

IN THE SENATE

SENATE BILL NO. 1087

BY EDUCATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-303A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DRIVER'S LICENSES OR PERMITS ISSUED TO CERTAIN PERSONS UNDER THE AGE OF EIGHTEEN YEARS, TO INCLUDE PROVISIONS RELATING TO MAINTAINING SATISFACTORY ACADEMIC PROGRESS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-303A, Idaho Code, be, and the same is hereby amended to read as follows:

49-303A. DRIVER'S LICENSE OR PERMITS ISSUED TO CERTAIN PERSONS UNDER THE AGE OF EIGHTEEN YEARS. (1) Attendance and maintaining satisfactory academic progress requirements. The department may issue a driver's license, a class D driver's training instruction permit, a class D supervised instruction permit, or a class D instruction permit to a minor younger than eighteen (18) years of age if, at the time of application, the minor:

(a) Has received a high school diploma, a high school equivalency diploma, a special diploma or a certificate of high school completion;

(b) Is enrolled in a public or private school and satisfies relevant attendance requirements and is maintaining satisfactory academic progress toward high school graduation;

(c) Is enrolled in a study course in preparation for a test of general educational development and satisfies relevant attendance requirements and is maintaining satisfactory academic progress;

(d) Is enrolled in a home education program and satisfies the requirements of rules of the state board of education and the state department of education for such programs; provided that students shall be in compliance with the requirements and have been enrolled in the home education program for at least one (1) school year prior to verification of the attendance request, unless documentation of meeting the requirements of this section in the school year contiguous to enrollment in the home education program can be provided;

(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 and is maintaining satisfactory academic progress;

(g) Is enrolled in a job training program pursuant to state or federal law and satisfying relevant attendance requirements and is maintaining satisfactory academic progress; or

(h) Is enrolled in other educational activities approved by the board of trustees of the school district and satisfying relevant attendance requirements and is maintaining satisfactory academic progress.

1 (2) (a) An applicant for a driver's license who is under the age of
2 eighteen (18) years shall provide written verification of compliance
3 with the requirements of subsection (1) of this section or receipt of a
4 waiver therefrom pursuant to subsection (3) of this section to the de-
5 partment. The necessary verification shall be obtained from the school
6 district. If the applicant is enrolled in or has graduated from a pri-
7 vate high school, the verification shall be obtained by the applicant
8 from the governing body of the private school. A school district shall
9 not refuse to provide written verification of compliance with the re-
10 quirements of this section to the department.

11 (b) Schools may implement interventions designed to improve student
12 attendance and student academic progress with their district policies
13 and procedures.

14 (c) When applying for a license or any instruction permit, an appli-
15 cant under age eighteen (18) years must provide written verification to
16 the department of compliance with the requirements of subsection (1) of
17 this section or receipt of a waiver therefrom, pursuant to subsection
18 (3) of this section. Written verification shall be obtained from the
19 applicant's school. The applicant's school shall not refuse to provide
20 written verification of compliance with the requirements of this sec-
21 tion to the department.

22 (3) (a) A public school principal, or the principal's designee, or the
23 designee of the governing body of a private school shall provide written
24 notification to a minor and the minor's parent, guardian or custodian
25 of the school district's or private school's intent to request that the
26 department suspend the minor's driving privileges because the minor has
27 dropped out of school and has failed to comply with the requirements of
28 subsection (1) of this section.

29 (b) The minor or the parent, guardian or custodian of the minor shall
30 have fifteen (15) calendar days from the date of receipt of this notice
31 to request a hearing before the public school principal, or the prin-
32 cipal's designee, or the designee of the governing body of a private
33 school for the purpose of reviewing the pending suspension. The hearing
34 shall be conducted within thirty (30) calendar days after the public
35 school principal, or the principal's designee, or the designee of the
36 governing body of a private school receives the request.

37 (c) The public school principal, or the principal's designee, or the
38 designee of the governing body of a private school shall waive the re-
39 quirements of subsection (1) of this section for any minor under its
40 jurisdiction for whom a personal or family hardship requires that the
41 minor have a driver's license for his or her own or his or her family's
42 employment or medical care. The public school principal, or the prin-
43 cipal's designee, or the designee of the governing body of a private
44 school shall take into account the recommendations of teachers, other
45 school officials, guidance counselors or academic advisors prior to
46 granting a waiver to the requirements of subsection (1) of this section.

47 (d) The hardship waiver provided in paragraph (c) of this section shall
48 be requested, if desired by the minor or the minor's parent, guardian or
49 custodian at the initial hearing.

1 (4) Any person denied a hardship waiver by a public school principal,
2 or the principal's designee, or the designee of the governing body of a pri-
3 vate school may appeal the decision to the board of trustees of the school
4 district or the governing body of the private school. The public or private
5 school shall notify the department of all students not in compliance with
6 subsection (1) of this section or who have been granted a hardship waiver
7 pursuant to subsection (3) of this section.

8 (5) Upon receiving written verification that the reinstatement fees
9 have been paid and the minor is again in compliance with the requirements of
10 subsection (1) of this section, the department shall reinstate the minor's
11 privilege to drive. Thereafter, if the school district determines that the
12 minor is not in compliance with the requirements of subsection (1) of this
13 section, the department shall suspend the minor's driving privilege until
14 the minor is eighteen (18) years old or otherwise satisfies the requirements
15 of subsection (1) of this section, whichever occurs first.

16 (6) The department shall report quarterly to each school district the
17 disposition of all requests to suspend driver's licenses of students of that
18 district. Beginning with the 1996-97 school year, each school district
19 and each private school shall report the number of notifications issued of
20 possible student driver's license suspensions based on nonattendance, re-
21 quests to the department to suspend a driver's license and student driver's
22 licenses actually suspended.