

Introduced by Senator RunnerFebruary 15, 2007

An act to amend Sections 12509, 12810, and 12814.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 285, as introduced, Runner. Provisional licensing program.

(1) Existing law allows a person with an instructional permit issued by the Department of Motor Vehicles to generally operate a motor vehicle when accompanied and supervised by a California licensed driver who, among other things, is 18 years of age or over.

This bill would require that licensed driver to be 25 years of age or over.

(2) The Brady-Jared Teen Driver Safety Act of 1997, allows for the issuance of a driver's license to a person at least 16 years of age but under 18 years of age under the provisional licensing program. A person holding a license under that act is subject to certain driving restrictions during the first 12 months after issuance of the provisional license. However, a law enforcement officer is prohibited from stopping a vehicle for the sole purpose of determining whether that person is violating those driving restrictions, and a reported conviction of violating those restrictions does not constitute a violation point count value for purposes of a driver's license record. A licensee under the act who shows a violation point count of 2 or more in 12 months is required to be placed on a specified 30-day restricted license.

This bill would delete the restriction imposed on a law enforcement officer regarding the stopping of a vehicle for the sole purpose of determining whether the licenseholder is violating one of the particular driving restrictions. The bill would delete the restriction against a

conviction of those driving restrictions constituting a violation point count value for purposes of a driver’s license record. The bill would impose a 30-day suspension of the driving privilege, rather than a 30-day specified restriction, upon a showing of a violation point count of 2 or more points in a 12-month period.

Because this bill would increase the level of local law enforcement agencies services, this bill would impose a state-mandated local program.

(3) Existing law generally requires that the parents or parent of a minor sign the minor’s application for a driver’s license.

This bill would require a person who signs that application to compel the minor’s compliance with the restrictions of the provisional license program. It would be an infraction if a person knowingly allows the minor to operate a vehicle in violation of the provisional license program, thereby imposing a state-mandated local program by creating a new crime.

The bill would also make technical, clarifying, and conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would impose related duties on the department as to informing the minor and responsible person of these requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12509 of the Vehicle Code is amended
- 2 to read:
- 3 12509. (a) Except as otherwise provided in subdivision (f) of
- 4 Section 12514, the department, for good cause, may issue an
- 5 instruction permit to ~~any~~ a physically and mentally qualified person
- 6 who meets one of the following requirements and who applies to
- 7 the department for an instruction permit:
- 8 (1) Is age 15 years and 6 months or older, and has successfully
- 9 completed approved courses in automobile driver education and

1 driver training as provided in paragraph (3) of subdivision (a) of
2 Section 12814.6.

3 (2) Is age 15 years and 6 months or older, and has successfully
4 completed an approved course in automobile driver education and
5 is taking driver training as provided in paragraph (3) of subdivision
6 (a) of Section 12814.6.

7 (3) Is age 15 years and 6 months and enrolled and participating
8 in an integrated driver education and training program as provided
9 in subparagraph (B) of paragraph (3) of subdivision (a) of Section
10 12814.6.

11 (4) Is over the age of 16 years and is applying for a restricted
12 driver's license pursuant to Section 12814.7.

13 (5) Is over the age of 17 years and 6 months.

14 (b) The applicant shall qualify for, and be issued, an instruction
15 permit within 12 months from the date of the application.

16 (c) An instruction permit issued pursuant to subdivision (a) shall
17 entitle the applicant to operate a vehicle, subject to the limitations
18 imposed by this section and any other provisions of law, upon the
19 highways for a period not exceeding 24 months from the date of
20 the application.

21 (d) Except as provided in Section 12814.6, a person, while
22 having in his or her immediate possession a valid permit issued
23 pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), may
24 operate a motor vehicle, other than a motorcycle, motorized
25 scooter, or a motorized bicycle, when accompanied by, and under
26 the immediate supervision of, a California licensed driver with a
27 valid license of the appropriate class, ~~18~~ 25 years of age or over
28 whose driving privilege is not on probation. Except as provided
29 in subdivision (e), an accompanying licensed driver at all times
30 shall occupy a position within the driver's compartment that would
31 enable the accompanying licensed driver to assist the person in
32 controlling the vehicle as may be necessary to avoid a collision
33 and to provide immediate guidance in the safe operation of the
34 vehicle.

