



Sanctions on Driving Privileges

Updated by Michael Colasanti

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Policymakers and educators are looking for ways to keep students in school and motivate them to do well while they are there. One method states are using is tying attendance, behavior and/or school academic performance to driving privileges.

These policies usually apply to 16- and 17-year-olds because 16 is the typical minimum age for a driver's license and 18 is the age of legal adulthood. For the compulsory school attendance ages for each state, see [Compulsory School Age Requirements](#) (Education Commission of the States, May 2004.)

Twenty-seven states have some type of policy connecting student attendance, behavior and/or achievement to the privilege of driving. Seventeen states condition driving privileges on compliance with school attendance requirements. Four states combine academic performance and attendance requirements as conditions of driver's license eligibility. Three states will revoke a student's driving privilege based on suspensions, expulsions and/or other safety infractions. Two states will revoke a student's driving privilege based on attendance infractions and/or suspensions, expulsions or other safety infractions. And one state conditions driving privileges based upon compliance with attendance, behavior and/or academic performance.

Little research has been completed on the effect these types of laws have on truancy or dropout rates, but state policymakers should consider that, for many teenagers, driving is real currency. Promoting this privilege as a reward for attending and succeeding in school resonates with many students. Districts and/or schools may incur administrative costs in collaborating with the department of motor vehicles, but still these can be relatively low-cost policies.

1) States that condition driving on compliance with attendance requirements:

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| Alabama | New Mexico |
| Arkansas | Ohio |
| California | Oklahoma |
| Delaware | Rhode Island |
| Florida | South Carolina |
| Georgia | Texas |
| Idaho | Virginia |
| Iowa | Wisconsin |
| Nevada | |

2) States that condition driving on compliance with attendance requirements and/or satisfactory progress in school:

Kentucky
Mississippi

North Carolina
West Virginia

3) States that condition driving on compliance with student behavior (i.e. suspensions, expulsions or other safety infractions):

Kansas
Louisiana

Oregon

4) States that condition driving on compliance with attendance requirements and/or student behavior (i.e. suspensions, expulsions or other safety infractions):

Illinois

Indiana

5) States that condition driving on compliance with attendance requirements and/or satisfactory progress in school and/or student behavior:

Tennessee

What Policymakers Should Keep in Mind:

- Clearly define the term “habitually truant.”
- Absences are easy to count and compare across districts. Defining and getting consensus on what constitutes “academic progress” could be more difficult.
- Establish explicit timelines for notifying the department of motor vehicles and between notification and revocation of license.
- States with policies that require students to be in school at the time of issuance of license might consider whether unacceptable numbers of students drop out after receiving a license.
- Policies should apply to all students equally across the state.
- Students should not be prohibited from taking driver education, only from getting an actual license.

Statutory Language

| State | Language |
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| <p>Alabama</p> <p>ALA. CODE § 16-28-40</p> | <p>The Department of Public Safety will deny a license or a learner's permit to any person under the age of 19 who does not, at the time of application, present a diploma from a secondary high school or documentation that the person: (a) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate; (b) is enrolled in a secondary school of this state or any other state; (c) is participating in a job training program; (d) is gainfully and substantially employed; (e) is a parent with the care and custody of a minor or unborn child; (f) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (g) is exempted from this requirement due to circumstances beyond his or her control as provided by law.</p> |
| <p>Arkansas</p> <p>ARK. CODE ANN. § 6-18-222(b)(2)</p> | <p>The penalty for excessive, unexcused absences for anyone under 18 is that a student's motor vehicle operator's license will be suspended. The licensee can retain or regain his or her license by providing evidence that he or she is attending school or an adult education program or has obtained a high school diploma or its equivalent.</p> |
| <p>California</p> <p>CAL. VEH. CODE § 13202.7</p> | <p>Any minor under the age of 18 years, but 13 years of age or older, who is a habitual truant can have his or her driving privilege suspended for one year by the court. If the minor does not yet have the privilege to drive, the court can order the department to delay issuing the privilege to drive for one year subsequent to the time the person becomes legally eligible to drive.</p> <p>When the juvenile court is considering suspending or delaying a minor's driving, the court will consider whether a personal or family hardship exists that requires the minor to have a driver's license for his or her own, or a member of his or her family's, employment or for medically related purposes.</p> <p>The suspension, restriction, or delay of a minor's driving privilege pursuant to this section shall be in addition to any other penalty imposed by law on the minor.</p> |
| <p>Delaware</p> <p>DEL. CODE ANN. tit. 14, § 2730(c)(6)-(7)</p> | <p>The Justice of the Peace Court may determine that a child is a truant and may suspend or revoke a student's a driver's permit, work permit, driver's license or hunting license. The student's permit or license will only be reissued with the permission of the court.</p> |

