



South Dakota Legislative Research Council

Issue Memorandum 96-09

MINIMUM DRIVING AGE

This past legislative session the House of Representatives considered a bill to raise the minimum age to drive a motor vehicle on the highways of this state from fourteen to fifteen. The bill, introduced to address safety concerns, failed primarily because of the inconvenience such a change would place on the agricultural industry and on the ability of fourteen year olds to get to school and to work. In the debate over this bill numerous questions arose about the status of our current laws governing the driving privileges of minors and about the driving statistics related to these young and inexperienced drivers. Questions about how our law compared with other states and about how our law has changed over the years were also posed. This memorandum addresses these questions.

Current Law

In this state the minimum age to receive a regular driver's license is sixteen. A person who is at least fourteen years of age, however, may acquire driving privileges by the means of an instruction permit or a restricted minor's permit.

An *instruction permit* may be issued to a person at least fourteen years of age who has successfully passed all parts of an examination other than the driving test and paid the eight-dollar permit fee. The permit

allows the person to drive a motor vehicle upon the public highways for a period of one hundred eighty days if accompanied by a licensed driver who is at least eighteen years of age, has had at least one year of driving experience, and who is occupying a seat beside the driver. A motorcycle instruction permit allows the person to operate a motorcycle during the hours of 6 a.m. to 8 p.m. if accompanied by a licensed driver who is at least eighteen years of age, has at least one year of driving experience, and who is driving another motorcycle along with the permit holder. The motorcycle instruction permit is valid for thirty days.

A *restricted minor's permit* may be issued to a person between the ages of fourteen and sixteen, inclusive, who has successfully passed all examination tests and paid the eight-dollar permit fee. The driving test may be waived if the person has completed a driver education course. The permit allows a person to operate a motor vehicle during the hours of 6 a.m. to 8 p.m. if the motor vehicle is being operated with the permission of the minor's parents or guardian and during the hours of 8 p.m. to 6 a.m. if the motor vehicle is being operated under the direction of the minor's parent or guardian who is occupying a seat beside the driver. The restrictions as to time of operation and operation under the direction of a parent or guardian do not apply to the operation of a self-propelled agricultural

machine (a farm tractor, a combine, etc.) not subject to vehicle registration. The restrictions under this restricted minor's permit no longer apply once the minor reaches the age of sixteen.

The restricted permit does not allow the operation of a motor vehicle used for mining or logging operations, used in the construction of highways, used in the construction of stock water dugouts or dams, or on which a sawmill is mounted. The restricted permit also does not allow the operation of a motor vehicle in excess of twenty thousand pounds gross vehicle weight except the operation of a self-propelled agricultural machine which is not subject to registration.

A restricted permit is issued on a probationary basis. The permit will be suspended for a period of thirty days upon receipt of a record of a traffic violation or a violation of the restricted permit. Upon a second violation, the restricted permit will be revoked until the minor's sixteenth birthday or for a period of ninety days, whichever period is longer.

In South Dakota, any person under the age of eighteen who applies for a driver's license, an instruction permit, or a restricted minor's permit must have the signed permission of a parent, a guardian, or if none, then by another responsible adult. The law provides that any person who has signed the application for a minor for a license or permit may request the license or permit to be canceled. The law also provides that upon the death of the person who signed the application the license or permit must be canceled and the minor cannot be issued a new license or permit until a new application, duly signed, is filed.

Driver Statistics Involving Minors

In 1995 there were 3,774 fourteen year olds and 7,495 fifteen year olds permitted to drive in the state. This compares to 1,946 fourteen year olds and 5,570 fifteen year olds permitted in 1986. This is almost a fifty percent increase in the number of fourteen and fifteen year olds permitted over the course of the last ten years. In 1995 fourteen year olds represented only 0.7 percent of the drivers in the state and fifteen year olds represented 1.4 percent of the total drivers. The growth of the number of fourteen and fifteen year old drivers is shown in the charts on page 3. In 1995 there were 322 revocations of restricted minor's permits and 1,575 suspensions of these permits for violations of traffic laws or the restricted permit. This appears to be a typical year for revocations and suspensions. This computes to a little less than three percent of the restricted minors permits being revoked each year and almost fourteen percent of these permits being suspended.

Each year about 6,500 teenagers take a driver education course offered by one of 158 public and nonpublic schools. Driver education is not required to be part of a school's curriculum as it is some other states.