35 (e) A person, while having in his or her immediate possession
36 a valid permit issued pursuant to paragraphs (1) to (3), inclusive,
37 of subdivision (a), who is age 15 years and 6 months or older and
38 who has successfully completed approved courses in automobile
39 education and driver training as provided in paragraph (3) of
40 subdivision (a) of Section 12814.6, and a person, while having in

1 his or her immediate possession a valid permit issued pursuant to
2 subdivision (a), who is age 17 years and 6 months or older, may,
3 in addition to operating a motor vehicle pursuant to subdivision
4 (d), also operate a motorcycle, motorized scooter, or a motorized
5 bicycle, except that the person shall not operate a motorcycle,
6 motorized scooter, or a motorized bicycle during hours of darkness,
7 shall stay off any freeways that have full control of access and no
8 crossings at grade, and shall not carry any passenger except an
9 instructor licensed under Chapter 1 (commencing with Section
10 11100) of Division 5 of this code or a qualified instructor as defined
11 in Section 41907 of the Education Code.

12 (f) A person, while having in his or her immediate possession
13 a valid permit issued pursuant to paragraph (4) of subdivision (a),
14 may only operate a government-owned motor vehicle, other than
15 a motorcycle, motorized scooter, or a motorized bicycle, when
16 taking a driver training instruction administered by the California
17 National Guard.

18 (g) The department may also issue an instruction permit to a
19 person who has been issued a valid driver's license to authorize
20 the person to obtain driver training instruction and to practice that
21 instruction in order to obtain another class of driver's license or
22 an endorsement.

23 (h) The department may further restrict permits issued under
24 subdivision (a) as it may determine to be appropriate to assure the
25 safe operation of a motor vehicle by the permittee.

26 SEC. 2. Section 12810 of the Vehicle Code is amended to read:
27 12810. In determining the violation point count, the following
28 shall apply:

29 (a) A conviction of failure to stop in the event of an accident in
30 violation of Section 20001 or 20002 shall be given a value of two
31 points.

32 (b) A conviction of a violation of Section 23152 or 23153 shall
33 be given a value of two points.

34 (c) A conviction of reckless driving shall be given a value of
35 two points.

36 (d) (1) A conviction of a violation of subdivision (c) of Section
37 192 of the Penal Code, or of Section 2800.2 or 2800.3, subdivision
38 (b) of Section 21651, subdivision (b) of Section 22348, subdivision
39 (a) or (c) of Section 23109, or Section 31602 of this code, shall be
40 given a value of two points.

1 (2) A conviction of a violation of subdivision (a) or (b) of
2 Section 23140 shall be given a value of two points.

3 (e) A conviction of a violation of Section 14601, 14601.1,
4 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

5 (f) Except as provided in subdivision (i), any other traffic
6 conviction involving the safe operation of a motor vehicle upon
7 the highway shall be given a value of one point.

8 (g) A traffic accident in which the operator is deemed by the
9 department to be responsible shall be given a value of one point.

10 (h) A conviction of a violation of Section 27360 or 27360.5
11 shall be given a value of one point.

12 (i) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision
13 (b) of Section 40001 shall not result in a violation point count
14 being given to the driver if the driver is not the owner of the
15 vehicle.

16 (2) A conviction of a violation of ~~paragraph (1) or (2) of~~
17 ~~subdivision (b) of Section 12814.6,~~ subdivision (a) of Section
18 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or
19 26707 shall not be given a violation point count.

20 (3) A violation of subdivision (d) of Section 21712 shall not
21 result in a violation point count.

22 (4) A violation of Section 23136 shall not result in a violation
23 point count.

24 (5) A violation of Section 38301.3 shall not result in a violation
25 point count.

