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GRADUATED DRIVER LICENSING LEGISLATION: A KANSAS CASE STUDY

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The specter of untimely death, shattered dreams and personal financial ruin illustrated through a seemingly endless string of tragic car crash anecdotes several years ago fired the movement toward graduated driver licensing for young motorists. Spurred on by harsh statistics and swelled by human emotion, the graduated driver licensing trend was born from the theory that providing young drivers more supervised driving experience and limiting exposure to potentially dangerous driving situations would stem the rising tide of deaths attributable to the inexperience of beginning drivers. The insurance industry became involved early on, supporting the notion that fewer accidents would translate into less property damage and lower medical and legal costs for insureds, thus lowering, or at least slowing, the rise in auto insurance premiums. The effort to institute graduated driver licensing systems in states across the nation swept into Kansas, although not for the first time, during the 1998 legislative session in the form of SB 417. SB 417, in its original form, would have imposed a curfew on learner's permit, farm permit, and restricted license

driving. It would have required 50 hours of adult supervised driving, with at least 10 hours of night driving, prior to obtaining a full license. It would have required restricted and farm permit licensees to remain crash and conviction free during the term of the license. Finally, it would have raised the age of full licensure from 16 to 17.

In spite of its initial billing as a popular political and sentimental tour de force, the Kansas Legislature was reluctant to get caught up in the graduated license movement as the answer to the perceived crisis of death and destruction wrought by youthful drivers. The Kansas Legislature's rejection of a graduated driver licensing system is an interesting case study in an era when the concept is more readily accepted in other states.

It is important first to understand the magnitude of the problems caused by youthful drivers, outline the graduated licensing solution, and trace the concept's progression in state legislatures across the nation.

The Problem: Death and Destruction

Statistics abound on the fatality rates of young drivers involved in car crashes. Those most often cited are that motor vehicle crashes are the leading cause of death for individuals between the ages of 5 and 24, and most notably, those between 16 and 20.¹ In 1996, approximately 6,000 teens, ages 16 to 20, died in car crashes. An estimated 595,000 were injured, many seriously.² Crashes are a leading cause of disability in the same age group.³ Driver error is cited as the reason for 82% of fatality crashes involving 16 year olds.⁴

The financial costs are high as well. In 1996, motor vehicle crashes in general cost Americans an estimated \$150 billion.⁵ Motor vehicle crashes among young drivers cost approximately \$30 to \$40 billion.⁶

Two factors account for the increased risk of crashes among adolescents: lack of driving experience and propensity for risk-taking behavior.⁷ This encompasses the lack of ability and experience in performing complex driving tasks, including night driving; influence of behavior by emotion and peer pressure; use of alcohol or drugs; and low rate of safety belt usage.⁸ Graduated licensing systems, while not addressing all of these problems, targets at least the ability and experience component.

component.

The Solution: Graduated Driver Licensing

Graduated driver licensing is a label applied to any number of variations on a driver licensing system, but boils down to a system where young drivers are gradually introduced to the rigors of driving in a variety of situations and with a varying level of supervision. A true graduated driver licensing system is broken down into three components: a learner's or novice permit, where the holder is allowed to drive only under direct adult supervision; a restricted license, where the holder is allowed to drive unsupervised only under certain conditions; and the full license, free of restrictions.

Ancillary to the basic framework of the graduated system are driving curfews, crash/conviction-free requirements, certified adult-supervised driving quotas, zero tolerance laws, and limitations on age and/or number of passengers. Perhaps the most controversial component of a pure graduated system is the minimum age for obtaining a full license: at least 17, and in some cases, 18.

Most states have historically had some component of a graduated licensing system. Kansas, for instance, has a learner's permit for 14 year olds, a farm permit for 14 year olds (with a different set of restrictions), and a restricted license for 15 year olds. The Kansas licensing structure, however, is not a graduated system. Obtaining a full license at age 16 is not dependent upon holding a learner's permit or restricted license for a period of time, or completing any sort of supervised driving requirement or driver education course. Obtaining a restricted license at age 15 is conditioned upon completion of a driver education course, but not upon holding a learner's permit or completion of supervised driving requirement.⁹ Further, the age 14 farm permit is much less restrictive than even an age 15 restricted license; thus, many farm permit holders never bother to obtain the restricted license upon reaching age 15.¹⁰

Graduated Licensing Trends

Licensing practices vary widely from state to state. The National Highway Traffic Safety Administration ("NHTSA") has developed a suggested driver licensing structure and tracks current state systems based on a comparison to the NHTSA model.¹¹ NHTSA reports that at least 13 states have a three-stage licensing system with many of its recommended components. At least four states have two stages of licensing with recommended components.¹² A number of states, while not having a staged licensing system, have other components such as adult supervised driving, curfews, or driver education requirements.¹³ There remain a few states, however, with little or no vestiges of a graduated driver licensing system.

