the problem of high school dropouts. In 1987-88, 5,105 Kansas students dropped out of high school:

Ninth grade	753
Tenth grade	1,460
Eleventh grade	1,605
Twelfth grade	<u>1,287</u>
	5,105

If this figure is an average during the decade of the 1980's approximately 40,840 Kansas high school students have terminated their high school education careers. If this average continues, 51,050 students will drop out of high school in Kansas during the 1990's.

As state legislators we must assume a leadership role in creating a positive educational environment for Kansas students in the 1990's. We must not fool ourselves into believing that money alone will solve the problems. The state must join together with local school districts in a concerted effort to keep more students in school until graduation and to increase their basic academic skills while in school.

## COMMITTEE ASSIGNMENTS

MEMBER: JUDICIARY  
 LABOR AND INDUSTRY  
 JOINT COMMITTEE ON ADMINISTRATIVE  
 RULES AND REGULATIONS  
 CALENDAR AND PRINTING  
 LEGISLATIVE, JUDICIAL AND  
 CONGRESSIONAL APPORTIONMENT  
 GOVERNOR'S ADVISORY COMMISSION  
 ON JUVENILE OFFENDERS

A.L.G.

While many significant changes are needed to address the problems of school dropouts including:

1. Increased programming for early childhood education.
2. Home based programs.
3. Family involvement in schools including parents as teachers programs.
4. Alternative education programs.
5. Increased vocational opportunities.
6. Peer counseling programs.
7. Additional monetary grants to local districts who improve their "dropout rates".

House Bill 2343 provides "a carrot" to encourage youth who are contemplating dropping out of school to remain in school and provides an incentive to those who have dropped out of school to get back into school.

Betty Castor, Florida Education Commissioner has stated:

I believe the driver's license bill provides the powerful ammunition we need to keep our kids in school. While the driver's license bill is the stick, the carrots are embodied in a number of initiatives that provide more care counseling, alternatives and parental involvement for students at risk of dropping out than ever before".

I encourage your careful consideration of House Bill 2343 HB2343 is the incentive we need to encourage high school students to stay in school.

# Driver's licenses can be effective anti-dropout incentive

Virginia has cut its dropout rate  
30 percent by denying driver's licenses  
to teen-agers who don't attend school

By Carol Chmelynski

American teen-agers look forward to that magic day when they can become eligible for a driver's license. Now, several state legislatures have turned that enthusiasm into an incentive to stay in school.

Teen-agers in West Virginia, Wisconsin, Florida and Texas can't get a driver's license unless they attend high school. Those states have enacted no pass/no drive laws in the hope of lowering the dropout rate. Virginia has enacted a less severe measure.

At least 22 other states have shown interest in the law.

## Success claimed

West Virginia's no pass/no drive law, enacted in 1988, was the first in the nation. The statute requires the state Department of Motor Vehicles (DMV) to deny a driver's license to anyone under the age of 18 who fails to prove enrollment in or graduation from high school.

Anyone under 18 with a driver's license who drops out of school will have their license suspended.

Ten consecutive days of unexcused absence from school or a total of 15 unexcused absences in one semester also are grounds for suspending a teen-ager's license.

School officials and even students credit the new law with reducing West Virginia's dropout rate. This year 3,400 students dropped out, compared with 5,000 dropping out each year since 1979.

The system "is working wonderfully," said Theresa Wilson, acting director of educational support services for the West Virginia Department of Education.

School districts have few complaints about the law because the public views it as an honest attempt to get students and parents to take education seriously, said Wilson.

Most districts use computerized attendance procedures, and turning a list over to DMV is a simple matter that removes the

board from the final act. Whenever students don't comply, the state police are called in to enforce the law, Wilson added.

School districts are even contacting students who dropped out of school last year and are still under 18. Many students are reentering school to regain driving privileges.

"If you're a teen-ager and you don't have wheels, you don't have anything," said Michelle Lee Fowler, a 17-year-old senior who dropped out of Stonewall Jackson High School in Charlottesville, W.Va.

Fowler returned to school three months later when she found out she would lose her driver's permit.

"That got my attention," she said. "I was just bored and didn't care about school. Now I'll graduate. Maybe I'll try to go to college."

The law "is working like nothing else we've ever tried, and we expect our graduation rate to climb steadily from here on out," said Wilson.

"That means we're going to have a better educated labor force with less reliance on welfare programs," she said, "and in a poor state like West Virginia, few things could be more important."

## Nationwide trend

West Virginia's success convinced members of Congress, as well as other state lawmakers, to try the no pass/no drive approach.

Reps. Harley Staggers (D-W.Va.), George Sangmeister (D-Ill.) and 18 of their colleagues co-sponsored federal legislation that would require all states to adopt such a program or face a 5 percent cutback in federal highway funds.

The bill requires each state to develop its own means of determining hardship cases.