26 (j) A conviction for only one violation arising from one occasion
27 of arrest or citation shall be counted in determining the violation
28 point count for the purposes of this section.

29 SEC. 3. Section 12814.6 of the Vehicle Code is amended to
30 read:

31 12814.6. (a) Except as provided in Section 12814.7, a driver's
32 license issued to a person at least 16 years of age but under 18
33 years of age shall be issued pursuant to the provisional licensing
34 program contained in this section. The program shall consist of
35 all of the following components:

36 (1) Upon application for an original license, the applicant shall
37 be issued an instruction permit pursuant to Section 12509. A person
38 who has in his or her immediate possession a valid permit issued
39 pursuant to Section 12509 may operate a motor vehicle, other than
40 a motorcycle or motorized bicycle, only when the person is either

1 taking the driver training instruction referred to in paragraph (3)
2 or practicing that instruction, provided the person is accompanied
3 by, and is under the immediate supervision of, a California licensed
4 driver 25 years of age or older whose driving privilege is not on
5 probation. The age requirement of this paragraph does not apply
6 if the licensed driver is the parent, spouse, or guardian of the
7 permit holder or is a licensed or certified driving instructor.

8 (2) The person shall hold an instruction permit for not less than
9 six months prior to applying for a provisional driver's license.

10 (3) The person shall ~~have complied~~ *comply* with one of the
11 following:

12 (A) Satisfactory completion of approved courses in automobile
13 driver education and driver training maintained pursuant to
14 provisions of the Education Code in any secondary school of
15 California, or equivalent instruction in a secondary school of
16 another state.

17 (B) Satisfactory completion of an integrated driver education
18 and training program that is approved by the department and
19 conducted by a driving instructor licensed under Chapter 1
20 (commencing with Section 11100) of Division 5. The program
21 shall utilize segmented modules, whereby a portion of the
22 educational instruction is provided by, and then reinforced through,
23 specific behind-the-wheel training before moving to the next phase
24 of driver education and training. The program shall contain a
25 minimum of 30 hours of classroom instruction and six hours of
26 behind-the-wheel training.

27 (C) Satisfactory completion of six hours or more of
28 behind-the-wheel instruction by a driving school or an independent
29 driving instructor licensed under Chapter 1 (commencing with
30 Section 11100) of Division 5 and either an accredited course in
31 automobile driver education in any secondary school of California
32 pursuant to provisions of the Education Code or satisfactory
33 completion of equivalent professional instruction acceptable to
34 the department. To be acceptable to the department, the
35 professional instruction shall meet minimum standards to be
36 prescribed by the department, and the standards shall be at least
37 equal to the requirements for driver education and driver training
38 contained in the rules and regulations adopted by the State Board
39 of Education pursuant to the Education Code. A person who has
40 complied with this ~~subdivision~~ *subparagraph* shall not be required

1 by the governing board of a school district to comply with
2 subparagraph (A) in order to graduate from high school.

3 (D) Except as provided under subparagraph (B), a student may
4 not take driver training instruction, unless he or she has
5 successfully completed driver education.

6 (4) The person shall complete 50 hours of supervised driving
7 practice prior to the issuance of a provisional license, which is in
8 addition to any other driver training instruction required by law.
9 Not less than 10 of the required practice hours shall include driving
10 during darkness, as defined in Section 280. Upon application for
11 a provisional license, the person shall submit to the department
12 the certification of a parent, spouse, guardian, or licensed or
13 certified driving instructor that the applicant has completed the
14 required amount of driving practice and is prepared to take the
15 department's driving test. A person without a parent, spouse,
16 guardian, or who is an emancipated minor, may have a licensed
17 driver 25 years of age or older or a licensed or certified driving
18 instructor complete the certification. This requirement does not
19 apply to motorcycle practice.

20 (5) The person shall successfully complete an examination
21 required by the department. Before retaking a test, the person shall
22 wait for not less than one week after failure of the written test and
23 for not less than two weeks after failure of the driving test.