As far as accident statistics are concerned, in 1995 there were 403 fourteen year olds and 947 fifteen year olds involved in reportable traffic accidents. This compares to 208 fourteen year olds and 488 fifteen year olds involved in accidents in 1986. This is almost a ninety percent increase in the number of fourteen and fifteen year olds involved in reportable traffic accidents compared to 1986. In 1995 fourteen year old drivers involved in traffic accidents represented 1.3 percent of the total drivers involved in traffic accidents

CHART 1

FOURTEEN YEAR OLD DRIVERS

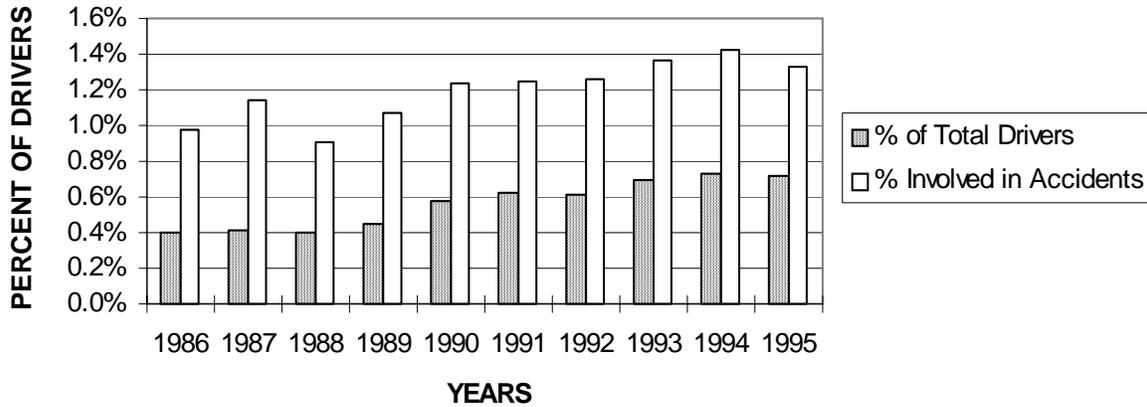
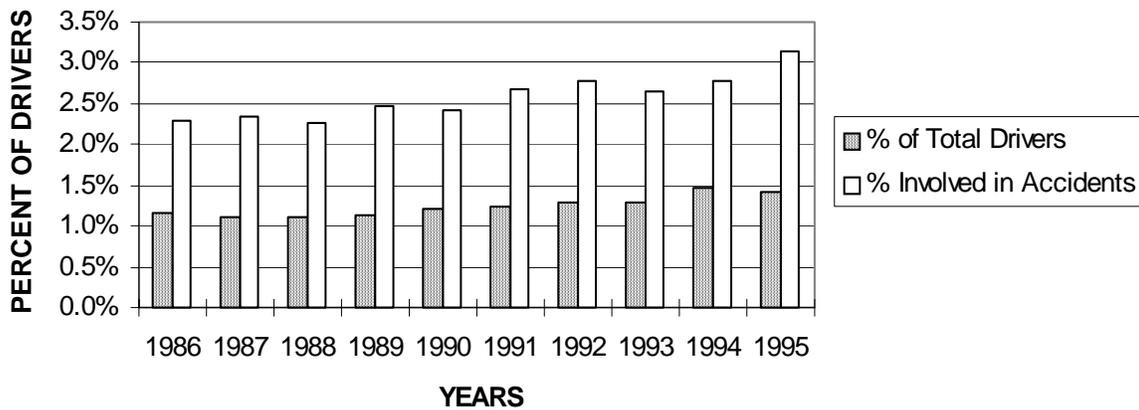


CHART 2

FIFTEEN YEAR OLD DRIVERS



and fifteen year olds represented 3.1 percent of the total drivers involved in traffic accidents. This is almost double the fourteen and fifteen year old ratio to all licensed drivers and reflects the driving inexperience of these young drivers. The charts on page 3 show that fourteen and fifteen year old drivers have been over represented in traffic accidents the past ten years.

Laws in Other States

North Dakota

The minimum age for a regular driver's license is sixteen years of age. North Dakota has an instruction permit for persons at least fourteen years of age which is similar to our instruction permit. North Dakota also has a restricted license for fourteen and fifteen year olds. These minors are required to complete a driver education course before they are issued a license. A couple of differences worth noting is that a minor with a restricted license may drive an automobile without being accompanied by an adult at any time and a minor may drive a farm motor vehicle having a gross weight of fifty thousand pounds when used for farming purposes within one hundred fifty miles of the driver's farm.

