

A bill for an act

relating to drivers' licenses; requiring school attendance as a condition of obtaining instruction permits and drivers' licenses for applicants under 18; amending Minnesota Statutes 2010, sections 13.32, subdivision 3; 171.02, subdivision 3; 171.04, subdivision 1; 171.05, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 171.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

(c) pursuant to a statute specifically authorizing access to the private data;

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;

(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by section 626.556. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

(1) information regarding the student alleged to have been maltreated;

(2) information regarding student and employee witnesses;

(3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;

(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title 34, sections 99.31 (a)(13) and (14);

(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); ~~or~~

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings; or

(r) to the extent necessary, when disclosure is required for certification of school attendance or expulsion under section 171.056.

EFFECTIVE DATE. This section is effective September 1, 2011.

Sec. 2. Minnesota Statutes 2010, section 171.02, subdivision 3, is amended to read:

Subd. 3. **Motorized bicycle.** (a) A motorized bicycle may not be operated on any public roadway by any person who does not possess a valid driver's license, unless the person has obtained a motorized bicycle operator's permit or motorized bicycle instruction permit from the commissioner of public safety. The operator's permit may be issued to any person who has attained the age of 15 years ~~and~~₂ who has passed the examination prescribed by the commissioner, and who has presented certification of school attendance within the meaning of section 171.056. The instruction permit may be issued to any person who has attained the age of 15 years ~~and~~₂ who has presented certification of school attendance within the meaning of section 171.056, and who has successfully completed an approved safety course and passed the written portion of the examination prescribed by the commissioner.

(b) This course must consist of, but is not limited to, a basic understanding of:

- 4.1 (1) motorized bicycles and their limitations;
- 4.2 (2) motorized bicycle laws and rules;
- 4.3 (3) safe operating practices and basic operating techniques;
- 4.4 (4) helmets and protective clothing;
- 4.5 (5) motorized bicycle traffic strategies; and
- 4.6 (6) effects of alcohol and drugs on motorized bicycle operators.

4.7 (c) The commissioner may adopt rules prescribing the content of the safety course,
4.8 examination, and the information to be contained on the permits. A person operating a
4.9 motorized bicycle under a motorized bicycle permit is subject to the restrictions imposed
4.10 by section 169.974, subdivision 2, on operation of a motorcycle under a two-wheel
4.11 instruction permit.

4.12 (d) The fees for motorized bicycle operator's permits are as follows:

4.13	(1) Examination and operator's permit, valid for one year	\$	6.75
4.14	(2) Duplicate	\$	3.75
4.15	(3) Renewal permit before age 21 and valid until age 21	\$	9.75
4.16	(4) Renewal permit age 21 or older and valid for four years	\$	15.75
4.17	(5) Duplicate of any renewal permit	\$	5.25
4.18	(6) Written examination and instruction permit, valid for 30 days	\$	6.75

4.19 **EFFECTIVE DATE.** This section is effective September 1, 2011, and applies to
4.20 all persons under 18 years of age applying for a motorized bicycle operator's permit or
4.21 motorized bicycle instruction permit on or after that date.

4.22 Sec. 3. Minnesota Statutes 2010, section 171.04, subdivision 1, is amended to read:

4.23 Subdivision 1. **Persons not eligible.** The department shall not issue a driver's
4.24 license:

4.25 (1) to any person under 18 years unless:

4.26 (i) the applicant is 16 or 17 years of age and has a previously issued valid license
4.27 from another state or country or the applicant has, for the 12 consecutive months
4.28 preceding application, held a provisional license and during that time has incurred (A) no
4.29 conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50
4.30 to 169A.53, (B) no conviction for a crash-related moving violation, and (C) not more
4.31 than one conviction for a moving violation that is not crash related. "Moving violation"
4.32 means a violation of a traffic regulation but does not include a parking violation, vehicle
4.33 equipment violation, or warning citation;

4.34 (ii) the application for a license is approved by (A) either parent when both reside
4.35 in the same household as the minor applicant or, if otherwise, then (B) the parent or

spouse of the parent having custody or, in the event there is no court order for custody, then (C) the parent or spouse of the parent with whom the minor is living or, if subitems (A) to (C) do not apply, then (D) the guardian having custody of the minor, (E) the foster parent or director of the transitional living program in which the child resides or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (F) the minor's adult spouse, adult close family member, or adult employer; provided, that the approval required by this item contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; ~~and~~

(iii) the applicant presents a certification by the person who approves the application under item (ii), stating that the applicant has driven a motor vehicle accompanied by and under supervision of a licensed driver at least 21 years of age for at least ten hours during the period of provisional licensure; and