Steve Swartzel, associate director of the Florida School Boards Association, said the West Virginia law "certainly had a lot to do with" Florida's new law that requires anyone who

turns 16 after Oct. 1 to attend school to qualify for a driver's license.

If a student with a license drops out of school, the school board is responsible for informing DMV, said Swartzel.

Hardship waivers are yet to be determined, Swartzel said, but they will be "very narrow."

According to Swartzel: "The school boards are the police of the whole thing, but we have no additional funding for the massive amount of paperwork it requires. We'll be looking to get some money for funding the administration of this law."

from 16 to 17, and youths under 18 who drop out of school must prove to the DMV that they have had counseling on the ramifications of dropping out.

"While we don't oppose any measures that we think would lower the dropout rate, and we had no objections to taking away the [driving] privilege, VSBA didn't want to be the law enforcement agency," said Jill Pope, director of governmental relations at the Virginia School Boards Association.

"The leadership in Virginia is tremendously impressed with the results West Virginia has

he was disinterested in continuing his education. . . . It due to circumstances beyond his control."

According to Zakaib: "There is a compelling state interest for having children complete secondary education. If a student drops out, it affects society as a whole . . . and increases the likelihood of them becoming wards of the state and becoming dependent on the state."

Means' lawyer Christopher Butch said if Means decides to appeal the ruling to the West Virginia Supreme Court, the appeal would be based on the argument that "the law lacks procedural due process because the school superintendent has sole power to decide if the student withdrew from school voluntarily or for reasons beyond his control" and that the law is discriminatory.

"If this becomes a nationwide law, it would be racially discriminatory," Butch said, "because white suburbanites and rural kids would go back to school so they can get the car on Saturday night."

"But," he continued, "it does absolutely nothing for the inner city kid who cannot afford a car and can use public transportation."

Assistant Attorney General Bruce Walker, who represented the DMV, said the ruling upholds the policing power of the state. "Every time you pass some kind of law, you impinge on someone's freedom," he argued.

Paul Jordan, a colleague of Walker's and co-counsel on the case, called Butch's argument "sophistry at its best." Jordan said: "We can't see how this law could be discriminatory."

"We're happy that we found something that works," said Jordan, "but we're the first to admit that the law is not a cure-all for all dropout problems."

## Public opinion

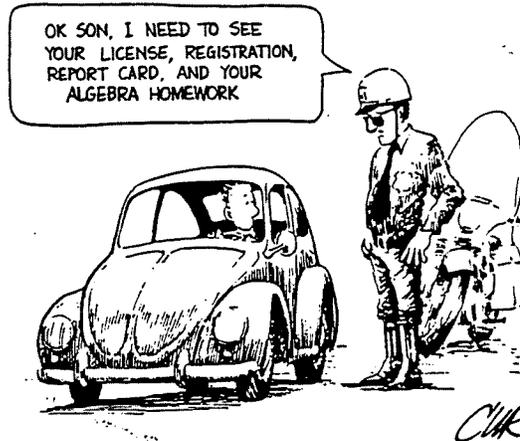
"One of the most important features of [no-pass/no-drive] legislation is that it sometimes has unintended outcomes," noted Chris Pipho, director of the Information Clearinghouse at the Education Commission of the States in Denver.

For example, he said, West Virginia's law "may be contributing more to changing public opinion about education than any other event in recent history."

"If legislators and educators had been told to improve the public's opinion of the schools, neither group would have been likely to begin by tying school attendance to driver's licenses," Pipho said. "Yet the simple message to young people—'Stay in school if you want to drive'—carries an even more important message to adults: 'School is important.'"

Florida's Swartzel summed it up this way: When kids are in school, even if they don't want to be there, there is hope that the schools can reach them; when they leave school, the schools can do nothing for them.

"It will be an interesting experiment at worst," Swartzel said; "at best it will decrease the dropout rate."



Under the Texas no pass/no drive law, which takes effect Sept. 1, youths under 18 can't get a license unless they are enrolled in school, have a high school equivalency certificate, have been enrolled for at least 45 days in a program to take the equivalency exam or—if they had dropped out—be reenrolled for at least 80 days, said Yogi McKelvey, staff attorney for the Texas Association of School Boards.

"The hope is that [the law] will encourage marginal students to stay in school or get the high school equivalency certificate," he said.

Virginia considered that approach, but enacted a watered down version of the concept. Effective July 1, 1990, the age of compulsory school attendance in Virginia will be raised

had," said Pope. "I think there is a lot of interest in making our law like the West Virginia law."

## Rejected in California

But not all states are ready to adopt the concept.

California Gov. George Deukmejian vetoed a no pass/no drive measure last September. Deukmejian said he was concerned "inconsistent standards could be used by different school districts, resulting in the refusal of driver's licenses for some students and the issuance of licenses to others with comparable grades and attendance records."

The governor also claimed that because parents can withhold permission to drive, the bill "impinges upon a parent's right to determine what is best for the child and family."

After coming under heavy attack from rural lawmakers, a similar bill was narrowly defeated in Colorado.

