



## Driver's License

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### Background

In the United States, driver licenses are issued by the individual states for their residents. Protecting the [PUBLIC INTEREST](#) is the primary purpose of driver's licenses. They are required for operating all types of motor vehicles. Driver licenses are also used as an important form of photo identification in the United States, particularly in many non-driving situations where proof of identity or age is required. As identification, they are useful for boarding airline flights, cashing checks, and showing proof of age for activities such as purchasing alcoholic beverages.

The first driver's licenses were issued in Paris in 1893. To obtain one of these licenses, the driver was required to know how to repair his own car as well as drive it. In the United States, vehicle registration began in 1901. Licensing drivers began in 1916, and by the mid-1920s there were age requirements and other restrictions on who could be licensed to operate an automobile.

This authority is delegated to the states, although from the earliest years there have been challenges to particular aspects of state licensing laws, as well as outright challenges to the states' rights to license vehicles and drivers. With respect to the latter issue, the U. S. Supreme Court noted in 1915 in the case of *Hendrick v. Maryland* that "The movement of motor vehicles over the highways is attended by constant and serious dangers to the public and is also abnormally destructive to the [high]ways themselves . . . .[A] state may rightfully prescribe uniform regulations necessary for public safety and order in respect to the operation upon its highways of all motor vehicles—those moving in interstate commerce as well as others . . . .This is but an exercise of the police power uniformly recognized as belonging to the states and essential to the preservation of the health, safety, and comfort of their citizens" 235 US 610.

Driver's licenses perform several vital functions. When they were first issued in the United States, driver's licenses were meant to verify that the holder had complied with the regulations associated with operating a

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motor vehicle. In addition to verifying compliance with state laws, driver's licenses have become an almost essential form of identification for individuals, law enforcement authorities, and others who require validation of identity. Later, photographs were added to aid in positive identification and to help reduce instances of [FRAUD](#). Other measures to prevent [COUNTERFEITING](#) driver's licenses include using thumb print and hologram images on the license. Today, many states issue licenses with magnetic strips and bar codes to provide for the electronic recording of driver license information if a traffic [CITATION](#) is issued.

### Requirements

When individuals present themselves at a state's licensing facility as an applicants for a driver's licenses, there are several requirements they will be required to meet in order to obtain a valid driver's license. State statutes provide very specific information about the requirements for obtaining a driver's license. These requirements include:

- Residency requirements. For example, it is common for states to require individuals to apply for a driver's licenses within a certain time after moving to the state
- Production of identification documents (there is a preference for photo identification) and disclosure of the individuals' Social Security numbers
- Proof that the applicants meet the state's minimum age for possessing a driver's licenses
- Three tests: a written exam, a vision test, and a driving test
- If applicants are a foreign national, there may be additional requirements imposed by the state or by the INS
- Payment of the appropriate application fees
- Proof of insurance
- Production of any other valid licenses and instructions permits from other states or foreign countries

### Identification

Besides providing proof of an individual's permission to drive, a driver's licenses are an important form of identification. Before licenses are awarded by a state, applicants will be asked to provide adequate proof of identity. Some of the common forms of identification accepted in many licensing facilities are:

- A military identification card
- A United States **PASSPORT**
- A student driver permit
- A Social Security Card
- An identification card issued by a state
- An identification card issued by the U. S., a state, or an agency of either the U. S. or a state
- Immigration and Naturalization Service identification cards or forms
- The Alien Registration Card, I-151. Note that in some states, The Employment Authorization for Legalization Applicant's Card (I-688A and I-688B) may not be sufficient as an identification document.

In many states, individuals may present a combination of documents as proof of identity. These items may include:

- Birth certificate or registration cards. It is best to bring either the original or a [CERTIFIED COPY](#)
- The applicant's social security card

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- A marriage certificate or DIVORCE DECREE. Again, original or certified copies will be best.
- The applicant's voter registration card
- A government-issued business or professional licenses (e.g. cosmetology license, law license)
- The applicant's vehicle registration and/or title
- The applicant's original or a certified copy of his school transcripts

If applicants present documents written in a language other than English, there may be a delay. Most licensing facilities make [GOOD FAITH](#) efforts to read and interpret these documents. Occasionally, they may need to FAX applicants' documents to another office for assistance. If an adequate translation cannot be obtained, they may be asked to provide an English translation along with the original document

### Age

States require applicants for drivers' licenses to be at least 16 years of age. In many states, if applicants are younger than 18, they must also provide a signed parental authorization form. This form states a person's relationship to the applicant for a license and gives permission for the person to acquire a driver's license.