Minnesota

The minimum age for a regular driver's license is eighteen. However, a person at least sixteen years of age can obtain a regular driver's license after completing a course in driver education. Minnesota has an instruction permit for persons fourteen to seventeen years of age which is also similar to ours. They also have a restricted license for farm work for fifteen year olds. A person with such a license can operate a motor vehicle only during daylight hours and only within a radius of twenty miles of

the farmhouse. Such a person cannot drive a vehicle in a city with a population of more than one hundred thousand. The application for the restricted license has to be accompanied by a written statement by the applicant's parent or guardian setting forth the necessity for the license.

Iowa

The minimum age for a regular driver's license is eighteen. However, persons sixteen years of age and older who have successfully completed a driver education course can also obtain a regular driver's license. By law, all public schools in Iowa are required to offer or make driver education available to all students.

Persons at least fourteen years of age can obtain an instruction permit which is valid for up to two years. Under this instruction permit, persons sixteen years of age and older must be accompanied by a licensed driver who is at least eighteen years of age. A person under the age of sixteen must be accompanied by a parent or guardian, a member of the person's immediate family if the family member is at least twenty-one years of age, a driver education instructor, or a person who is twenty-five years of age or more if written permission is granted by a parent or guardian.

A special restricted permit and special license is also available for minors. A person between the ages of sixteen and eighteen who is not in school may get a special restricted permit for travel to and from work. Also upon the certification of a special need by the school board or superintendent of school, a person at least fourteen years of age can obtain a special minor's license. This special license allows the minor to drive during the hours of 6 a.m. to 10 p.m. over the most

	Minimum Age for Driver's License				Minimum Age for Driver's License		
	Regular	Learner's	Restrictive		Regular	Learner's	Restrictive
Alabama	16	15	14	Montana	18	14 yrs. & 6 mos.	13
Alaska	16	14	14	Nebraska	16	15	13
Arizona	18	15 yrs. & 7 mos.	16	Nevada	16	15 yrs. & 6 mos.	14
Arkansas	16	14	14	New Hampshire	18		16
California	18	15 yrs. & 6 mos.	16	New Jersey	17	17	16
Colorado	21	15 yrs. & 6 mos.	15 yrs. & 3 mos.	New Mexico	16	15	14
Connecticut	16	16		New York	17	16	16
Delaware	18	15 yrs. & 10 mos.	16	North Carolina	18	15	16
Florida	16	15	15	North Dakota	16	14	14
Georgia	16	15	16	Ohio	18	16	16
Hawaii	18	15	15	Oklahoma	16	15 yrs. & 6 mos.	15 yrs. & 6 mos.
Idaho	17	15	15	Oregon	16	15	14
Illinois	18	16	16	Pennsylvania	16	16	16
Indiana	18	16	16 yrs. & 1 mo.	Rhode Island	16	16	16
Iowa	18	14	14	South Carolina	16	15	15
Kansas	16	14	14	South Dakota	16	14	14
Kentucky	18	16	16	Tennessee	16	15	14
Louisiana	16	14	17	Texas	16	15	15
Maine	17	15	16	Utah	16	16	15 yrs. & 9 mos.
Maryland	18	15 yrs. & 9 mos.	16	Vermont	18	15	16
Massachusetts	17	16 yrs. & 6 mos.	16 yrs. & 6 mos.	Virginia	18	15	16
Michigan	18	15	16	Washington	18	15	16
Minnesota	18	15	15	West Virginia	18	15	16
Mississippi	16	15		Wisconsin	18	15 yrs. & 6 mos.	16
Missouri	16	15 yrs. & 6 mos.	15 yrs. & 6 mos.	Wyoming	16	15	14

direct and accessible route between the minor's home and school. Under this

special license, the minor may also drive at anytime under the same supervision as required for the instruction permit.

Nebraska

The minimum age for a regular driver's license is sixteen. Nebraska has a couple of learner's permits, a school permit and a farm permit available to certain minors under the age of sixteen. One learner's permit is available to persons learning to drive in preparation for application for a school permit. The permit is valid for two months and the person must be accompanied by a parent or guardian or a licensed driver over the age of nineteen who is authorized by the parent or guardian. Another learner's permit is available to a person who is at least fifteen years of age. This permit is valid for a period of one year and the person must be accompanied by a licensed driver over the age of nineteen. The school permit allows a minor at least fourteen years of age to drive a motor vehicle to and from school. The minor must live at least one and one-half miles from school and must either reside outside the city limits of a city with a population of more than five thousand or attend a school outside the city limits. Also under a school permit the minor may transport only family members to and from school. The farm permit allows minors to operate farm tractors and other implements of farm husbandry on the highways for a period of six months. This permit can be renewed. A person who is at least thirteen years of age and resides upon a farm or a person who is at least fourteen years of age and is employed upon a farm can obtain a permit after demonstrating to an examiner knowledge of the operation of such equipment and of the rules of the road.

