

AMENDED IN SENATE JUNE 7, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2464

**Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Eng and Torlakson)**

February 19, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2464, as amended, Huffman. Vehicles: provisional licensing.

(1) Existing law, except as specified, authorizes the Department of Motor Vehicles, for good cause, to issue an instruction permit to any physically and mentally qualified person who applies to the department for an instruction permit and meets any one of 5 specified requirements, including the requirement that the person be 15 years and 6 months of age or older and have successfully completed an approved course in automobile driver education and be taking driver training, as specified.

This bill would delete the above alternative requirement and make conforming changes.

The

(2) The Brady-Jared Teen Driver Safety Act of 1997 allows for the issuance of a driver's license to an applicant who is at least 16 years of age but under 18 years of age pursuant to the provisional licensing program. Under the act, licensees are required to meet specified requirements, driver education, and training. The act requires, among other things, that the applicant for an original license be issued an

instruction permit to operate a motor vehicle, other than a motorcycle or motorized bicycle, only when the person is either taking specified driver training instruction or practicing that instruction, provided the person is accompanied by, and is under the immediate supervision of, a California licensed driver 25 years of age or older whose driving privilege is not on probation.

This bill would delete the requirement that the applicant be taking or practicing specified driving instruction to be issued an instruction permit under the act.

The bill would make other conforming and clarifying changes to these provisions.

~~This bill would require that the instruction permit is not valid until the applicant completes the first lesson of behind-the-wheel instruction. The bill would provide that a person is not qualified to receive a Certificate of Completion of Behind-the-Wheel Driver Training unless the person records, maintains, and submits a supervised driving log to a driving school or independent driving instructor showing that the required amount of driving practice has been completed.~~

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

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

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *Teenage drivers in California continue to die, suffer serious*
- 4 *injuries, and cause accidents at a greater rate than any other age*
- 5 *group despite a decade of increasingly stricter requirements for*
- 6 *licensing young drivers.*
- 7 (b) *According to the National Highway Traffic Safety*
- 8 *Administration (NHTSA), motor vehicle crashes continue to be*
- 9 *the leading cause of death for 15 to 20 year olds, accounting for*
- 10 *21 percent of California’s traffic fatalities, even though this age*
- 11 *group constitutes less than 6 percent of California’s licensed*
- 12 *drivers.*
- 13 (c) *The NHTSA also reports that, nationally, 12.9 percent of all*
- 14 *drivers involved in fatal crashes were between 15 to 20 years of*
- 15 *age. In comparison, these young drivers represent 6.3 percent of*
- 16 *all licensed drivers. In 2006, young drivers between 15 to 20 years*
- 17 *of age had the highest fatal crash involvement rate of any age*

1 group with 59.5 fatal crashes per 100,000 licensed drivers. The
2 involvement rate is highest, at 63.98 percent, for 16-year-old
3 drivers whose driving experience is the most limited.

4 (d) From a public health perspective, motor vehicle crashes are
5 among the most serious problems facing teenagers. Studies by the
6 American Automobile Association's Foundation for Traffic Safety
7 indicate that first-year drivers have 10 times the crashes per mile
8 as adults, and for every teen driver that crashes and dies, two other
9 vehicle users or pedestrians are killed in that crash.

10 (e) From an economic perspective, these crashes also impose
11 an enormous cost to society. In its publication, *The Economic*
12 *Impact of Motor Vehicle Crashes*, the NHTSA reported that, in
13 2002, the estimated economic cost of police-reported fatal and
14 nonfatal crashes involving drivers 15 to 20 years of age was \$40.8
15 billion.

16 SEC. 2. Section 12509 of the Vehicle Code is amended to read:

17 12509. (a) Except as otherwise provided in subdivision (f) of
18 Section 12514, the department, for good cause, may issue an
19 instruction permit to any physically and mentally qualified person
20 who meets one of the following requirements and who applies to
21 the department for an instruction permit:

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

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

30 ~~(3)~~

31 (2) Is age 15 years and 6 months and enrolled and participating
32 in an integrated driver education and training program as provided
33 in subparagraph (B) of paragraph (3) of subdivision (a) of Section
34 12814.6.

35 ~~(4)~~

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

38 ~~(5)~~

39 (4) Is over the age of 17 years and 6 months.