| State | Language |
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| <p>Florida</p> <p>FLA. STAT. ch. 322.091</p> | <p>A minor is not eligible for driving privileges unless that minor: (a) is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements; (b) has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion; (c) is enrolled in a study course in preparation for the Test of General Educational Development and satisfies relevant attendance requirements; (d) is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements; (e) has been issued a certificate of exemption; or (f) has received a hardship waiver under this section.</p> <p>The department may not issue a driver's license or learner's driver's license to, or will suspend the driver's license or learner's driver's license of, any minor concerning whom the department receives notification of noncompliance with the requirements of this section.</p> |
| <p>Georgia</p> <p>GA. CODE ANN. § 40-5-22(a.1)</p> | <p>The department will not issue an instruction permit or driver's license to anyone under 18 unless the applicant presents acceptable proof that he or she has received a high school diploma, a general educational development (GED) diploma, a special diploma, or a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school or the records of the department indicate that the applicant is enrolled in and not under suspension from a public or private school and has satisfied relevant attendance for one academic year prior to application for an instruction permit or driver's license; or is enrolled in a home education program that satisfies the requirements of all state laws governing such courses.</p> |
| <p>Idaho</p> <p>IDAHO CODE § 49-303A</p> | <p>The department may issue a driver's license to a minor younger than 18 years of age if the minor: (a) has received a high school diploma or a certificate of high school completion; (b) is enrolled in a public or private school and satisfies relevant attendance requirements; (c) is enrolled in a study course in preparation for a test of general educational development and satisfies relevant attendance requirements; (d) is enrolled in a home education program; (e) is enrolled in an accredited college or university; (f) is enrolled in a postsecondary vocational program or a postsecondary adult vocational program and satisfying relevant attendance requirements; (g) is enrolled in a job training program pursuant to state or federal law and satisfying relevant attendance requirements; or (h) is enrolled in other educational activities approved by the board of trustees of the school district and satisfying relevant attendance requirements.</p> |

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| <p>Illinois</p> <p>105 ILL. COMP. STAT. 5/26-3a, 625 ILL. COMP. STAT. 5/6-107</p> | <p>The clerk or secretary of the school board of all school districts shall furnish quarterly on the first school day of October, January, April and July to the regional superintendent and to the Secretary of State a list of pupils, excluding transferees, who have been expelled or have withdrawn or who have left school and have been removed from the regular attendance rolls during the period of time school was in regular session from the time of the previous quarterly report. Such list shall include the names and addresses of pupils formerly in attendance, the names and addresses of persons having custody or control of such pupils, the reason, if known, such pupils are no longer in attendance and the date of removal from the attendance rolls.</p> <p>No graduated driver's license shall be issued to any applicant who is under 18 years of age and not legally emancipated by marriage, unless the applicant has graduated from a secondary school, is enrolled in a course leading to a general educational development (GED) certificate, has obtained a GED certificate, is enrolled in an elementary or secondary school or college or university of this State or any other state and is not a chronic or habitual truant as provided in Section 26-2a of the School Code [105 ILCS 5/26-2a], or is receiving home instruction and submits proof of meeting any of those requirements at the time of application.</p> |
| <p>Indiana</p> <p>IND. CODE §§ 9-24-2-1, 20-33-2-11</p> | <p>A driver's license or a learner's permit will not be issued to an individual under 18 who is considered a habitual truant, is under at least a second suspension from school for the school year, is under an expulsion from school or has withdrawn from school, for a reason other than financial hardship.</p> |
| <p>Iowa</p> <p>IOWA CODE § 299.1B</p> | <p>A person who does not attend a public school, an accredited nonpublic school, competent private instruction, an alternative school, or adult education classes shall not receive an intermediate or full driver's license until age eighteen.</p> |
| <p>Kansas</p> <p>KAN. STAT. ANN. § 72-89c02</p> | <p>Whenever a pupil who has attained the age of 13 years has been found in possession of a weapon, controlled substance or illegal drug at school, upon school property, or at a school-supervised activity or has engaged in behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others, the chief administrative officer of the school shall make an immediate report of the pupil's act to the appropriate law enforcement agency. Upon receipt of the notice, the division of vehicles shall suspend the pupil's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension shall be for a period of one year. Upon expiration of the period of suspension, the pupil may apply to the division for return of the license.</p> |

