

AMENDED IN SENATE AUGUST 13, 2013

AMENDED IN SENATE JUNE 18, 2013

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1113**

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**Introduced by Assembly Member Frazier**

February 22, 2013

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An act to amend, *repeal, and add* Section 12814.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1113, as amended, Frazier. Provisional driver's licenses: restrictions.

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. Existing law requires a person to have held an instruction permit for at least 6 months prior to applying for a provisional driver's license. A person licensed under this program is prohibited during the first 12 months after issuance of a license from driving during the hours of 11 p.m. and 5 a.m. or from transporting passengers who are under 20 years of age, subject to specified exceptions. Under existing law, a violation of these provisions is an infraction.

This bill would, *commencing January 1, 2015*, require that the restrictions on a person licensed under the provisional licensing program continue for the duration of the provisional license, and would additionally prohibit the licensee from driving between the hours of 10 p.m. and 5 a.m. or transporting passengers who are under 21 years of

age, except as specified. The bill would require a person to have held an instruction permit for at least 9 months prior to applying for a provisional driver’s license. ~~The bill would prohibit the Department of Motor Vehicles from issuing a provisional driver’s license if the applicant has been convicted of any offense relating to the use or operation of a motor vehicle for a period of 6 consecutive months prior to applying for a provisional driver’s license, as provided.~~

By expanding the scope of a crime, this bill would impose a state-mandated local program.

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.

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. The Legislature finds and declares all of the  
2 following:

3 (a) Teenagers have the highest crash rate of any group in the  
4 United States and are four times more likely to be involved in a  
5 crash than adult drivers.

6 (b) In 2009, there were 476 fatalities in crashes that involved  
7 teen drivers and, according to a report done by the National Safety  
8 Council, 133 lives and \$910,000,000 could be saved if California  
9 implemented the graduated driver licensing requirements specified  
10 in the federal Moving Ahead for Progress in the 21st Century Act  
11 (Public Law 112-141).

12 ~~SEC. 2. Section 12814.6 of the Vehicle Code is amended to~~  
13 ~~read:~~

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

19 ~~(1) Upon application for an original license, the applicant shall~~  
20 ~~be issued an instruction permit pursuant to Section 12509. A person~~  
21 ~~who has in his or her immediate possession a valid permit issued~~

1 pursuant to Section 12509 may operate a motor vehicle, other than  
2 a motorcycle or motorized bicycle, only when the person is either  
3 taking the driver training instruction referred to in paragraph (3)  
4 or practicing that instruction, provided the person is accompanied  
5 by, and is under the immediate supervision of, a California licensed  
6 driver 25 years of age or older whose driving privilege is not on  
7 probation. The age requirement of this paragraph does not apply  
8 if the licensed driver is the parent, spouse, or guardian of the  
9 permit holder or is a licensed or certified driving instructor.

10 (2) (A) The person shall hold an instruction permit for not less  
11 than nine months prior to applying for a provisional driver's  
12 license.

13 (B) The department shall not issue a provisional driver's license  
14 if, during the six consecutive months immediately prior to the  
15 expiration of the permit, the applicant has been convicted of an  
16 offense relating to the use or operation of a motor vehicle,  
17 including, but not limited to, driving while intoxicated, reckless  
18 driving, driving without wearing a seatbelt, speeding, prohibited  
19 use of a wireless communication device, or a violation of the  
20 provisions of the permit.

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

22 (A) Satisfactory completion of approved courses in automobile  
23 driver education and driver training maintained pursuant to  
24 provisions of the Education Code in any secondary school of  
25 California, or equivalent instruction in a secondary school of  
26 another state.

27 (B) Satisfactory completion of an integrated driver education  
28 and training program that is approved by the department and  
29 conducted by a driving instructor licensed under Chapter 1  
30 (commencing with Section 11100) of Division 5. The program  
31 shall utilize segmented modules, whereby a portion of the  
32 educational instruction is provided by, and then reinforced through,  
33 specific behind-the-wheel training before moving to the next phase  
34 of driver education and training. The program shall contain a  
35 minimum of 30 hours of classroom instruction and six hours of  
36 behind-the-wheel training.