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

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

8 (d) Except as provided in Section 12814.6, a person, while
9 having in his or her immediate possession a valid permit issued
10 pursuant to ~~paragraphs (1) to (3), inclusive,~~ *paragraph (1) or (2)*
11 of subdivision (a), may operate a motor vehicle, other than a
12 motorcycle, motorized scooter, or a motorized bicycle, when
13 accompanied by, and under the immediate supervision of, a
14 California licensed driver with a valid license of the appropriate
15 class, ~~18~~ 25 years of age or over whose driving privilege is not on
16 probation. Except as provided in subdivision (e), an accompanying
17 licensed driver at all times shall occupy a position within the
18 driver's compartment that would enable the accompanying licensed
19 driver to assist the person in controlling the vehicle as may be
20 necessary to avoid a collision and to provide immediate guidance
21 in the safe operation of the vehicle.

22 (e) A person, while having in his or her immediate possession
23 a valid permit issued pursuant to ~~paragraphs (1) to (3), inclusive,~~
24 *paragraph (1) or (2)* of subdivision (a), who is age 15 years and
25 6 months or older and who has successfully completed approved
26 courses in automobile education and driver training as provided
27 in paragraph (3) of subdivision (a) of Section 12814.6, and a
28 person, while having in his or her immediate possession a valid
29 permit issued pursuant to subdivision (a), who is age 17 years and
30 6 months or older, may, in addition to operating a motor vehicle
31 pursuant to subdivision (d), also operate a motorcycle, motorized
32 scooter, or a motorized bicycle, except that the person shall not
33 operate a motorcycle, motorized scooter, or a motorized bicycle
34 during hours of darkness, shall stay off any freeways that have full
35 control of access and no crossings at grade, and shall not carry any
36 passenger except an instructor licensed under Chapter 1
37 (commencing with Section 11100) of Division 5 of this code or a
38 qualified instructor as defined in Section 41907 of the Education
39 Code.

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

7 (g) The department may also issue an instruction permit to a
8 person who has been issued a valid driver's license to authorize
9 the person to obtain driver training instruction and to practice that
10 instruction in order to obtain another class of driver's license or
11 an endorsement.

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

15 ~~SECTION 1. The Legislature finds and declares all of the~~
16 ~~following:~~

17 ~~(a) The National Transportation Safety Board, on August 5,~~
18 ~~2005, concluded that "the 56-year-old formula of 30 hours of~~
19 ~~classroom training followed sequentially by 6 hours of~~
20 ~~behind-the-wheel training was determined arbitrarily and is~~
21 ~~probably inadequate to teach teenagers the skills necessary to drive~~
22 ~~safely on today's roadways." Moreover, the report indicates that~~
23 ~~researchers "have shown that driver education accomplished in 30~~
24 ~~hours of classroom and 6 hours of behind-the-wheel training,~~
25 ~~cannot reasonably be expected to transform a nondriver into a safe~~
26 ~~driver."~~

27 ~~(b) At the recommendation of the National Transportation Safety~~
28 ~~Board, the National Highway Traffic Safety Administration~~
29 ~~(NHTSA) completed a nearly four-year project that concluded on~~
30 ~~April 16, 2009, with the publication of the Novice Teen Driver~~
31 ~~Education and Training Administrative Standards (NTDET AS).~~
32 ~~These new training standards for novice drivers reflect the~~
33 ~~collective knowledge and experience of both research and practice~~
34 ~~in driver education and training today. Organizations participating~~
35 ~~in this project include the NHTSA, the American Driver and Traffic~~
36 ~~Safety Education Association (ADTSEA), the American~~
37 ~~Automobile Association (AAA) Foundation for Traffic Safety, the~~
38 ~~Driving School Association of the Americas, as well as 58 driver~~
39 ~~education and training specialists, and state administrators from~~

1 the United States and Canada. New training standards for novice
2 drivers include both of the following:

3 (1) Completion of a minimum of 45 hours of classroom theory
4 that includes risk management principles in all driving situations.
5 (2) Completion of a minimum of 10 hours of behind-the-wheel
6 instruction that includes crash avoidance and risk management
7 skill training in all driving situations and using visual search skills
8 to obtain current information and make reduced-risk decisions for
9 effective speed and position adjustments.

10 (e) In February 2008, the Center on Juvenile and Criminal
11 Justice reported the following problems with graduated driver
12 licensing:

13 (1) It is based on age, the least important factor, rather than
14 based on important individual and social factors.
15 (2) It fails to address localized variations, such as poverty, older
16 vehicles, and other factors.
17 (3) It fails to address high-risk drivers. In fact, this failure may
18 worsen the problem by deputizing high-risk parents to train their
19 children.
20 (4) It reduces the number of crashes caused by 16- and
21 17-year-old drivers by reducing their driving instead of improving
22 their skills, thus resulting in less experienced 18- and 19-year-old
23 drivers.