Usually, states will require that the parental authorization form be notarized or signed in the presence of the proper authority at a licensing facility. Whenever individuals present themselves for a driver's [EXAMINATION](#), they must provide proof of their identification and age. This can be done with an official document such as a birth certificate or passport.

### Fees

When individuals apply for a driver's license, they are required to pay a fee based on the type of license for which they are applying and for any endorsement attached to the license. There are also fees assessed for license renewals and extensions. In most states, fees must be paid either in cash or by personal check. Few states accept credit cards or [DEBIT](#) cards for payment of licensing fees. License fees are fairly moderate, but they do vary from state to state. Individuals can check with their state's department of motor vehicles for a fee schedule for driver's licenses, endorsements, or permits.

### Tests

#### *Written*

As part of the driver's license application process, individuals will be required to take a written test. This exam tests their knowledge of the rules of the road and their ability to recognize and interpret road signs. Usually, they must successfully complete the written exam prior to scheduling the driving test.

#### *Vision*

Good eyesight is of utmost importance for the safe operation of motor vehicles. Therefore, as part of the driver's license application process, the department of motor vehicles in the state will administer a vision test. This is a brief test meant to evaluate the applicants' eyesight. The vision test evaluates three factors:

- Clarity of vision
- How far individuals can see to either side while looking straight ahead (peripheral vision)

- Depth and color perception

If individuals wear glasses or contact lenses, they will be asked to perform the exam with their corrective eyewear both on and off. The results of the test will determine whether there are restrictions placed on their driver's licenses (e.g. must wear corrective eyewear when operating a motor vehicle).

### ***Driving***

The final portion of a driver's license application procedure is the driving test. Applicants will be required to provide a safe vehicle for the test. They will also need to provide proof of automobile insurance prior to the driving test. An unlicensed applicant may not use a rental car for the driving test. The driving test may be waived if an applicant has a valid driver license from another state and meets all other applicable requirements. The driving test will be required of applicants with licenses from foreign countries, including Mexico and Canada.

The driving test is an opportunity to demonstrate that the applicants are a safe drivers. There will be no passengers other than an examining official—a local or state police officer or authorized department of motor vehicles personnel—allowed on the drive test. The [EXAMINER](#) in the front seat will give the applicants driving directions. The directions should be given in a clear manner and with enough time to allow the applicants to take appropriate action. Applicants will never be asked to do anything unsafe or illegal.

The exact procedure for driving tests will vary somewhat from state to state, although several features of these tests are fairly consistent throughout the United States. Before the test applicants will be asked to use their arms to signal for a right turn, left turn, slow, or stop. Along with noting their driving skills in normal traffic the examiner will also ask them to perform certain maneuvers such as parking on a hill, parallel parking, entering traffic from a parked position, and backing out of a driveway or around a corner.

A few of the most common test items the examiner will observe are:

- Backing up
- Controlling the vehicle
- Driving in traffic
- Driving through blind or crowded intersections
- Judging distance
- Leaving the curb
- Obeying traffic signals and signs
- Respecting the rights of pedestrians and other drivers
- Starting the vehicle
- Stopping

### **Insurance**

When individuals obtain a driver's licenses they will be required to provide proof that they have purchased adequate automobile insurance. Among other things, automobile insurance helps pay for medical bills and car repairs if drivers are in an automobile accidents. Every state requires drivers to purchase some auto insurance, and they specify the minimum amounts required. Individuals can purchase insurance from any company they choose, but should they be stopped by the police or should they be involved in a traffic accidents, they will most likely be required to supply proof of current insurance in their automobile or on their persons. There are several kinds of automobile insurance, including the following:

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- **Liability.** There are two principal aspects to liability insurance, bodily injury coverage and property damage coverage. Bodily injury liability insurance covers costs up to certain limits if drivers kill or injure someone else in an accident. In these cases the drivers' insurance company pays for expenses like legal fees (if the insured is sued), medical bills, and lost wages of the other person if the insured is at-fault. Property damage liability insurance covers the costs associated with damage to someone else's car or other property if the insured damaged that property while driving. Both bodily injury and property damage liability insurance can be purchased in various amounts, but the state that licenses the individual to drive will set minimum amounts which that person must purchase.
- **Uninsured motorist bodily injury coverage.** This type of insurance covers individuals for their bodily injury caused by a hit-and-run driver or from injuries caused by a driver who has no auto liability insurance.
- **Collision insurance.** This type of insurance coverage reimburses drivers for damage to their cars if the car collides with another object. To figure out how much an insurance company will pay to fix the insured's car, a claims [ADJUSTER](#) may look at the damage, or the insured may be asked to get estimates from body shops. If the insured's car is "totaled," the insured person gets what the car is worth (according to tables of vehicle values) at the time of the accident.
- **Comprehensive insurance.** Comprehensive insurance covers the cost of damage to the insured's car caused by most other causes such as fire, theft, hail, or other natural disasters. If the insured have a loan on the vehicle, the insured's lender may require the insured to carry this type of insurance.