California, for example, is one of the states which boasts a true graduated driver licensing system. In California, the learner's permit is issued after age 15 for a minimum six month period prior to obtaining an intermediate license. The intermediate license is issued after age 16; unsupervised driving is prohibited from midnight until 5 a.m.; the licensee must complete 50 hours of supervised driving, including 10 night hours; and the licensee may not carry passengers under the age of 20 during the first six months of the intermediate phase. Full licenses are granted after completion of the intermediate phase requirements and upon age 17.¹⁴

Even in a more rural state such as Iowa, there are many components of the graduated licensing concept. Iowa's 14 year olds may apply for a learner's permit and must hold one for at least six months prior to obtaining an intermediate license at age 16. Intermediate licensees are subject to a 12:30 a.m. to 5 a.m. curfew for the first year of licensure. Twenty hours of supervised driving, two hours at night, must be completed in the learner's phase, and ten hours of supervised driving, two hours at night, must be completed in the intermediate phase. Full licensure is granted after completion of the intermediate phase and upon age 17.¹⁵ Nebraska has a similar structure.¹⁶

The Kansas Experience

As recently as 1991, Kansas allowed persons between the ages of 14 and 16 to obtain a restricted license upon a parent or guardian's application. The restricted license allowed the holder to drive unsupervised to and from work, school, or employment (including farm-related work), or at any time while supervised by a licensed driver. In 1993, the legislature made several changes in the driver licensing structure in an attempt to provide greater restrictions on youthful drivers.

The minimum age for obtaining a restricted license was raised from 14 to 15, and successful completion of a driver training course was required. Further, restricted licensees were prohibited from carrying nonsibling minor passengers.¹⁷ Another new provision was added to create a farm permit. The farm permit allowed persons at least 14 years of age and who either lived or worked on a farm to obtain a permit which would allow the holder to drive unsupervised to and from any farm job, employment or farm-related work; to and from school; or under licensed adult supervision. Farm permit holders were not allowed to transport nonsibling minors. "Farm" was loosely defined as any parcel of land greater than 20 acres used in agricultural operations.¹⁸

The changes were the result of a compromise between urban and rural forces in Kansas. The restricted license changes were spearheaded by an urban legislator. Rural legislators and their constituents, however, feared that rural 14 year olds, many miles from school, would be stranded and dependent on other family members for rides, or worse, not able to drive to and from remote parts of the family farm to carry out farm chores. Without the availability of the restricted license, 14 year olds were stuck with only a learner's permit, which required licensed adult supervised driving at all times. Urban legislators, on the other hand, faced a greater number of 14 year olds (in some cases eighth graders) let loose on congested city streets, where their schools were typically within walking distance and public transportation was available.

The hard-fought 1993 law set the stage for the graduated licensing debates to come. In the summer of 1995, the Special Committee on Transportation visited the issue of a formal graduated licensing system. Representatives of NHTSA and the American Association of Motor Vehicle Administrators ("AAMVA") appeared to encourage Kansas to implement a graduated licensing system. A handful of property and casualty insurers appeared in support of the concept, as did several safety groups and law enforcement.¹⁹

A representative of the division of motor vehicles testified, however, that Kansas licensing laws met the safety needs of citizens, were administratively efficient, and were supported by the general public. The division noted that implementation of a true graduated licensing system would require more trips to the license exam station for new drivers, as well as funding from the state for additional personnel to meet increased demands.²⁰

The committee, which included a number of rural legislators with the typical rural concerns about graduated licensing, concluded that the current licensing system was adequate and did not merit change — especially at taxpayer expense.²¹ Perhaps another reason that graduated licensing did not get more attention from the legislature at this time was the building national speed limit debate. The urban-rural fight over how fast to drive, and where, consumed much of the legislature's attention on the motor vehicle safety front.

Nonetheless, in 1997 the American Automobile Association ("AAA") launched a nationwide effort to improve novice driver safety by encouraging implementation of graduated driver licensing systems in the various states. AAA Kansas introduced SB 417

early in the 1998 legislative session. As stated above, SB 417 in its original form would have imposed a curfew on learner's permit, farm permit, and restricted license driving. It would have required 50 hours of adult supervised driving, including 10 hours of night driving, prior to obtaining a full license. It would have required restricted and farm permit licensees to remain crash and conviction free during the term of the license. Finally, it would have raised the age of full licensure from 16 to 17.

