

AMENDED IN SENATE AUGUST 5, 2010

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 22, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1952

Introduced by Assembly Members Niello and John A. Pérez

February 17, 2010

An act to amend Section 12509 of, and to add Section 12509.5 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1952, as amended, Niello. Vehicles: instruction permit: motorcycle.

Existing

(1) *Existing* law prohibits a person from driving a two-wheel motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, moped, or bicycle with an attached motor upon a highway, unless the person holds a valid driver's license or endorsement for that class, with certain exceptions. Existing law allows a person, who is 15 years and 6 months or older who has a valid instruction permit to drive a motor vehicle and who has successfully completed automobile driver education and driver training, and a person who is 17 years and 6 months or older who has a valid instruction permit to drive a motor vehicle, to operate a motorcycle, motorized scooter, or motorized bicycle, with certain exceptions during hours of darkness, on freeways, and for carrying a passenger. Existing law provides that a person under 21 years of age may not be issued a class M1 or M2 license or endorsement to drive a motorcycle, unless he or she provides evidence satisfactory to the

Department of Motor Vehicles of completion of a specified motorcycle safety training program.

The bill would require a person, depending on his or her age, to meet certain requirements to obtain an instruction permit prior to operating or being issued a class M1 or M2 driver’s license to operate a two-wheel motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, moped, or bicycle with an attached motor. A person issued an instruction permit pursuant to procedures established under the bill would be restricted from operating those vehicles during hours of darkness, on freeways, and while carrying a passenger. The bill would provide that an instruction permit issued pursuant to these procedures would be valid for a period not exceeding 24 months from the date of application.

Because, under existing law, a violation of the Vehicle Code is a crime, this bill would impose a state-mandated local program by creating new crimes.

The

(2) *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.

(3) *This bill would incorporate additional changes to Section 12509 of the Vehicle Code proposed by AB 2464, to be operative only if AB 2464 and this bill become effective on or before January 1, 2010, and this bill is enacted last.*

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. This act shall be known as Jarrad’s Law.
- 2 SEC. 2. Section 12509 of the Vehicle Code is amended 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 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 automobile driver education and training program
9 as provided in subparagraph (B) of paragraph (3) of subdivision
10 (a) of Section 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 years of age or over whose
28 driving privilege is not on probation. An accompanying licensed
29 driver at all times shall occupy a position within the driver's
30 compartment that would enable the accompanying licensed driver
31 to assist the person in controlling the vehicle as may be necessary
32 to avoid a collision and to provide immediate guidance in the safe
33 operation of the vehicle.

34 (e) A person, while having in his or her immediate possession
35 a valid permit issued pursuant to paragraph (4) of subdivision (a),
36 may only operate a government-owned motor vehicle, other than
37 a motorcycle, motorized scooter, or a motorized bicycle, when
38 taking a driver training instruction administered by the California
39 National Guard.

1 (f) The department may also issue an instruction permit to a
2 person who has been issued a valid driver’s license to authorize
3 the person to obtain driver training instruction and to practice that
4 instruction in order to obtain another class of driver’s license or
5 an endorsement.

6 (g) The department may further restrict permits issued under
7 subdivision (a) as it may determine to be appropriate to ensure the
8 safe operation of a motor vehicle by the permittee.

9 *SEC. 2.5. Section 12509 of the Vehicle Code is amended to*
10 *read:*

11 12509. (a) Except as otherwise provided in subdivision (f) of
12 Section 12514, the department, for good cause, may issue an
13 instruction permit to ~~any~~ a physically and mentally qualified person
14 who meets one of the following requirements and who applies to
15 the department for an instruction permit:

16 (1) Is age 15 years and 6 months or older, and has successfully
17 completed approved courses in automobile driver education and
18 driver training as provided in paragraph (3) of subdivision (a) of
19 Section 12814.6.

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

24 ~~(3)~~
25 (2) Is age 15 years and 6 months and enrolled and participating
26 in an integrated *automobile* driver education and training program
27 as provided in subparagraph (B) of paragraph (3) of subdivision
28 (a) of Section 12814.6.

29 ~~(4)~~
30 (3) Is over the age of 16 years and is applying for a restricted
31 driver’s license pursuant to Section 12814.7.

32 ~~(5)~~
33 (4) Is over the age of 17 years and 6 months.

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

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

1 (d) Except as provided in Section 12814.6, a person, while
2 having in his or her immediate possession a valid permit issued
3 pursuant to ~~paragraphs (1) to (3), inclusive, paragraph (1) or (2)~~
4 of subdivision (a), may operate a motor vehicle, other than a
5 motorcycle, motorized scooter, or a motorized bicycle, when
6 accompanied by, and under the immediate supervision of, a
7 California licensed driver with a valid license of the appropriate
8 class, ~~18~~ 21 years of age or over whose driving privilege is not on
9 probation. ~~Except as provided in subdivision (e), an~~ An
10 accompanying licensed driver at all times shall occupy a position
11 within the driver's compartment that would enable the
12 accompanying licensed driver to assist the person in controlling
13 the vehicle as may be necessary to avoid a collision and to provide
14 immediate guidance in the safe operation of the vehicle.