The cost of automobile insurance varies according to a number of factors. For example, statistics show that drivers under the age of 25 are more likely to be involved in accidents; insurance companies charge them more for coverage. If drivers get a ticket for speeding or other traffic violation, their insurance costs may go up. Models of vehicles that are more dangerous to drive (e.g. convertibles) or cost more to repair if they're damaged will generally cost more to insure than safer cars or cars that cost less to repair. And if the insured lives in a city with greater chances that the car will be hit, stolen, or vandalized are higher—, the insurance costs will probably be higher as well.

There are some things individuals can do to help keep the cost of insurance down:

- Choose the vehicle carefully. Remember that some vehicles—like convertibles and sports cars—cost more to insure than others.
- Consider the age and condition of the vehicle. If the vehicle is an older model, it may not be cost-effective to pay for insurance that covers physical damage to the older car.
- Drive lawfully and defensively to avoid violations and accidents.
- Increase the [DEDUCTIBLE](#) and thus lower the premium, however realize that by doing so, it will cause the owner to pay more out of pocket each time they have a claim.
- Students who get good grades may enjoy lower rates. For example, some companies give discounts to students with a B average or better.

## Kinds of Licenses

There are several kinds of driver's licenses. There are important distinctions among these types of licenses, as well as different requirements for obtaining them. The most common are:

- Instruction or learner's permit
- Commercial licenses
- International,
- Motorcycle

### ***Instruction or Learner's Permit***

In most states, individuals may apply for a driver instruction permit—often called a "learner's permit"—as early as the age of 15 on the condition that they are also enrolled in an approved traffic safety education course. Driving privileges under a learner's permit are restricted. The restrictions that apply to the learner's permit will vary from state to state. They may include restrictions on the age of the licensed driver accompanying the learner/driver, the hours in which the learner/driver may be able to drive, and even the types of highways that learners may drive on.

In some states, individuals may be able to apply for a learner's permit without being enrolled in a class, but they must take the written driving test to prove they are capable of understanding the fundamentals of driving and the rules of the road. Those with a learner's permit usually may drive a vehicle as long as a licensed driver is present in the vehicle at the time. There are additional requirements stating how long they must have a learner's permit before they may obtain a permanent license. Individuals can check with their state's department of transportation for the exact rules which will apply in their situation. As with a permanent driver's license, when they apply for a learner's permit, they will be required to supply proof of identification. Proof of age, documented parental consent, and other forms are also required, as well as a fee for the permit.

### ***Commercial***

Since 1992 drivers of commercial motor vehicles (CMV) have been required to have a commercial driver's license (CDL). The Federal Highway Administration (FHWA) issues rules and standards for testing and licensing CMV drivers. These standards permit states to issue CDLs to drivers only after the drivers passes knowledge and skills tests related to the type of vehicle to be operated. CDLs fall into several categories depending on the weight of the vehicle and/or load being pulled and depending on the number of passengers in the vehicle. These categories are:

- Class A: The vehicle weighs 26,001 or more pounds and the vehicle(s) being towed is in excess of 10,000 pounds
- Class B: The vehicle weighs 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds
- Class C: Any vehicle or combination of vehicles that is either designed to transport 16 or more passengers, including the driver or is marked as a carrier of hazardous materials

Drivers who operate CMVs will be required to pass additional tests to obtain any of the following endorsements on their CDL:

- T: Double/Triple Trailers
- P: Passenger
- N: Tank Vehicle
- H: Hazardous Materials
- X: Combination of Tank Vehicle and Hazardous Materials

A state will determine the appropriate license fee, the rules for license renewals, and the age, medical and other driver qualifications of its intrastate commercial drivers. Drivers with CDLs who cross state lines must meet the Federal driver qualifications (49 CFR 391). All CDLs contain the following information:

- Color photograph or digital image of the driver
- Notation of the "air brake" restriction, if issued
- The class(es) of vehicle that the driver is authorized to driver
- The issue date and the expiration date of the license

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- The driver's date of birth, sex, and height
- The driver's full name, signature, and address
- The driver's state license number
- The endorsement(s) for which the driver has qualified
- The name of the issuing state
- The words "Commercial Driver's License" or "CDL"

States may issue learner's permits for training on public highways as long as learner's permit holders are required to be accompanied by someone with a valid CDL appropriate for that vehicle. These learner's permits must be issued for limited time periods.

