

# Lesson: Minnesota Law and the Right To Drive

Although Americans grow up looking forward to the day they can drive, and often view the opportunity as a “right of passage,” permission to drive on Minnesota’s roads is greatly regulated. Driving is a privilege, not a right, and because of this can be greatly regulated and restricted. This lesson is designed to provide students with deeper insight into the privilege versus right distinction and how it impacts their “right to drive”. By using the definitions, students will become familiar with terms commonly used in this area of law and law making.

## Suggested strategies

**1** In small groups, read the passages from several Minnesota cases and draw three points of law from them.

(For example:

- A. Before one is granted a license, restrictions can be made more easily.
- B. Once granted a license, permission to drive becomes closer to a right.
- C. Restrictions and enforcement cannot be arbitrary and capricious.)

**2** If the group is larger, a jigsaw is suggested.

- A. Divide group into five small groups. Each small group is assigned one of the quotations.
- B. Ask each group to study the quotation, using the definitions provided to help in understanding.
- C. After each group understands what the quotation is saying, regroup the students. Each new group will include one student from each of the original groups.
- D. Ask each student to teach his or her new group members about his or her quotation.
- E. Ask each small group to draw three points of law from the quotations discussed.
- F. Review in large group.



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## Case Quotations



Permission to operate a motor vehicle upon the public highways is not embraced with the term “civil rights” and is in the nature of a license or privilege.

*Anderson v. Commissioner of Highways, State of Minnesota* (1964)

While the privilege is a valuable one, and may not be unreasonably or arbitrarily taken away, its enjoyment depends upon compliance with conditions prescribed by law . . . in the interest of public safety and welfare.

*Anderson v. Commissioner of Highways, State of Minnesota* (1964)

One’s inalienable right to liberty and pursuit of happiness is curtailed if he is unreasonably kept off highways maintained by him as citizen and taxpayer, and therefore, citizen’s right to drive motor vehicle upon highway is to be safeguarded against whim or caprice of police or administrative officers.

*State of Minnesota v. Moseng* (1959)

Motor vehicle driver’s license, once acquired, constitutes a right and privilege of real value and may not be suspended or revoked arbitrarily or taken away capriciously.

*State of Minnesota v. Moseng* (1959)

Permission to operate a motor vehicle on public highways is a license or privilege and a police officer may demand of each operator of a motor vehicle that he display his license.

*State of Minnesota v. Valstad* (1969)

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## Definitions

**arbitrary**-selected at random and without reason

**caprice (capriciously)**-sudden changes hard to explain or predict

**civil right**-the rights of personal liberty guaranteed by the 13th and 14th Amendments to the U.S. Constitution

**compliance**-to obey the rules

**inalienable**-unable to be given up, surrendered

**license**-permission to engage in an activity granted by an authority

**privilege**-something granted as a benefit, advantage, or favor

**right**-something to which one is entitled