24 (b) Except as provided in Section 12814.7, the provisional
25 driver's license shall be subject to all of the following restrictions:

26 (1) Except as specified in paragraph (2), during the first 12
27 months after issuance of a provisional license the licensee may
28 not do any of the following unless accompanied and supervised
29 by a licensed driver who is the licensee's parent or guardian, a
30 licensed driver who is 25 years of age or older, or a licensed or
31 certified driving instructor:

32 (A) Drive between the hours of 11 p.m. and 5 a.m.

33 (B) Transport passengers who are under 20 years of age.

34 (2) A licensee may drive between the hours of 11 p.m. and 5
35 a.m. or transport an immediate family member without being
36 accompanied and supervised by a licensed driver who is the
37 licensee's parent or guardian, a licensed driver who is 25 years of
38 age or older, or a licensed or certified driving instructor, in the
39 following circumstances:

1 (A) Medical necessity of the licensee when reasonable
2 transportation facilities are inadequate and operation of a vehicle
3 by a minor is necessary. The licensee shall keep in his or her
4 possession a signed statement from a physician familiar with the
5 condition, containing a diagnosis and probable date when sufficient
6 recovery will have been made to terminate the necessity.

7 (B) Schooling or school-authorized activities of the licensee
8 when reasonable transportation facilities are inadequate and
9 operation of a vehicle by a minor is necessary. The licensee shall
10 keep in his or her possession a signed statement from the school
11 principal, dean, or school staff member designated by the principal
12 or dean, containing a probable date that the schooling or
13 school-authorized activity will have been completed.

14 (C) Employment necessity of the licensee when reasonable
15 transportation facilities are inadequate and operation of a vehicle
16 by a minor is necessary. The licensee shall keep in his or her
17 possession a signed statement from the employer, verifying
18 employment and containing a probable date that the employment
19 will have been completed.

20 (D) Necessity of the licensee or the licensee's immediate family
21 member when reasonable transportation facilities are inadequate
22 and operation of a vehicle by a minor is necessary to transport the
23 licensee or the licensee's immediate family member. The licensee
24 shall keep in his or her possession a signed statement from a parent
25 or legal guardian verifying the reason and containing a probable
26 date that the necessity will have ceased.

27 (E) The licensee is an emancipated minor.

28 ~~(e) A law enforcement officer may not stop a vehicle for the~~
29 ~~sole purpose of determining whether the driver is in violation of~~
30 ~~the restrictions imposed under subdivision (b).~~

31 ~~(d)~~

32 ~~(c) (1) Upon a finding that any a licensee has violated is in~~
33 ~~violation of paragraph (1) of subdivision (b), the court shall impose~~
34 ~~one of the following:~~

35 (A) Not less than eight hours nor more than 16 hours of
36 community service for a first offense and not less than 16 hours
37 nor more than 24 hours of community service for a second or
38 subsequent offense.

1 (B) A fine of not more than thirty-five dollars (\$35) for a first
2 offense and a fine of not more than fifty dollars (\$50) for a second
3 or subsequent offense.

4 (2) If the court orders community service, the court shall retain
5 jurisdiction until the hours of community service have been
6 completed.

7 (3) If the hours of community service have not been completed
8 within 90 days, the court shall impose a fine of not more than
9 thirty-five dollars (\$35) for a first offense and not more than fifty
10 dollars (\$50) for a second or subsequent offense.

11 (e)

12 (d) A conviction of paragraph ~~(1)~~ of (1) of subdivision (b), when
13 shall be reported to the department, and given a value of one point
14 under Section 12810, and may not be disclosed as otherwise
15 specified in Section 1808 or constitute a violation point count value
16 pursuant to Section 12810.

17 (f)

18 (e) Any term of restriction or suspension of the driving privilege
19 imposed on a person pursuant to this subdivision shall remain in
20 effect until the end of the term even though the person becomes
21 18 years of age before the term ends.