## Law upheld by judge

The West Virginia law has already survived its first court challenge.

Michael Means, a 17-year-old married dropout with a baby on the way, sued the state charging that the law is unconstitutional. Means argued he needed to drive to get to a job to support his family.

While the law allows exceptions if dropouts have "compelling reasons" to keep their licenses, Kanawha County Circuit Judge Paul Zakaib Jr. ruled that driving is a privilege, not a right. He said Means had not demonstrated a compelling reason to leave school.

The decision states that Means "withdrew from school because

**Transamerica**  
Commercial Finance

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R. T. Behm  
Vice President

March 23, 1989

State Representative  
Donna Whiteman  
Kansas House of Representatives  
State Capital  
Topeka, Kansas 66612

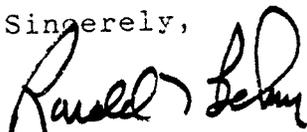
Dear Representative Whiteman:

You have my heartfelt congratulations for the support and introduction of the bill requiring that all high school dropouts surrender their drivers license until they return to school or turn 18.

This is the type of legislation that our state governments as a whole need to improve our young people's attitude towards education and completing their school education. Life without the use of an automobile for teenagers in the 16 to 18 years of age range is dismal. Your bill will be effective.

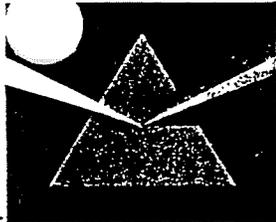
It is my understanding that the state of California is considering legislation that would ban a persons drivers license should they be detained for the use and/or possession of drugs or alcohol. Just saying NO is not enough. I urge you to consider introduction of a like bill.

Sincerely,



Ronald T. Behm

RTB:ca



## IDEAS

■ 'The law is doing what it was intended to do . . . encourage youth who have dropped out of school, and those contemplating dropping out, to remain in school.'

— Tom McNeel

### EDUCATION WEST VIRGINIA DROPOUT PREVENTION

# No School, No Wheels

State law gives new meaning to driver education

By Eric Hiller

Special to The Christian Science Monitor

CHARLESTON, W. VA.

MICHAEL MEANS left school last spring after turning 16. This fall, under a new state law, he lost his license and can't drive. "I think it's a good law," he says while working on his red Pontiac outside his parents' home in rural Kanawha County. "But it should be for other people."

As part of a drive to curb the state's dropout rate, West Virginia legislators passed a law last year that revokes driver's licenses for high school dropouts under age 18 — no school, no wheels.

West Virginia is the first state in the country to adopt the measure, and about 100 of the 353 students whose licenses were revoked paid a \$15 motor vehicle department fee and returned to the classroom during the first four months of the 1988-89 school year.

Supporters, including much of the education community in West Virginia, say the measure works and point to the success rate here. Critics, like Michael who plans a court challenge, say the law penalizes a class of students who need help.

Political and education leaders in nearly a dozen other states have picked up the idea and are considering similar legislation.

"The law is doing what it was intended to do, which was to encourage youth who have dropped out of school, and those contem-

plating dropping out, to remain in school," says outgoing West Virginia school superintendent Tom McNeel.

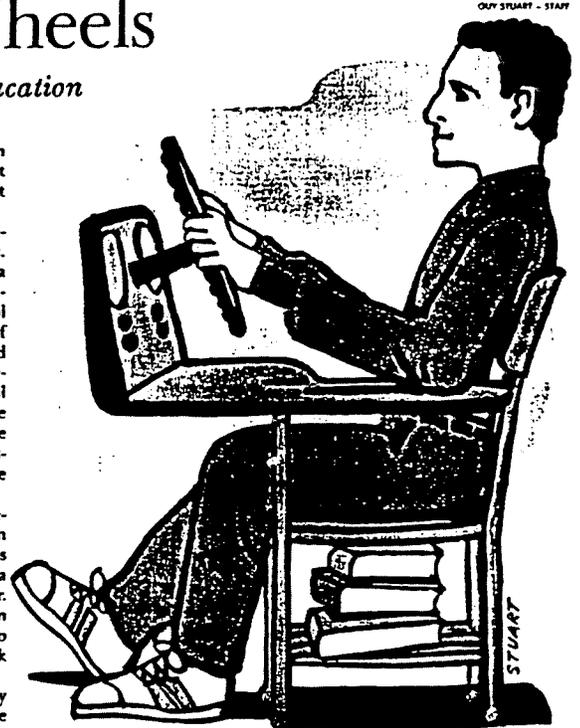
"It's a measure that kids understand," Mr. McNeel says. "They want to be able to drive a car." Under the law, administrators at Michael's former school notified the state Department of Motor Vehicles that he had dropped out. Then Michael received a yellow notice in the mail from the DMV stating his license had been revoked and that he must return to school and successfully complete a semester to have it reinstated.