Wyoming

The minimum age for a regular driver's

license is sixteen. Wyoming has an instruction permit and a restricted license available to minors under the age of sixteen. A person who is at least fifteen years of age can obtain an instruction permit which is valid for one year. Under this permit the minor must be accompanied by a person at least eighteen years of age who has been a licensed driver for at least one year. The restricted license is available to a person at least fourteen years of age who can pass an examination and show to the Highway Patrol that an "extreme inconvenience" exists. The law provides that an "extreme inconvenience" is when the person must drive to a school which is more than five miles from the minor's residence, the minor has a regular job more than five miles from the minor's residence, the minor must have the license to work in the family business, or any other circumstance found by the Highway Patrol to be an extreme inconvenience. Under the restricted license, the minor may drive a vehicle only between the hours of 5 a.m. and 8 p.m. within a fifty-mile radius of the minor's home and only at the direction of a parent or guardian. The restricted license is automatically suspended upon the first conviction of a moving violation.

Montana

The minimum age for a regular driver's license is eighteen. Those persons sixteen years of age and older receive a provisional license which gives them full driving privileges. However, a provisional license may be suspended for a period of up to a year for a conviction of careless or negligent driving. A person at least fifteen years of age can get a provisional license if the person has passed a driver education course. A person at least thirteen years of age can get a restricted license for transportation to a school or a school bus and in cases of

proven “dire family need.” An instruction permit and learner license are also issued. An instruction permit is available to a person at least fifteen years of age who passes a knowledge test and vision examination. This instruction permit entitles the minor, for a period of six months, to drive a motor vehicle while being accompanied by a licensed driver. A traffic education learner license is available to a person who is at least fourteen and one-half years of age and who has successfully completed or is participating in a traffic education course. The license entitles the minor to operate a motor vehicle only when accompanied by an instructor or licensed parent or guardian and may be restricted to specific times or areas.

Evolution of Minor Driving Permits

Legislation enacted by the 1953 Legislature created the first form of driving permit or license in the state. Beginning January 1, 1954, driving permits were required of all persons driving licensed motor vehicles. These permits were obtained from county treasurers. There were no age requirements and no tests that had to be taken to obtain a permit.

The 1955 Legislature revised the driver permit law to include an age requirement. Minors, thirteen to fifteen years of age, inclusive, were allowed to drive only with a restricted school permit, with a restricted farm work permit, or as part of a driver education course. The restricted school permit and the restricted farm work permit were obtained through the county treasurer’s office at no cost to the applicant. The applicants for both permits also had to pass a driver test given by any member of the state highway patrol. This test was also given at no cost to the applicant. A restricted school permit allowed the minor to operate a motor

vehicle during the hours of 6 a.m. to 7 p.m. over the most direct and accessible route between the minor’s residence and the minor’s school. The application for the school permit also required an affidavit from the clerk of the school board or the superintendent of the school justifying the issuance of a permit. The law also provided that if a minor resided less than one mile from the school that was prima facie evidence of the nonexistence of any necessity for the issuance of a restricted school permit. A restricted farm work permit allowed the minor to operate a motor vehicle if the vehicle was being operated for the direct purpose of assisting the minor’s parents or legal guardian in any and all phases of farm work. The applicant had to show the necessity for the work permit. There were no time restrictions on the farm work permit. Minors over the age of fourteen were allowed to drive a motor vehicle used in driver education courses when accompanied by a driver education instructor who was the holder of a valid driver’s permit, over the age of twenty-one, and actually occupying the seat beside the driver.

In 1959 county treasurers were taken out of the business of issuing driver permits. The Department of Motor Vehicles was given the responsibility of giving driver tests and issuing driver’s licenses. The minimum age to legally drive a motor vehicle, including a motorcycle, was raised to fourteen. Under this new licensing law those persons under the age of sixteen and at least fourteen years of age could drive after obtaining an instruction permit, a restricted school permit, or a restricted farm work permit.