24 (d) The Center on Juvenile and Criminal Justice recommends
25 the following for driver licensing:

26 (1) Change the current graduated licensing law from an
27 age-based process to a skill- and competence-based process.
28 (2) Award driving privileges to novice drivers of all ages based
29 on rigorously testing on-the-road driving skills and knowledge,
30 not on enduring arbitrary delays and restrictions until a certain age
31 is reached.
32 (3) Reinstate professionalism in driver training and not presume
33 the driving ability of anyone over 25 years of age.

34 (e) The AAA Foundation for Traffic Safety reports that the
35 majority of novice driver crashes are due to inexperience. Novice
36 teenage drivers must be given the skills needed to avoid crashes.
37 Car crashes are the number one cause of death among 15 to 20
38 year olds. First-year teenage drivers have 10 times the crashes per
39 mile as adults. Novice teenage drivers do not recognize the risks
40 involved with driving a motor vehicle and unsafe behavior. What

1 they do not know leads to false confidence. This same pattern
2 exists at all ages and levels of experience.

3 (f) On January 18, 2006, the AAA Foundation for Traffic Safety
4 reported that the majority of people killed in teenage driver crashes
5 are people other than the teenage drivers themselves. Young novice
6 drivers comprise slightly more than one-third of all the fatalities
7 in crashes in which they are involved, whereas nearly two-thirds
8 of those killed are other vehicle users and pedestrians. These
9 statistics provide new urgency to the need to develop new training
10 modalities that will substantially reduce these tragic deaths.

11 (g) The goal of the California Strategic Highway Safety Plan -
12 Challenge 6: Reduce Young Driver Fatalities is to reduce the
13 number of fatalities involving drivers between 15 and 20 years of
14 age by 15 percent from their 2004 level of 811 deaths. Fatalities
15 among those drivers averaged 801 highway fatalities during the
16 13-year span between 1995 and 2007. Novice drivers must be
17 given the skills needed to avoid fatal crashes. The Strategic
18 Highway Safety Program has determined that the traffic safety
19 economic impact to California for each highway fatality is
20 \$4,100,000. Considering the value of a life, the costs of
21 rehabilitation, and the pain and suffering of a lost loved one, the
22 economic justification for collision prevention training is
23 overwhelming and obvious.

24 (h) According to traffic safety researcher, Dr. Richard Harkness
25 of Sacramento-based Advanced Drivers Education Products and
26 Training, Incorporated, there is an overwhelming consensus in the
27 research that suggests that traditional prelicensing driver education
28 and training produces little or no crash reduction benefit for young
29 drivers. Several significant flaws in driver training that appear to
30 be responsible for the disappointing crash reduction performance
31 observed in most of the research include:

32 (1) Driver education and in-car training targets the rules of the
33 road and the Department of Motor Vehicles drive test, not crash
34 reduction.

35 (2) Most of the content of driver education or training is
36 opinion-based and not science-based regarding crash reduction.

37 (3) Learning and teaching effectiveness evaluations are virtually
38 nonexistent in the driver training industry as is contemporary
39 instructional design or technology.

1 ~~(4) Novice teenage drivers have not developed basic driving~~
2 ~~skills and their cognitive learning level is not ready to master~~
3 ~~complex collision prevention training.~~

4 ~~(i) Teaching and retention of advanced skills collision prevention~~
5 ~~training during the initial stage of in-car training for teenagers are~~
6 ~~difficult and problematic at best. Advanced safety skill acquisition~~
7 ~~requires skill integration and multitasking. Research has shown~~
8 ~~that advanced driver skills, such as collision prevention training,~~
9 ~~cannot be effectively mastered until the teenager has some real~~
10 ~~and meaningful on-the-road driving experience.~~