West Virginia students between 16 and 18 years of age can also lose their license if they miss 10 consecutive days of school or a total of 15 days during a semester. Local school superintendents can make exceptions for students who are sick or caring for sick relatives.

State delegate Patrick Murphy of Martinsburg introduced the driver's license bill last year because he thought it would be a relatively cheap way of keeping kids in school.

"With dropout rates exceeding 30 percent in some counties, everyone kept asking us for more money," Mr. Murphy says. "I thought this would be a different way of keeping kids in school and spending money on other programs."

Steve Canterbury, acting West Virginia motor vehicles commissioner, says the law means more paperwork, but he feels it's worth the extra work to help students remain in class.



"I think it's an incredible success," Mr. Canterbury says. "If you can get one-fourth of the students to return, you realize you've done a pretty good job."

The law has been most effective in rural West Virginia counties where students learn to drive on winding mountain roads as soon as they're old enough. A license to drive is needed, not just for Friday-night fun but for getting to and from school and work, he adds.

Canterbury has fielded calls for officials from Maryland, Virginia, Florida, Texas, California, Wisconsin, and Massachusetts. The governors of South Carolina and Oklahoma have announced plans to introduce similar measures in their legislatures. Colorado will also consider such a law.

"It seems to us that driving is one of the things young people take seriously, and we think we can get their attention," says Suzanne Broadbent, a spokeswoman for Oklahoma Gov. Henry Bellmon.

Critics say the measure is simplistic and doesn't address the educational and personal needs of dropouts.

"It's a temporary band-aid that may reach core students, but much more needs to be done," says Donna Rhodes, executive director of the National Foundation for the Improvement of Education in Washington, D.C.

"This is penalizing the victim in many ways," she says. "Students drop out for many reasons, and they occur much earlier than when they decide to drive."

Ms. Rhodes says economic

background, pregnancy, alienation, drugs, and other pressures often force students to leave school before graduation. Schools need to find ways to give an education to students who may find traditional classes and a structured environment impossible.

"The notion that you stay at school at any cost is a bit of a concern," explains Rhodes. "It's not the graduating from school as much as what you are getting from it."

Michael Means is in a special situation. He's married and will soon be a father. He has a lawyer and plans to challenge the law in court because he was unable to get an exemption from the Kanawha County school system.

Means says he needs to drive to find work. He has been living at his parents' home with his pregnant wife, Tonya, also a high school dropout.

Students in Harry Hill's driver education class at DuPont High School, about 10 miles east of Charleston, don't like the law either. They admit, however, it has made them think twice about leaving school.

"Why should adults make the decision about whether I drive?" asks 16-year-old Tina Mullens. "But I try to be more careful. My mother's been checking up on me to make sure I haven't skipped."

Max Whiting, also 16, says he needs a car to get to work and considered leaving school, but changed his mind after hearing about the new law. "I have some friends who dropped out, but they came back," he says.



GROUNDING: Dropouts Michael and Tonya Means and the car they can't drive.

# Should dropouts lose

by Charlene Carres

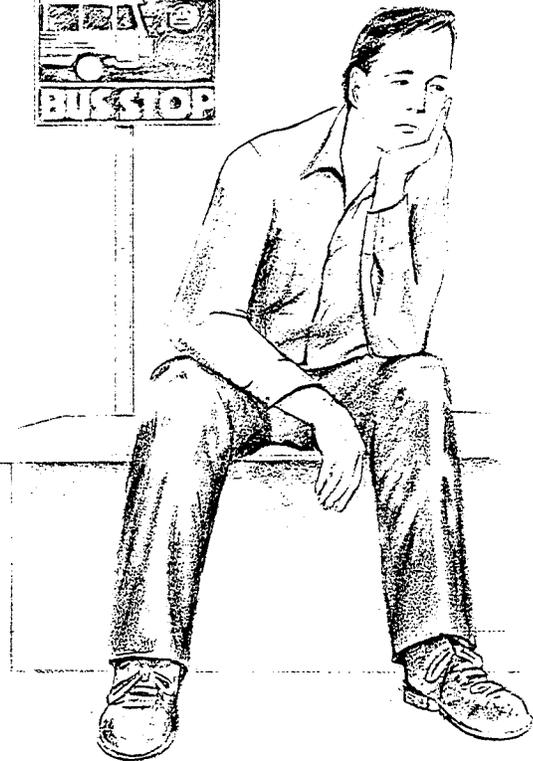
**A**t least four state legislatures have a new subterfuge to decrease dropout rates without making dropping out after the compulsory attendance age illegal.

These laws deny driver's licenses until age 18 to teenagers who drop out of school.

West Virginia's law is in force, and the Florida and Texas legislatures just passed measures, which at press time awaited their governors' signatures. Oklahoma's new law was signed recently.