22 (1) The driving privilege shall be suspended when the record
23 of the person shows one or more notifications issued pursuant to
24 Section 40509 or 40509.5. The suspension shall continue until any
25 notification issued pursuant to Section 40509 or 40509.5 has been
26 cleared.

27 (2) A 30-day ~~restriction~~ suspension of the driving privilege shall
28 be imposed when a driver's record shows a violation point count
29 of two or more points in 12 months, as determined in accordance
30 with Section 12810. ~~The restriction shall require the licensee to~~
31 ~~be accompanied by a licensed parent, spouse, guardian, or other~~
32 ~~licensed driver 25 years of age or older, except when operating a~~
33 ~~class M vehicle, or so licensed, with no passengers aboard.~~

34 (3) A six-month suspension of the driving privilege and a
35 one-year term of probation shall be imposed whenever a licensee's
36 record shows a violation point count of three or more points in 12
37 months, as determined in accordance with Section 12810. The
38 terms and conditions of probation shall include, but not be limited
39 to, both of the following:

1 (A) The person shall violate no law which, if resulting in
2 conviction, is reportable to the department under Section 1803.

3 (B) The person shall remain free from accident responsibility.

4 ~~(g)~~

5 (f) Whenever action by the department under subdivision ~~(f)~~ (e)
6 arises as a result of a motor vehicle accident, the person may, in
7 writing and within 10 days, demand a hearing to present evidence
8 that he or she was not responsible for the accident upon which the
9 action is based. Whenever action by the department is based upon
10 a conviction reportable to the department under Section 1803, the
11 person has no right to a hearing pursuant to Article 3 (commencing
12 with Section 14100) of Chapter 3.

13 ~~(h)~~

14 (g) The department shall require a person whose driving
15 privilege is suspended or revoked pursuant to subdivision ~~(f)~~ (e)
16 to submit proof of financial responsibility as defined in Section
17 16430. The proof of financial responsibility shall be filed on or
18 before the date of reinstatement following the suspension or
19 revocation. The proof of financial responsibility shall be maintained
20 with the department for three years following the date of
21 reinstatement.

22 ~~(i)~~

23 (h) (1) Notwithstanding any other provision of this code, the
24 department may issue a distinctive driver’s license, that displays
25 a distinctive color or a distinctively colored stripe or other
26 distinguishing characteristic, to persons at least 16 years of age
27 and older but under 18 years of age, and to persons 18 years of
28 age and older but under 21 years of age, so that the distinctive
29 license feature is immediately recognizable. The features shall
30 clearly differentiate between drivers’ licenses issued to persons at
31 least 16 years of age or older but under 18 years of age and to
32 persons 18 years of age or older but under 21 years of age.

33 (2) If changes in the format or appearance of drivers’ licenses
34 are adopted pursuant to this subdivision, those changes may be
35 implemented under any new contract for the production of drivers’
36 licenses entered into after the adoption of those changes.

37 ~~(j)~~

38 (i) The department shall include, on the face of the provisional
39 driver’s license, the original issuance date of the provisional
40 driver’s license in addition to any other issuance date.

1 (j) (1) A person who signs and verifies the application of a
2 minor for a license pursuant to Section 17701 shall compel that
3 minor's compliance with the restrictions of the provisional license.
4 A person who signs and verifies the application and knowingly
5 allows the minor to operate a vehicle in violation of the restrictions
6 of the provisional license is guilty of an infraction.

7 (2) Prior to signing and verifying the application of the minor
8 for a license under Section 17701, that person shall be notified of
9 the restrictions on the provisional license under this section, the
10 consequences to the minor of a violation of this section, and the
11 provisions of this section.

12 (k) The department shall adopt regulations to ensure that
13 provisional licensees and the person who signs and verifies the
14 application under Section 17701 are fully informed of the
15 requirements and consequences of this section.

16 ~~(k)~~

17 (l) This section shall be known and may be cited as the
18 Brady-Jared Teen Driver Safety Act of 1997.

19 SEC. 4. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.