Under this 1959 law, an instruction permit allowed the minor to drive a motor vehicle upon the public highways for a period of

sixty days when accompanied by a licensed driver who had at least one year of driving experience. An instruction permit could be renewed for an additional period of ninety days. This was revised in 1977 to allow for a permit period of one hundred eighty days and no renewal period. An instruction permit was, in the early 1960s, also given to persons enrolled in driver-education programs to operate a motor vehicle on designated highways when accompanied by an approved instructor. This provision was repealed in 1966 when driver education students were exempt from licensing requirements while driving with an instructor. In 1992 provisions were added to the law to provide for a motorcycle driver's instruction permit which is valid for thirty days.

The provisions for a restricted school permit established in 1959 remained basically unchanged from the previous permit with the only real changes being that the applicant had to pass a test and pay a fee before getting the permit. The restricted farm work permit, on the other hand, became subject to more restrictions. Applicants for this permit were also required to pass a test and pay a fee before getting the permit. In addition, the use of the permit was limited. A permittee could only drive a motor vehicle with a gross vehicle weight of 20,000 pounds or less and this vehicle could only be driven to assist the permittee's parents or legal guardian with farm work. The use of the vehicle was limited to within fifty miles of the farm house. The time a permittee could drive under the permit was also limited to 6 a.m. to 7 p.m.

In 1959, the requirement was added for minor driver's license or permit applications to be signed by either the father, mother, or guardian, or, if none, then by another

responsible adult. The law also provided for the cancellation of the license or permit at the request or upon the death of the signing adult.

Legislation was passed in 1963 and 1965 revising the use of the restricted farm work permit. In 1963 the law was changed to allow a minor to drive for other employers besides the minor's parents or legal guardian while performing farm work. In 1965 persons with this permit were prohibited from operating a motor vehicle on which was mounted a sawmill or a motor vehicle used for mining or logging operations, used in the construction of highways, or used in the construction of stock water dugouts or dams. These restrictions still exist for restricted minor's permits.

In 1967 the restricted school permit and the restricted farm work permit were combined into the restricted minor's permit we have today. This change greatly expanded the conditions under which a fourteen or fifteen year old could drive. Under this new restricted permit such minor could operate a motor vehicle from 6 a.m. to 7 p.m. if the motor vehicle was being operated under the "direction" of the minor's parent or legal guardian or when accompanied by a licensed operator who was at least eighteen years old and had at least one year of driving experience. Consequently, minors were no longer limited in their driving to going to and from school and for farm work.

Stiffer penalties for violations were also provided in 1967. Prior to that time the restricted permits were considered probationary and the commissioner of motor vehicles, upon good cause, could revoke a permit at any time. This year it was placed into a statute that a conviction for a traffic violation or a conviction for a violation of

the restricted permit would result in revocation of the restricted permit until the minor's sixteenth birthday. Subsequently, in 1973, this was liberalized when legislation was passed making it a thirty-day suspension for a first conviction and revocation until the sixteenth birthday upon a second conviction. In 1984 and 1989 this law was further revised to make a revocation for a second conviction until the minor's sixteenth birthday or for ninety days, whichever period is longer. This remains the law today.

Since 1967, three changes have further expanded the driving privileges of persons with a restricted minor's permit. In 1971, the fifty-mile restriction on these permits was removed. In 1977, the law was revised to allow a person with such a permit to operate a motor vehicle during the hours of 7 p.m. to 6 a.m. if the motor vehicle is being operated under the direction of the minor's parent or legal guardian who is occupying a seat beside the driver. In 1982, the hours a minor could drive without an adult present were extended from 7 p.m. to 8 p.m.

Conclusion

The minimum driving age in the state was first established at thirteen in 1955 and has been fourteen since 1959. In the beginning fourteen and fifteen year olds were only allowed to drive to and from school and to perform farm labor. Over the course of the last forty years many restrictions on teenage driving have been eased or eliminated. Compared to all fifty states, our minimum driving age is relatively low but it is

comparable to many of our surrounding states which share with us a large agricultural influence and large distances to travel to and from school and work.

The number of permitted drivers fourteen and fifteen years of age has been increasing for the past decade. In addition, the number of fourteen and fifteen year old drivers has been increasingly over represented in the number of traffic accidents each year. These factors are especially becoming more noticeable in the urban areas of the state. Unless these trends change, the minimum driving age will probably remain a legislative issue in the future as the Legislature continues to weigh the safety concerns caused by inexperienced young drivers against the convenience to minors and their parents which results when minors are allowed to drive to work, to school and for pleasure with fewer restrictions.

This issue memorandum was written by David L. Ortbahn, Principal Research Analyst for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.