### ***International***

If individuals are traveling to an English-speaking country, they may be able to get by with their U. S. driver's licenses. However, many other countries will ask that they also obtain an International Driver's Permit, which is a document that translates the information on the home driver's license into 11 different languages. More than 160 countries recognize the International Driver's Permit. If individuals plan to rent a car on their trip abroad, they will probably be asked to present one along with their valid state license. Some countries require special road permits, instead of tolls, to use on their major roads. They will fine those found driving without such a permit.

An International Driver's Permit must be issued in the home country. To obtain an International Driver's Permit, individuals will need to produce two passport photos and their valid state driver's licenses. Currently, an International Driver's Permit costs \$10 for a one-year issue. Individuals must complete an application, which can be printed online or submitted by mail. Only two agencies in the United States are authorized to issue these licenses: the American Automobile Association and the American Automobile Touring Alliance. However, travelers should remember that an International Driver's Permit is not a license in and of itself, so drivers can not establish a separate driving record with one. If drivers get a traffic citation while driving with their international driver's permit, it will be reflected on their state licenses.

To apply for an international driving permit, individuals must:

- Be at least age 18
- Present two passport-size photographs
- Present their valid U. S. licenses

In most cases, U. S. auto insurance will not cover drivers abroad; however, their policy may apply when they drive to Mexico or Canada. Even if their U. S. policy is valid in one of these countries, it may not meet the minimum requirements in Canada or Mexico. Individuals may check with the embassy or consulate of the country they plan to visit for specific insurance requirements. Overseas car rental agencies usually offer auto insurance for an additional fee, but in some countries, the required coverage is minimal. If drivers rent a cars overseas, they ought to consider purchasing insurance coverage that is equivalent to the amount of automobile insurance coverage that they carry at home.

### ***Motorcycle***

All states regulate the issuance of motorcycle permits and motorcycle endorsements. All states require that those wishing to operate motorcycles pass motorcycle knowledge and skill tests. These tests are separate from standard automobile driver license tests. Some states have mandatory motorcycle training in addition to the knowledge and skill tests. In most cases if individuals have successfully completed an approved motorcycle skills course, they may bring their completion cards to the vehicle licensing facility in their state (usually

within a limited time) and if they pass the knowledge test, the skill test will be waived. As with other operator licenses, states assess a fee for issuing a motorcycle license, and individuals will also be required to provide proof that they are in compliance with the state's vehicular insurance laws.

## The Motor Voter Law

The National Voter Registration Act (commonly referred to as "motor voter," or "NVRA") took effect in 1995. The NVRA requires states to offer voter registration to citizens when they apply for drivers' licenses. This tie between driver's licensing agencies or facilities and voter registration is the source of the term "motor voter." When individuals obtain drivers' licenses, states can also assess needs and benefits for other assistance programs such as food stamps, MEDICAID, Aid to Families with Dependent Children, and Women, Infants, and Children. The Act also imposes on states a requirement to designate additional offices for voter registration services.

Additional provisions of the law require states to accept a national mail-in voter registration form and to establish guidelines for maintaining the accuracy of voter registration rolls—most notably prohibiting states from removing registrants from the rolls for not voting. Despite the mandatory provisions, states have some discretion in how they implement the act's provisions. The NVRA requires states to register voters in three specified ways in addition to any other procedures the state uses for voter registration:

- Simultaneous application for a driver's license and registration to vote
- Mail-in application for voter registration
- Application in person at designated government agencies

Election officials must send all applicants a notice informing them of their voter registration status.

## Organ Donation

Individuals can state on their driver's licenses their desire to donate their organs or bodily tissues upon their deaths. There is a brief questionnaire about organ donation that is part of the application for a driver's license. When individuals answer "yes" to the questions about organ and tissue donation on their license applications, then the department of motor vehicles will place a symbol (e.g. a red heart with a "Y" in the center) on the front of their licenses, permits, or ID cards. Individuals must also sign the back of the license and discuss their wish to donate their organs with their families. By indicating their wish to donate their organs, their names will most likely be entered in a computerized registry. For more information about organ and tissue donation, individuals can see "Organ Donation" in the *Gale Encyclopedia of Everyday Law*.