11 ~~(j) In 2007, the American Association of State Highway and~~
12 ~~Transportation Officials (AASHTO), in cooperation with the~~
13 ~~Federal Highway Administration, issued its Strategic Highway~~
14 ~~Safety Plan to reduce annual highway fatalities to 1.0 fatality per~~
15 ~~100 million vehicle-miles of travel. The report includes: A Guide~~
16 ~~for Reducing Collisions Involving Young Drivers. The report~~
17 ~~strongly acknowledges that young, inexperienced teenage drivers~~
18 ~~“clearly make poor judgments in their first many months of driving,~~
19 ~~resulting in a high crash rate. These failed judgments often~~
20 ~~represent mistakes in assessing, or in even noticing, hazards in the~~
21 ~~driving environment. They also reflect misconceptions about~~
22 ~~drivers’ limited abilities and their susceptibility to crashing.~~
23 ~~Therefore, a promising approach for improving young driver safety~~
24 ~~may lie in more effectively training them to perceive hazards and~~
25 ~~to respond accordingly, rather than focusing on the kinds of basic~~
26 ~~vehicle control skills that are frequently and mistakenly equated~~
27 ~~with safe driving.”~~

28 ~~(k) Organizations on record that recommend that driver~~
29 ~~education and training programs for novice drivers focus on vehicle~~
30 ~~handling and crash avoidance, driver behavior, and risk reduction~~
31 ~~include the AAA Foundation for Traffic Safety, the American~~
32 ~~Driver and Traffic Safety Education Association, the Governors’~~
33 ~~Highway Safety Association, the National Highway Traffic Safety~~
34 ~~Administration, the Driving School Association of the Americas,~~
35 ~~Incorporated, the American Association of State Highway and~~
36 ~~Transportation Officials, Advanced Drivers Education Products~~
37 ~~and Training, Incorporated, the Driving School Association of~~
38 ~~California, Incorporated, and the Federal Highway Administration.~~

39 ~~(l) The lifesaving benefits of crash avoidance training have been~~
40 ~~recognized by the Department of Insurance that authorizes a~~

1 ~~20-percent automobile insurance policy premium discount for~~
2 ~~teenagers 16 to 18 years of age who complete designated crash~~
3 ~~avoidance training. The discount translates into several hundred~~
4 ~~dollars a year for most insured drivers that is tantamount to~~
5 ~~refunding the cost of collision prevention training over a three-year~~
6 ~~period. Through the discount, parents actually save substantially~~
7 ~~while providing lifesaving crash avoidance training for their~~
8 ~~teenagers.~~

9 ~~SEC. 2.~~

10 ~~SEC. 3.~~ Section 12814.6 of the Vehicle Code is amended to
11 read:

12 12814.6. (a) Except as provided in Section 12814.7, a driver's
13 license issued to a person at least 16 years of age but under 18
14 years of age shall be issued pursuant to the provisional licensing
15 program contained in this section. The program shall consist of
16 all of the following components:

17 (1) Upon application for an original license, the applicant shall
18 be issued an instruction permit pursuant to Section 12509. A person
19 who has in his or her immediate possession a valid permit issued
20 pursuant to Section 12509 may operate a motor vehicle, other than
21 ~~a motorcycle or motorized bicycle, only when the person is either~~
22 ~~taking the driver training instruction referred to in paragraph (3)~~
23 ~~or practicing that instruction, provided the person is accompanied~~
24 ~~a motorcycle or motorized bicycle, provided the person is~~
25 ~~accompanied by, and is under the immediate supervision of, a~~
26 California-licensed driver 25 years of age or older whose driving
27 privilege is not on probation. The age requirement of this paragraph
28 does not apply if the licensed driver is the parent, spouse, or
29 guardian of the permit holder or is a licensed or certified driving
30 instructor.

31 ~~(2) The instruction permit is not valid until the applicant~~
32 ~~completes the first lesson of behind-the-wheel instruction.~~

33 ~~(3)~~

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

36 ~~(4)(A)~~

37 (3) The person shall have complied with one of the following:

38 (i)

39 (A) Satisfactory completion of approved courses in automobile
40 driver education and driver training maintained pursuant to

1 provisions of the Education Code in any secondary school of
2 California, or equivalent instruction in a secondary school of
3 another state.

4 (ii)

5 (B) Satisfactory completion of an integrated driver education
6 and training program that is approved by the department and
7 conducted by a driving instructor licensed under Chapter 1
8 (commencing with Section 11100) of Division 5. The program
9 shall utilize segmented modules, whereby a portion of the
10 educational instruction is provided by, and then reinforced through,
11 specific behind-the-wheel training before moving to the next phase
12 of driver education and training. The program shall contain a
13 minimum of 30 hours of classroom instruction and six hours of
14 behind-the-wheel training.