Clearly, measures need to be taken to limit the numbers of students who choose not to complete their secondary educations. Florida's drop-

*Charlene Carres is an attorney practicing in Tallahassee, Fla. She is also legislative counsel to the Florida American Civil Liberties Union.*



out rate of more than one-third is above the national average of about 25 percent. This is much too high a percentage of young adults without the credentials to get and keep good jobs.

Though much attention has been focused on this issue and programs have been established to curb the dropout rate, those programs apparently are either insufficient incentive or have not been given enough time to work. Forcing the student to attend through punitive methods, however, is not good educational policy. A resentful student is usually not a cooperative student.

It is hard to see the relationship between state authority to ensure that only safe drivers are issued licenses and the condition that young people can only drive if they are willing and able to sit in a classroom at least until the age of 18. Driving is a prestigious accomplishment for teens in or out of school. But it is quite possible for a teenager to attend school and be a reckless driver or to be out of school and be a safe driver. It seems these states have more interest in keeping teens who are mobile in school over those who would rather loiter or watch soap operas at home.

Punitive laws need to have a rational basis. This one does not.

It does not seem rational or fair — particularly in a state like Florida where public transportation, even in major cities, is seriously deficient — to deprive teenagers of the only means

they might have to get to a job they may desperately need. African-American males, more than any other group, will be deprived of licenses. They have the highest dropout rates. This can only force their unemployment rate of nearly 50 percent even higher.

In West Virginia, Attorney Christopher Butch is challenging a state law on behalf of high school dropout Michael Means. Michael Means, 17, is a safe driver, is married, has a family to support and says he needs a driver's license to work full time. Taking away his license means taking away his family's support. Butch has made excellent arguments questioning the constitutionality of the law. "Although (it) sounds like a good idea there is no rational basis for this punitive law and that for this and other reasons the law violates due process rights," Butch said.

If states that wish to do something about dropout rates are sincere they have two valid avenues. They can find out why students drop out and try to change those things that prevent students from completing school or that make school meaningless. Or they can change their compulsory attendance laws to require all students under 18 who have not yet graduated to stay in school.

Denying driver's licenses to those not in school will cause economic problems for many and will not address the real reasons so many students drop out. If states want to lower dropout rates, they would do well to challenge schools to offer programs and counseling for troubled students as a means of positive guidance to stay in school, instead of simply threatening them with taking away their driver's licenses. □

# Driving privileges?

by Betty Castor

**A**s Florida's education commissioner, I've had the unpleasant task this spring of responding to the state's high dropout rate. The federal Department of Education's chart of state high-school graduation rates shows Florida's to be near the bottom, with nearly a third of our students not completing high school.

This year, we asked the Florida Legislature for additional tools to address this challenge — and we got them. The Legislature gave us carrots and a stick.

The stick is the driver's license bill, the newest initiative approved by the Legislature for encouraging potential dropouts to stay in school. High school students between 16 and 18 must show proof of progress in school before getting a driver's license. Students under 18 who already have licenses and drop out will have their licenses suspended.

A similar bill passed a year ago in West Virginia with dramatic results. The dropout rate decreased by nearly a third since the law went into effect. No dropout measure enacted by any state has had as remarkable an effect.

In the Florida bill, exemptions can be made for hardship cases, such as students who must earn money to support their families. Our new driver's license legislation will get the attention of students and their parents. It will make a difference. It won't change everyone's mind about dropping out, but it will change many.

Access to a driver's license is not, after all, a right. It is a privilege. At the same time, a high school

diploma is an increasing necessity in the work place as the number of unskilled jobs grows ever smaller.

Dropouts do not need a car to hang out on street corners. They need a diploma so they can drive a car to work eventually. I'm well aware of how much it means to most teens to drive. Erma Bombeck wrote recently: "American kids are born to drive. The umbilical cord that sustained their life and is severed at birth is transferred to a drive shaft. The little fists are designed to clutch a steering wheel and the pedal-size virgin feet may wander for a few years but will come home to a brake pedal like a salmon returning to spawn."

The American car culture that so transfixes teens is tough to fight. Yet, we must convince youngsters that the key to the future is not the key to a car but a good education.

If we can keep young people in school, we have a shot at interesting them in learning and achieving. If they drop out, we have no opportunity to do that.

One reason students say they drop out of school is to go to work so they can buy a car. It's short-term pleasure and long-term disaster.

While the driver's license bill is the stick, the carrots are embodied in a number of initiatives that provide more care, counseling, alternatives and parental involvement for students at risk of dropping out than ever before.

Our best hope of curbing the dropout problem for the long term is our pre-kindergarten early intervention program for disadvantaged children, which will begin a second year in our school districts this fall. The Legislature more than doubled the funding for the program this

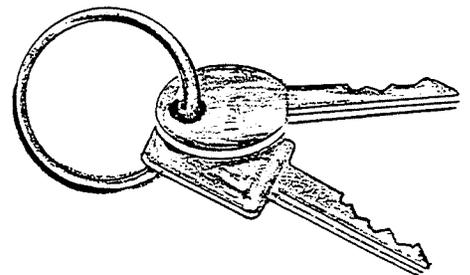
year. Children who participate in quality preschool programs are twice as likely to be literate, twice as likely to have a job, one-third less likely to drop out of school and half as likely to end up on welfare.