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| Kentucky KY. REV. STAT. ANN. § 159.051 | <p>When a student under the age of 18 drops out of school or is declared to be academically deficient, the school administrator or his designee will notify the superintendent of schools of the district in which the student is a resident or is enrolled. The reports are to be made at the end of each semester but may be made earlier in the semester for accumulated absences. A student is deemed to have dropped out of school when he has nine (9) or more unexcused absences in the preceding semester. Any absences due to suspension are considered unexcused absences. A student is deemed to be academically deficient when he has not received passing grades in at least four courses, or the equivalent of four courses, in the preceding semester.</p> |
| Louisiana LA. REV. STAT. ANN. § 32:431 | <p>Expulsion or suspension from school for ten or more consecutive school days or an assignment to an alternative educational setting for ten or more consecutive school days in accordance with any policy of the school or of the local public school board, limited to expulsions, suspensions, and assignments to alternative educational settings for infractions involving the sale or possession of drugs, alcohol, or any other illegal substance, the possession of a firearm, or an infraction involving assault or battery on a member of the school faculty or staff is cause for suspension of license.</p> |
| Mississippi MISS. CODE ANN. § 63-1-9(1)(g) | <p>In order to obtain a license or learner's permit, anyone under 18 must present a diploma or other certificate of high school graduation or GED or documentation that the person is enrolled and making satisfactory progress in a course leading to a high school diploma or GED.</p> |
| New Mexico N.M. ADMIN. CODE tit. 6, § 10.8.8(B) | <p>The children's court can order a habitual truant's driving privileges to be suspended for a specified time not to exceed 90 days on the first finding of habitual truancy and not to exceed one year for a subsequent finding of habitual truancy.</p> |
| Nevada NEV. REV. STAT. § 62E.430 | <p>The first time a juvenile 14 years of age or older is judged to be a habitual truant – defined in NEV. REV. STAT. § 392.140 – the juvenile court must order the student's driving privileges to be suspended for a specified time of at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court must prohibit the child from applying for a driver's license for 30 days.</p> <p>The second or any subsequent time a juvenile 14 years of age or older is judged to be a habitual truant, the juvenile court must order the suspension of the driver's license of the child for a specified time of least 60 days but not more than one year. If the child does not possess a driver's license, the juvenile court must prohibit the child from applying for a driver's license for 60 days.</p> |