(iv) the applicant presents certification of school attendance within the meaning of section 171.056;

(2) to any person who is 18 years of age or younger, unless the person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of six months, and, with respect to a person under 18 years of age, a provisional license for a minimum of 12 months;

(3) to any person who is 19 years of age or older, unless that person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of three months;

(4) to any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota No-Fault Automobile Insurance Act;

(5) to any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota No-Fault Automobile Insurance Act and if otherwise qualified;

(6) to any drug-dependent person, as defined in section 254A.02, subdivision 5;

(7) to any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that the person is competent to operate a motor vehicle with safety to persons or property;

(8) to any person who is required by this chapter to take a vision, knowledge, or road examination, unless the person has successfully passed the examination. An applicant

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who fails four road tests must complete a minimum of six hours of behind-the-wheel instruction with an approved instructor before taking the road test again;

(9) to any person who is required under the Minnesota No-Fault Automobile Insurance Act to deposit proof of financial responsibility and who has not deposited the proof;

(10) to any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by the person would be inimical to public safety or welfare;

(11) to any person when, in the opinion of the commissioner, the person is afflicted with or suffering from a physical or mental disability or disease that will affect the person in a manner as to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways;

(12) to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

(13) to a child for whom a court has ordered denial of driving privileges under section 260C.201, subdivision 1, or 260B.235, subdivision 5, until the period of denial is completed; or

(14) to any person whose license has been canceled, during the period of cancellation.

EFFECTIVE DATE. This section is effective September 1, 2011, and applies to all persons under 18 years of age applying for a driver's license on or after that date.

Sec. 4. Minnesota Statutes 2010, section 171.05, subdivision 2, is amended to read:

Subd. 2. **Person less than 18 years of age.** (a) Notwithstanding any provision in subdivision 1 to the contrary, the department may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who:

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or is enrolled in either:

(i) a public, private, or commercial driver education program that is approved by the commissioner of public safety and that includes classroom and behind-the-wheel training; or

(ii) an approved behind-the-wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a homeschool diploma, the student's status as a homeschool student has been certified by the superintendent of the school district in which the student resides, and the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety;

(2) has completed the classroom phase of instruction in the driver education program;
(3) has passed a test of the applicant's eyesight;
(4) has passed a department-administered test of the applicant's knowledge of traffic laws;

(5) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor, (v) the foster parent or the director of the transitional living program in which the child resides or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (vi) the applicant's adult spouse, adult close family member, or adult employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; ~~and~~

(6) has presented certification of school attendance within the meaning of section 171.056; and

(7) has paid the fee required in section 171.06, subdivision 2.

(b) The instruction permit is valid for two years from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2.

EFFECTIVE DATE. This section is effective September 1, 2011, and applies to all persons under 18 years of age applying for an instruction permit on or after that date.

Sec. 5. Minnesota Statutes 2010, section 171.05, subdivision 3, is amended to read:

Subd. 3. **Motorized bicycle.** Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application and payment of the fee prescribed in section 171.02, subdivision 3, may issue a motorized bicycle instruction permit to an applicant who is 15 years of age ~~and~~₂ who has successfully completed the written portion of the examination prescribed by the commissioner, and who presents certification of school attendance within the meaning of section 171.056. The holder of this instruction permit who has the permit in possession may operate a motorized bicycle within one mile of the holder's residence for the purpose of practicing to take the operator portion of the examination prescribed by the commissioner.

EFFECTIVE DATE. This section is effective September 1, 2011, and applies to all persons under 18 years of age applying for a motorized bicycle instruction permit on or after that date.

Sec. 6. [171.056] SCHOOL ATTENDANCE REQUIREMENT.

Subdivision 1. Issuance or renewal. Notwithstanding any law to the contrary, school attendance is a condition for the issuance to an applicant under age 18 of a new or renewal driver's instruction permit, provisional license, driver's license, motorized bicycle instruction permit, or motorized bicycle operator's permit. An applicant under 18 shall present certification by the applicant's school of school attendance.

Subd. 2. School attendance. An applicant meets the school attendance condition under subdivision 1 when:

(1) the applicant has a high school diploma or general education development (GED) certificate;

(2) the applicant has enrolled in a public school, nonpublic school, or is home-schooled and has conformed to attendance laws, rules, and policies of the applicant's school, school district, and the state; and

(3) the applicant is not expelled from school under the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56.

Subd. 3. Certification by school. An applicant's school, upon request of the applicant, must certify the applicant's school attendance within the meaning of subdivision 2 in a manner and on a form prescribed by the commissioner.

EFFECTIVE DATE. This section is effective September 1, 2011.