Another program that focuses on early education is First Start, just funded by the Legislature to provide money to help parents of at-risk children improve their role as their children's first teacher. But we won't see the results of either program for at least a decade.

In the meantime, however, other dropout-prevention programs in our schools are showing promise. These include the Teachers as Advisors and peer-counseling programs, which provide guidance and support to students. The Legislature has increased funding for such programs by \$10 million, as well as funding minischools, community-based dropout-prevention projects and programs that target inner-city youth and teen mothers.

I expect results. I will hold districts accountable for making progress. The Legislature has provided \$10 million to reward school districts that show improvements in dropout rates and to publicize data on dropouts, district by district and school by school.

I believe the driver's license bill provides the powerful ammunition we need to keep our kids in school. □



*Betty Castor is commissioner of education in Florida. Castor is a former Florida legislator and teacher.*



New Leadership

■ Lt. Gov. Robert J. Miller became Nevada's acting chief executive Jan. 3 when Gov. Richard Bryan, a fellow Democrat, was sworn in as U.S. senator.

Bryan, president of The Council of State Governments in 1987, unseated Republican incumbent Chic Hecht.

Miller will serve the remaining two years of the unfinished gubernatorial term. He took office in January 1987 after serving two terms as Las Vegas district attorney. He is a graduate of Loyola Law School, Los Angeles.

Law Enforcement

■ Teens in Oklahoma and West Virginia will find themselves relinquishing their drivers licenses if they run afoul of new laws. The laws were enacted to curb the dropout rate in West Virginia and teenage use of drugs and alcohol in Oklahoma.

West Virginia is the first state to adopt a law allowing the Department of Motor Vehicles to revoke the driver's licenses of students aged 16 to 18 who drop out before graduating. Since July, the department has notified 353 dropouts that their licenses will be revoked if they do not enroll in school or a GED (General Equivalency Diploma) program. About one-fourth of those teens have gone back to school, according to Cindy Hunt of the department's safety and enforcement division.

She estimated that some 5,000 students or 19 percent drop out of West Virginia high schools annually. Not all are licensed drivers. The law, which is retroactive two years, requires that students show proof of enrollment when applying for a learner's permit.

Hunt said most of the teens who have called about the program are willing to re-enroll or get a GED. About 20 hardship cases have been

excused. These require a letter from the school district superintendent stating the necessity of a dropout keeping a license.

Oklahoma's new law takes away licenses of drivers under age 17 who are convicted for possession, use or abuse of drugs or alcohol. "It gives them a reason to say 'no,'" explained state Rep. Carolyn Thompson, House author of the legislation.

Under the law, which took effect Nov. 1, 1988, the licenses of first-time offenders could be suspended for up to one year (three months is mandatory for all offenders), and a second offense could result in a two-year suspension. A drug- or alcohol-related conviction can mean a minimum one-year delay in getting a license. Oklahoma allows learner's permits at age 15.

The Oklahoma law is patterned after a similar measure in Oregon which became law in 1983. Doug Allen, with Oklahoma's attorney general's office, said a study in Oregon showed a 17 percent reduction in alcohol-related driving arrests for juveniles under 18 from 1982 to 1984. The study showed a 12 percent reduction overall in liquor law violations in that age group and a 22 percent reduction in drug arrests.

Legal services

■ Maryland's assistant attorneys general are providing free legal help for some of the state's poor under a new program thought to be unique in the country.

Maryland Attorney General J. Joseph Curran Jr. partially lifted a longstanding ban on the private practice of law by assistant attorneys general to allow creation of the pro bono program. Pro bono, an abbreviated version of the Latin legal term pro bono publico which means "in the public interest," is often used to describe free legal services.

Creation of the program was prompted by a Maryland legal panel's call for more lawyers to donate

services to the poor. Of the 300 eligible attorneys, 125 have volunteered.

An eight-member committee headed by Deputy Attorney General Dennis M. Sweeney is screening the legal cases sent to the attorney general's office and referring them to attorneys who have volunteered to handle them. Cases — all civil — will include those for which poor people frequently seek legal help, such as court protection for a battered spouse, wills and powers of attorney, landlord-tenant disputes, AIDS-related cases and uncontested divorce cases that don't involve requests for financial support.

Sweeney said about 10 clients have been assigned to attorneys thus far. In the next six months, he expects the caseload to level out between 50 and 100 cases at a time.

The pro bono representation must be undertaken in addition to full-time responsibilities. Secretaries and other support staff may assist lawyers volunteering their time within carefully observed limits. The program was set up to avoid any apparent or actual conflicts of interest, according to Sweeney.

FYI

■ The Advisory Council on Historic Preservation will be offering 14 training sessions in 13 cities this year. The course teaches federal, state, local and tribal officials and contractors the basics of the federal historic preservation project review process.