15 ~~(e) A person, while having in his or her immediate possession~~
16 ~~a valid permit issued pursuant to paragraphs (1) to (3), inclusive,~~
17 ~~of subdivision (a), who is age 15 years and 6 months or older and~~
18 ~~who has successfully completed approved courses in automobile~~
19 ~~education and driver training as provided in paragraph (3) of~~
20 ~~subdivision (a) of Section 12814.6, and a person, while having in~~
21 ~~his or her immediate possession a valid permit issued pursuant to~~
22 ~~subdivision (a), who is age 17 years and 6 months or older, may,~~
23 ~~in addition to operating a motor vehicle pursuant to subdivision~~
24 ~~(d), also operate a motorcycle, motorized scooter, or a motorized~~
25 ~~bicycle, except that the person shall not operate a motorcycle,~~
26 ~~motorized scooter, or a motorized bicycle during hours of darkness,~~
27 ~~shall stay off any freeways that have full control of access and no~~
28 ~~crossings at grade, and shall not carry any passenger except an~~
29 ~~instructor licensed under Chapter 1 (commencing with Section~~
30 ~~11100) of Division 5 of this code or a qualified instructor as defined~~
31 ~~in Section 41907 of the Education Code.~~

32 (f)

33 (e) A person, while having in his or her immediate possession
34 a valid permit issued pursuant to ~~paragraph (4)~~ (3) of subdivision
35 (a), may only operate a government-owned motor vehicle, other
36 than a motorcycle, motorized scooter, or a motorized bicycle, when
37 taking a driver training instruction administered by the California
38 National Guard.

39 (g)

1 (f) The department may also issue an instruction permit to a
2 person who has been issued a valid driver's license to authorize
3 the person to obtain driver training instruction and to practice that
4 instruction in order to obtain another class of driver's license or
5 an endorsement.

6 ~~(h)~~

7 (g) The department may further restrict permits issued under
8 subdivision (a) as it may determine to be appropriate to ~~assure~~
9 *ensure* the safe operation of a motor vehicle by the permittee.

10 SEC. 3. Section 12509.5 is added to the Vehicle Code, to read:

11 12509.5. (a) A person shall obtain an instruction permit issued
12 pursuant to this section prior to operating, or being issued a class
13 M1 or M2 driver's license to operate, a two-wheel motorcycle,
14 motor-driven cycle, motorized scooter, motorized bicycle, moped,
15 or bicycle with an attached motor. The person shall meet the
16 following requirements to obtain an instruction permit for purposes
17 of this section:

18 (1) If age 15 years and 6 months or older, but under the age of
19 18 years, the applicant shall meet all of the following requirements:

20 (A) Have a valid class C license or complete driver education
21 and training pursuant to paragraph (3) of subdivision (a) of Section
22 12814.6.

23 (B) Successfully complete a motorcyclist safety program that
24 is operated pursuant to Article 2 (commencing with Section 2930)
25 of Chapter 5 of Division 2.

26 (C) Pass the motorcycle driver's written exam.

27 (2) If 18 years of age or older, but under 21 years of age, the
28 applicant shall meet both of the following requirements:

29 (A) Successfully complete a motorcyclist safety program that
30 is operated pursuant to Article 2 (commencing with Section 2930)
31 of Chapter 5 of Division 2.

32 (B) Pass the motorcycle driver's written exam.

33 (3) If 21 years of age or older, pass the motorcycle driver's
34 written exam.

35 (b) A person described in paragraph (1) or (2) of subdivision
36 (a) shall hold an instruction permit issued pursuant to this section
37 for a minimum of six months prior to being issued a class M1 or
38 M2 license.

39 (c) A person issued an instruction permit pursuant to this section
40 shall not operate a two-wheel motorcycle, motor-driven cycle,

1 motorized scooter, motorized bicycle, moped, or bicycle with an
2 attached motor during the hours of darkness, shall stay off any
3 freeways that have full control of access and have no crossings at
4 grade, and shall not carry any passenger except an instructor
5 licensed under Chapter 1 (commencing with Section 11100) of
6 Division 5 or a qualified instructor as defined in Section 41907 of
7 the Education Code.

8 (d) An instruction permit issued pursuant to this section shall
9 be valid for a period not exceeding 24 months from the date of
10 application.

11 (e) *The department may perform, during regularly scheduled*
12 *computer system maintenance and upgrades, any necessary*
13 *software updates related to the changes made by the addition,*
14 *during the 2009-2010 Regular Session, of this section.*

15 *SEC. 4. Section 2.5 of this bill incorporates amendments to*
16 *Section 12509 of the Vehicle Code proposed by both this bill and*
17 *AB 2464. It shall only become operative if (1) both bills are enacted*
18 *and become effective on or before January 1, 2011, (2) each bill*
19 *amends Section 12509 of the Vehicle Code, and (3) this bill is*
20 *enacted after AB 2464, in which case Section 2 of this bill shall*
21 *not become operative.*

22 ~~SEC. 4.~~

23 *SEC. 5. No reimbursement is required by this act pursuant to*
24 *Section 6 of Article XIII B of the California Constitution because*
25 *the only costs that may be incurred by a local agency or school*
26 *district will be incurred because this act creates a new crime or*
27 *infraction, eliminates a crime or infraction, or changes the penalty*
28 *for a crime or infraction, within the meaning of Section 17556 of*
29 *the Government Code, or changes the definition of a crime within*
30 *the meaning of Section 6 of Article XIII B of the California*
31 *Constitution.*