15 (iii)

16 (C) Satisfactory completion of six hours or more of
17 behind-the-wheel instruction by a driving school or independent
18 driving instructor licensed under Chapter 1 (commencing with
19 Section 11100) of Division 5 and either an accredited course in
20 automobile driver education in any secondary school of California
21 pursuant to provisions of the Education Code or satisfactory
22 completion of equivalent professional instruction acceptable to
23 the department. To be acceptable to the department, the
24 professional instruction shall meet minimum standards to be
25 prescribed by the department, and the standards shall be at least
26 equal to the requirements for driver education and driver training
27 contained in the rules and regulations adopted by the State Board
28 of Education pursuant to the Education Code. A person who has
29 complied with this ~~clause~~ *subparagraph* shall not be required by
30 the governing board of a school district to comply with ~~clause (i)~~
31 *subparagraph (A)* in order to graduate from high school.

32 ~~(B) Except as provided under clause (ii) of subparagraph (A);~~

33 (D) *Except as provided under subparagraph (B)*, a student shall
34 not take driver training instruction, unless he or she has
35 successfully completed driver education.

36 ~~(5)~~

37 (4) The person shall complete 50 hours of supervised driving
38 practice prior to the issuance of a provisional license, which is in
39 addition to any other driver training instruction required by law.
40 Not less than 10 of the required practice hours shall include driving

1 during darkness, as defined in Section 280. ~~A person is not~~
2 ~~qualified to receive a Certificate of Completion of~~
3 ~~Behind-the-Wheel Driver Training unless the person records,~~
4 ~~maintains, and submits to the driving school or independent driving~~
5 ~~instructor licensed under Chapter 1 (commencing with Section~~
6 ~~11100) of Division 5 a supervised driving log showing that the~~
7 ~~required amount of driving practice has been completed. Upon~~
8 *Upon* application for a provisional license, the person shall submit
9 to the department the certification of a parent, spouse, guardian,
10 or licensed or certified driving instructor that the applicant has
11 completed the required amount of *50 hours of supervised* driving
12 practice and is prepared to take the department's driving test. *The*
13 *requirement that a person must complete 50 hours of supervised*
14 *driving practice shall be explicitly stated on the instruction permit.*
15 A person without a parent, spouse, guardian, or who is an
16 emancipated minor, may have a licensed driver 25 years of age or
17 older or a licensed or certified driving instructor complete the
18 certification. This requirement does not apply to motorcycle
19 practice.

20 (6)

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

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

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

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

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

35 (2) A licensee may drive between the hours of 11 p.m. and 5
36 a.m. or transport an immediate family member without being
37 accompanied and supervised by a licensed driver who is the
38 licensee's parent or guardian, a licensed driver who is 25 years of
39 age or older, or a licensed or certified driving instructor, in the
40 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 (c) A law enforcement officer shall 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) A law enforcement officer shall not stop a vehicle for the
32 sole purpose of determining whether a driver who is subject to the
33 license restrictions in subdivision (b) is in violation of Article 2.5
34 (commencing with Section 118947) of Chapter 4 of Part 15 of
35 Division 104 of the Health and Safety Code.

36 (e) (1) Upon a finding that any licensee has violated paragraph
37 (1) of subdivision (b), the court shall impose one of the following:

38 (A) Not less than eight hours nor more than 16 hours of
39 community service for a first offense and not less than 16 hours

1 nor more than 24 hours of community service for a second or
2 subsequent offense.

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

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

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

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

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

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

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

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

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

1 (B) The person shall remain free from accident responsibility.
2 (h) Whenever action by the department under subdivision (g)
3 arises as a result of a motor vehicle accident, the person may, in
4 writing and within 10 days, demand a hearing to present evidence
5 that he or she was not responsible for the accident upon which the
6 action is based. Whenever action by the department is based upon
7 a conviction reportable to the department under Section 1803, the
8 person has no right to a hearing pursuant to Article 3 (commencing
9 with Section 14100) of Chapter 3.

10 (i) The department shall require a person whose driving privilege
11 is suspended or revoked pursuant to subdivision (g) to submit proof
12 of financial responsibility as defined in Section 16430. The proof
13 of financial responsibility shall be filed on or before the date of
14 reinstatement following the suspension or revocation. The proof
15 of financial responsibility shall be maintained with the department
16 for three years following the date of reinstatement.

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

27 (2) If changes in the format or appearance of driver's licenses
28 are adopted pursuant to this subdivision, those changes may be
29 implemented under any new contract for the production of driver's
30 licenses entered into after the adoption of those changes.

31 (k) The department shall include, on the face of the provisional
32 driver's license, the original issuance date of the provisional
33 driver's license in addition to any other issuance date.

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

O