The sessions are scheduled: Jan. 24-26, Washington D.C.; Feb. 7-9, Dallas; Feb. 28-March 2, Mobile, AL; March 14-16, Santa Fe; April 4-6, Boise, ID; April 25-27, Raleigh, NC; May 2-4, Anchorage, AK; May 16-18, San Bernardino, CA; May 31-June 2, Boston; June 13-15, Omaha; June 27-29, San Francisco; July 12-14, Washington D.C.; Aug. 1-3, Portland, OR; Sept. 11-13, Chicago.

For information, write GSA Training Center, Box 15608, Arlington, VA 22215. Attention: Peggy Sheelor. □

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TOPEKA

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 GOVERNOR'S ADVISORY COMMISSION  
 ON JUVENILE OFFENDERS

## W. VA. LAW RETURNS DROPOUTS TO CLASS

Attendance is up in West Virginia high schools, dropouts are down and fewer kids are cutting classes.

The reason, suggests Therese Wilson, unit coordinator for student support services in the state superintendent's office, may be a relatively recent West Virginia law that penalizes high school dropouts, and students who cut classes, by suspending their drivers' licenses.

Under the law, young people under the age of 18 who drop out of school, or who accumulate more than 15 days of unexcused ab-

sences during the school year, can be denied the right to get a driver's license or may have their existing licenses suspended. The law, which was considered by several other states last year (*see GOVERNING, April 1988, p. 12*), is being looked at by several again this year.

Since the law passed last summer, more than 350 West Virginia students have had their drivers' licenses suspended because they dropped out of school, and more than one-fourth of them have returned to classrooms, state officials say.

In Morgan County, school Superintendent Dwight Dials says, the dropout rate was cut in half: The county had 25 high-school students drop out during the first two months of school last year but only 11 this year. In

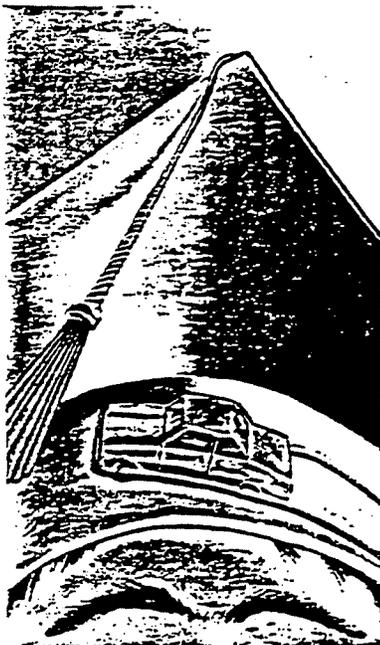
addition, 17 of last year's student dropouts re-entered either high school or adult education classes in pursuit of high school equivalency diplomas. That is about eight times as many teenage school dropouts returning to some form of education as the county experienced previously.

Dials attributes the improved situation to both the law's negative incentive and some positive changes in the school envi-

ronment. "We've worked hard at being a more inviting place and at providing positive reasons for students to be here. You can't

say for sure what's working and what isn't, but certainly for some kids, negatives work better than positives." —P.L.

*Rep. Donna L. Whiteman*



# Winfield Scott School

10th and Eddy  
Fort Scott, Kansas 66701-2597

RICHARD A. WERLING, Principal

(316) 223-04



Penelope S. Province  
Winfield Scott School  
10th and Eddy  
Fort Scott, Kansas 66701

2-27-89

Dear Rep. Whiteman:

While in Topeka last Monday with my daughter (who was a page), I was shown House Bill No. 2343. Because of my profession as an educator, I was interested in what you were proposing. I work with a group of fourth and fifth graders in the area of reading and I thought it would be fun (as well as enlightening) to discover how they felt about the bill. Their responses were not what I expected and I wanted to share them with you because all of us need positive feedback in any form we can get it!!!

The "carrot" idea is great, in my opinion, because what else is of most importance to our teenagers than getting and being allowed to drive "a set of wheels" and what is more important for them and our future than getting them educated and prepared for tomorrow? Anything that can keep our youth in school has my support!

If your time permits, please keep us informed as to what happens to #2343! You have our interest!!

Sincerely,

*Penelope S. Province* (C)

Pennie Province  
Resource Room Teacher for GTC

I agree with the bill because it encourages students to stay in school and they will learn more than if they skip school. It encourages students to work and not play and it also helps them to know driving is a privilege and not a right.

-Jeremy Braker (fourth grade)

I think you should have to have a diploma to get a licence because it might lower the population of drop-outs. I think the streets would also be a safer place because some drop-outs are on drugs or alcohol which causes wrecks.

I agree with lines 53 and 54 because it says: "...imprisonment in a jail or a penitentiary is not a circumstance beyond the control of such person." I can choose whether or not I go to jail by doing good or bad. If you are caught--then it is beyond your control--but you made that choice.