AAA had the support of various safety groups, private citizens, and to a limited extent, some property and casualty insurers. AAA also enjoyed the support of NHTSA.²² The proponents of the bill had done their homework and had prepared the Senate Transportation Committee for the arrival of the bill.

The opposition, however, was noteworthy. The Kansas Farm Bureau represented a vast number of rural Kansans who had concerns about restricting farm permit driving. Local law enforcement representatives did not seem enthusiastic about the bill; local police and sheriff's officers were noncommittal about the possible positive effects of the legislation.

History seemed to repeat itself as an ostensibly popular proposal began to lose steam. Other proponents and opponents of the bill faded into the woodwork as the urban-rural battle heated up. AAA and the Kansas Farm Bureau were left with rural legislators on the committee shifting the balance of power in the Farm Bureau's favor.

Rural forces spurred compromise proposals. Some took the form of dropping the 50 hours of supervised driving, allowing two traffic violations instead of zero, "grandfathering" the current holders of farm permits, removing the curfew, and

two traffic violations instead of zero, "grandfathering" the current holders of farm permits, removing the curfew, and returning the minimum age of full licensure to 16. The Senate Transportation Committee could not reach agreement on many of these compromise items, so in the end gutted AAA's bill and left only the requirement of 20 hours of supervised driving before obtaining full licensure and specified that two or more convictions would result in revocation of a restricted license and delay full licensure until age 17, even for farm permit holders.²³

Interestingly, the committee clarified that transporting minor nonsibling passengers would be a moving violation.²⁴ This was done in an effort to curb the extent of destruction wrought by young drivers and in response to emotional testimony describing entire groups of friends meeting their deaths in a single accident involving a car full of teenagers. The committee reasoned that the potential hike in parents' auto insurance rates caused by one or more moving violations would be incentive for parents to help enforce that particular aspect of the law.

AAA, unhappy with the watered-down version of the bill, refused to endorse it in its compromise form. SB 417 was not heard by the full Senate and died at the first legislative deadline. An urban member of the House attempted to resurrect the bill in the final hours of the legislative session by performing a "gut and go," that is, substituting the language of SB 417 into another viable bill. This effort failed as well.

Conclusion

Kansas' urban-rural battles are not unique in the context of graduated driver licensing systems. However, other nearby rural states such as Iowa and Nebraska have incorporated many key components of such systems. Graduated driver licensing appears to be the wave of the future. Only time will tell if Kansas gets caught in the tide or if graduated licensing opponents will hold fast to the current system.

Endnotes

1. "The Teenage Driver," American Academy of Pediatrics Committees on Injury and Poison Prevention and Committee on Adolescence, Vol. 98, No. 5 (November 1996), pp 987-990.

2. "Licensed to Learn: A Safety Program for New Drivers," AAA Auto Club, April 1997, p 1.

3. "The Teenage Driver," at pp 987-990.

4. "Vital Issues: Graduated Driver's Licensing," American Academy of Pediatrics, 1998.

5. AAA, at 1.

6. National Center for Statistics and Analysis, Research and Development. Traffic Safety Facts 1995--Young Drivers.

7. "The Teenage Driver," at pp 987-990.

8. *Id.*

9. K.S.A. 1997 Supp. 8-237.

10. K.S.A. 1997 Supp. 8-296.

11. The NHTSA model includes three stages: learner's permit, intermediate license, and full license at 18 years of age. The first two stages require zero blood alcohol tolerance, crash and conviction free requirements, safety belt requirements, written and on-the-road driving tests, and licensed adult supervision.

12. "The Facts: Graduated Licensing," National Highway Traffic Safety Administration.
13. "Characteristics of Selected U.S. Licensing Laws," Insurance Institute for Highway Safety, July 1998.
14. *Id.*
15. *Id.*
16. Nebraska sets the minimum age for obtaining a learner's permit at 15, as well as requires 50 hours of supervised driving.
17. 1993 Session Laws, Ch. 154, sec. 2.
18. 1993 Session Laws, Ch. 154, sec. 1.
19. 1996 Special Committee on Transportation, Report to the Kansas Legislature, page 5-6.
20. *Id.* at 5-7.
21. *Id.*
22. Supplemental Note on SB 417, as amended by Senate Committee on Transportation and Tourism.
23. 1998 SB 417, as amended by the Senate Committee on Transportation and Tourism.
24. *Id.*