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| <p>North Carolina</p> <p>N.C. GEN. STAT. § 20-11(n)</p> | <p>Anyone under 18 who wants to obtain a permit or license must have a high school diploma or its equivalent or must have a driving eligibility certificate. To obtain a driving eligibility certificate, the student must meet one of the following conditions: (a) person must be currently enrolled in school and making program toward a high school diploma; (b) a substantial hardship would exist if the certificate is not issued; or (c) person cannot make progress toward obtaining a diploma or certificate.</p> |
| <p>Ohio</p> <p>OHIO REV. CODE ANN. § 4510.32</p> | <p>A juvenile's license will be denied or suspended if the department of motor vehicles is notified that the juvenile has withdrawn from school, and has not enrolled in another program leading to a diploma or equivalent, or is a habitual truant.</p> |
| <p>Oklahoma</p> <p>OKLA. STAT. tit. 47, § 6-107.3</p> | <p>The Department of Public Safety denies a license, restricted license, or permit to anybody under 18 who does not, at the time of application, present documentation that he/she: (a) is a student enrolled in a public or private secondary school; (b) has received a diploma or certificate of completion issued to the person from a secondary school; (c) is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued by the state department or has obtained such certificate; (d) or is excused from such requirement.</p> <p>Also, anyone under 18 must have successfully passed the criterion-referenced reading test required for all eighth grade students or an alternative reading proficiency.</p> <p>A person under 18 who does not meet these requirements can receive or retain a driver's license if that person works at least 24 hours per week.</p> |
| <p>Oregon</p> <p>OR. REV. STAT. § 339.254</p> | <p>A school district board may establish a policy regarding when a school superintendent or the board may file with the Department of Transportation a written request to suspend the driving privileges of a student or the right to apply for driving privileges. Such policy shall include a provision authorizing the superintendent or the school district board to file with the Department of Transportation a written request to suspend the driving privileges of a student or the right to apply for driving privileges only if the student is at least 15 years of age and: (a) the student has been expelled for bringing a weapon to school; (b) the student has been suspended or expelled at least twice for assaulting or menacing a school employee or another student, for willful damage or injury to school property or for use of threats, intimidation, harassment or coercion against a school employee or another student; or (c) the student has been suspended or expelled at least twice for possessing, using or delivering any controlled substance or for being under the influence of any controlled substance at a school or on school property or at a school sponsored activity, function or event.</p> |

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| Rhode Island R.I. GEN. LAWS § 14-1-32(5) | If the court finds that a child is delinquent, wayward, neglected, or dependent the court may revoke, suspend and/or reinstate a juvenile's driving privileges including both the learning license and/or driver's license of any juvenile deemed wayward as a result of the family court finding the child truant pursuant to chapter 19 of title 16 and/or wayward/delinquent. |
| South Carolina S.C. CODE ANN. § 56-1-176 | The department may not issue a license or permit to someone under 18 unless the person has a high school diploma or GED or is enrolled in a public or private school or is home schooled and has conformed to the attendance laws, regulations, and policies of the school, school district, and the state board, and person is not suspended or expelled from school. |
| Tennessee TENN. CODE ANN. §§ 49-6-3017, 55-50-515 | <p>The department of safety will deny a license or permit to any person under 18 years of age who does not at the time of application present a diploma or other certificate of, or documentation that the person is: (a) enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained such certificate; (b) enrolled and making satisfactory academic progress in a secondary school of this state or any other state; or (c) excused from such requirement due to circumstances beyond the applicant's control.</p> <p>Also, any students who have committed an offense resulting in a mandatory one year suspension or expulsion from school may have their driving privileges revoked for up to two years or until they turn 18.</p> |
| Texas TEX. TRANSP. CODE ANN. § 521.204(a)(3) | A Class C driver's license can be issued to an applicant under 18 years of age only if the applicant has obtained a high school diploma or its equivalent; has been enrolled in secondary education for at least 80 days in the fall or spring semester preceding the date of the driver's license application or has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam. |
| Virginia VA. CODE ANN. § 46.2-334(4) | In order to receive a drivers license, a minor under 18 years old must present a high diploma or other certificate of completion or must be regularly attending school and be in good academic standing. |
| West Virginia W. VA. CODE § 18-8-11(a) | If an individual is under 18 and does not have a high school diploma, he or she can receive a license or permit only if he or she: (a) is enrolled and making satisfactory progress in a course leading to a GED; (b) is enrolled in a secondary school; (c) is excused from the requirement due to circumstances beyond his or her control; or (d) is enrolled in an institution of higher education as a full-time. |

| State | Language |
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| Wisconsin Wis. STAT. § 118.163(2m)(a) | A county, city, village or town may enact an ordinance permitting a court to suspend the operating privilege of a person who is at least 16 years of age but less than 18 years of age and is a dropout. The ordinance will provide that the court may suspend the person's operating privilege until the person reaches the age of 18. The court will immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension. |

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