-Micha Kilburn (fifth grade)

I agree absolutely with this bill. I think that people should have to go to school or should have gone to school to be able to drive. If people drop out of school or skip school and they have a car to drive, they would probably be driving around and causing trouble. Besides, if people know that they won't be able to drive if they don't go to school--they will probably stay in school. As a result, the drop out rate will probably go down and more kids will get a good education.

-Angie Brown (fifth grade)

I agree with this bill because I think any person without an education should not be allowed to have a license to drive. We don't want them to think that driving is a right, not a privilege. I do agree in lines 36-37 that anyone 14 years of age should have an adult with a class A, B, or C license to drive with them. I also agree that they should take the most direct route to and from school and work. I also agree that anyone that gets below a C in Driver's Ed. should not be able to get a license because they didn't get most of the stuff right if they got below a C so they can't really know it to be able to drive. Thank you for listening to what we have to say and I hope that this bill passes.

-Ben Lyons (fourth grade)

Overall, I agree with your bill and I think it should be passed. You need to be schooled\* to be educated and you need to be educated to drive.

In line 51, I think more than 10 consecutive unexcused absences during a semester is too many. I think it should be slimmed down to 8.

\*I wouldn't consider home schooling dropping out.

-Daniel Swanwick (fifth grade)

I really think that this was an excellent bill. If I were a Kansas government official, I would vote for it. It would give young people a chance to get experience in driving and taking responsibility. However, I think this bill is a little rough on the driver. I also think 14 is too young to drive. 15 would be more like it. I think 14 is too young because think of all the accidents ninth-graders will be in! I think when a kid drops out of school--their license should be suspended right then.

I use to think your bill was about an eight but now it's a 9 and 1/4 = great!

-Matthew Grantham (fifth grade)

I really do think kids shouldn't drop out of school and they really do need a good education to drive. If they are not in school, they might not know some of the signs they run across.

-Drew Twigg (fourth grade)

I think that the bill is fair but I also think that you should be able to get a restricted license at the age of 14. You should be required to go through school because an education is important.

-Andy Spencer (fourth grade)

I AGREE! I think you should have to have a diploma or other certificate of graduation to show that you have gone all the way through school to drive. However, I don't think that fourteen years of age is old enough to be able to drive. I think that fifteen or sixteen is more like it. I think this because: One-if you get your license to drive a motor vehicle and you drop out of school you could just go around and steal things and two-it's a good idea to keep people in school.

-Mary Henry (fifth grade)

I agree with Bill 2343. I think you should have an education or a diploma if older than 14 years of age. In line 28 to 31 it said if enrolled and making satisfactory grades in a course leading to a general education development certificate (GED) from a state approved institution or organization or has obtained such certificate. I also think you should have your license suspended until you do better in school so students will try their best and not just goof around.

-Nick Oberst (fourth grade)

I think this bill is a very good idea. I didn't agree with some things like lines 47-49. I think they should suspend their license even though they did what the notice said to. I also did not agree with lines 65-69. I think the licensee's parents should help decide. I don't think this bill will pass because it might be too hard to enforce. It would make the schools responsible to report violations to the division of motor vehicles.

-Angie Sauerwein (fourth grade)

*Henderson Debut Test*



HB 2343

Testimony presented to the House Committee on Transportation  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas

Thursday, January 25, 1990

Mister Chairman and members of the committee: Please accept my apologies for not appearing in person. The annual meeting of United School Administrators of Kansas causes me to be out of town this afternoon.

Administrators are generally in support of measures which tend to keep kids in school. We are aware that in other states measures similar in concept to HB 2343 have served to lower drop out rates.

However, we are also aware that the potential for record keeping problems exist with this bill. The potential for students to play games with the 30 day notice provision of the bill also needs to be addressed.

These two concerns aside, United School Administrators would be happy to work with the State Department of Education and the Division of Motor Vehicles in the design of a system to expedite the intent of this bill.

*Att. 7*



Testimony on HB 2343  
before the  
House Transportation Committee

by

Bill Curtis, Assistant Executive Director  
Kansas Association of School Boards

January 25, 1990

Mr. Chairman and members of the Committee, we appreciate the opportunity to represent the 302 school districts comprising the membership of the Kansas Association of School Boards. Testimony was offered to this committee last March which opposed HB 2343. The statements made then still apply.

KASB opposed HB 2343 last session for two major reasons. The first is the administrative burden placed upon school districts by requiring them to report to the Division of Motor Vehicles upon application by a student for a license and also to report the withdrawal of a student. KASB has a minor concern with the definition of withdrawal. There is some inconsistency among school districts as to what constitutes an unexcused absence.

Secondly, KASB has more than a small concern about the liability placed upon school districts in this bill. What happens if a school district inadvertently misses reporting a student who has withdrawn and that student is involved in an accident?

We appreciate the time and attention of the Committee. We would urge you not to report HB 2343 favorably.