## Points

States use various methods to help enforce their traffic safety laws. All states use some variation of a point system as part of this effort. Depending on the state, individuals may begin with a certain number of points, have points deducted for traffic violations, or they may have points added for traffic violations. Points are assigned for only moving violations (violations that occur when the car is being driven); points are not assigned for parking, licensing, or other nonmoving violations. If a driver accumulates (or loses) a certain number of points within a prescribed amount of time, that driver's driving privileges may be suspended or revoked.

These point systems identify persistent or repeat violators. Several violations may indicate that a state should take action against the driver. Point systems may not be the only basis for suspending or revoking driver licenses. For example, several speeding violations in an 18-month period, or a single drunk driving violation, could result in the state's mandatory revocation of a license, regardless of the driver's number of points. While a [CONVICTION](#) is required for the points to go on a record, the conviction date is not used to determine the point total. Points are reduced by not having any further violations over a period of time. The point systems differ in important ways from state to state. People can contact their state's department of motor vehicles for more details.

### License Suspension and Revocation

All licenses expire at some point, but there are ways to lose driving privileges before the license's expiration date. Early termination of the validity of a driver's license is known as suspension (where a license is temporarily rendered invalid), and revocation (where driving privileges granted by a license are fully terminated). In both cases, drivers would be notified by the state and would have the right to a [HEARING](#). Examples of driver license suspensions and revocations are:

- **Driving Under the Influence (DUI) of alcohol and other drugs.:** If a breath, blood, or urine test reveals individuals are driving under the influence of alcohol or other drugs, or if individuals are convicted of DUI offenses, their licenses may be suspended or revoked.
- **Failure to Appear:** If individuals receive a traffic ticket and do not pay the fine on time or do not appear in court when required their licenses are subject to being suspended or revoked.
- **Security Deposit:** If individuals are in an accident and they do not have liability insurance, their driver licenses and their vehicle registration plates may be suspended.
- **CHILD SUPPORT ARREARS:** If individuals are in arrears in court ordered child support payments the state may suspend or revoke licenses.
- **Truancy:** Juveniles can lose their driver's licenses, or their issuance may be delayed for [HABITUAL](#) absence from school.

A driver's license suspension or revocation is usually handled as a separate action from any other court case in which individuals may be involved. A state does not automatically reinstate driving privileges if licenses were suspended or revoked. Individuals must follow reinstatement procedures to regain their driving privileges, even if the court case underlying the suspension or revocation was dismissed. Furthermore, all 50 states share license suspension and revocation information. If there is an active suspension or revocation in one state, no other state may issue a driver's license. Driving while suspended or revoked are serious criminal offenses. If individuals are apprehended driving a vehicle with a suspended or revoked license, they could pay hefty fines and even face a term of [IMPRISONMENT](#).

### Renewing License

A driver's license expires within a statutorily set number of years after the driver first acquires it. The longevity of a license varies somewhat from state to state, with either three or five years being the normal term of a license. In some states, individuals may be able to renew their licenses by mail, but usually they will be required to appear in person and pass a vision test. Additionally, they may be required to take other exams if licensing officials in their state determine that it is necessary. States assess fee for a license renewals. Individuals should watch out for penalties if they fail to meet deadlines to renew their licenses after they has expired.

## Additional Resources

"A Citizen's Guide to the National Voter Registration Act of 1993" League of Women Voters, 1994. Available at <http://www.nmia.com/lwvabc/TOC.html>.

"State and Local Government on the Net" Piper Resources, 2002. [www.statelocalgov.net/index.cfm](http://www.statelocalgov.net/index.cfm).

"State Statutes on the Internet: Motor Vehicles." Cornell University, 2002. Available at [http://www.law.cornell.edu/topics/state\\_statutes3.html#moto...](http://www.law.cornell.edu/topics/state_statutes3.html#moto...) ., Cornell University, 2002.

## Organizations

### *The International Council on Alcohol, Drugs & Traffic Safety (ICADTS)*

ICADTS Secretary, Mississippi State University  
Mississippi State, MS 39762 USA  
Phone: (601) 325-7959  
Fax: (601) 325-7966  
E-Mail: [bwparke\\_r@ssrc.msstate.edu](mailto:bwparke_r@ssrc.msstate.edu)

### *National Highway Traffic Safety Administration (NHTSA)*

400 7th St. SW  
Washington, DC 20590 USA  
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URL: <http://www.nhtsa.dot.gov/>

### *U. S. Department of Transportation*

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