37 (C) Satisfactory completion of six hours or more of  
38 behind-the-wheel instruction by a driving school or an independent  
39 driving instructor licensed under Chapter 1 (commencing with  
40 Section 11100) of Division 5 and either an accredited course in

1 automobile driver education in any secondary school of California  
 2 pursuant to provisions of the Education Code or satisfactory  
 3 completion of equivalent professional instruction acceptable to  
 4 the department. To be acceptable to the department, the  
 5 professional instruction shall meet minimum standards to be  
 6 prescribed by the department, and the standards shall be at least  
 7 equal to the requirements for driver education and driver training  
 8 contained in the rules and regulations adopted by the State Board  
 9 of Education pursuant to the Education Code. A person who has  
 10 complied with this subparagraph shall not be required by the  
 11 governing board of a school district to comply with subparagraph  
 12 (A) in order to graduate from high school.

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

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

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

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

36 (1) Except as specified in paragraph (2), the licensee may not  
 37 do any of the following unless accompanied and supervised by a  
 38 licensed driver who is the licensee's parent or guardian, a licensed  
 39 driver who is 25 years of age or older, or a licensed or certified  
 40 driving instructor:

1 ~~(A) Drive between the hours of 10 p.m. and 5 a.m.~~

2 ~~(B) Transport passengers who are under 21 years of age.~~

3 ~~(2) A licensee may drive between the hours of 10 p.m. and 5~~  
4 ~~a.m. or transport an immediate family member without being~~  
5 ~~accompanied and supervised by a licensed driver who is the~~  
6 ~~licensee's parent or guardian, a licensed driver who is 25 years of~~  
7 ~~age or older, or a licensed or certified driving instructor, in the~~  
8 ~~following circumstances:~~

9 ~~(A) Medical necessity of the licensee when reasonable~~  
10 ~~transportation facilities are inadequate and operation of a vehicle~~  
11 ~~by a minor is necessary. The licensee shall keep in his or her~~  
12 ~~possession a signed statement from a physician familiar with the~~  
13 ~~condition, containing a diagnosis and probable date when sufficient~~  
14 ~~recovery will have been made to terminate the necessity.~~

15 ~~(B) Schooling or school-authorized activities of the licensee~~  
16 ~~when reasonable transportation facilities are inadequate and~~  
17 ~~operation of a vehicle by a minor is necessary. The licensee shall~~  
18 ~~keep in his or her possession a signed statement from the school~~  
19 ~~principal, dean, or school staff member designated by the principal~~  
20 ~~or dean, containing a probable date that the schooling or~~  
21 ~~school-authorized activity will have been completed.~~

22 ~~(C) Employment necessity of the licensee when reasonable~~  
23 ~~transportation facilities are inadequate and operation of a vehicle~~  
24 ~~by a minor is necessary. The licensee shall keep in his or her~~  
25 ~~possession a signed statement from the employer, verifying~~  
26 ~~employment and containing a probable date that the employment~~  
27 ~~will have been completed.~~

28 ~~(D) Necessity of the licensee or the licensee's immediate family~~  
29 ~~member when reasonable transportation facilities are inadequate~~  
30 ~~and operation of a vehicle by a minor is necessary to transport the~~  
31 ~~licensee or the licensee's immediate family member. The licensee~~  
32 ~~shall keep in his or her possession a signed statement from a parent~~  
33 ~~or legal guardian verifying the reason and containing a probable~~  
34 ~~date that the necessity will have ceased.~~

35 ~~(E) The licensee is an emancipated minor.~~

36 ~~(e) A law enforcement officer shall not stop a vehicle for the~~  
37 ~~sole purpose of determining whether the driver is in violation of~~  
38 ~~the restrictions imposed under subdivision (b).~~

39 ~~(d) A law enforcement officer shall not stop a vehicle for the~~  
40 ~~sole purpose of determining whether a driver who is subject to the~~

1 license restrictions in subdivision (b) is in violation of Article 2.5  
2 (commencing with Section 118947) of Chapter 4 of Part 15 of  
3 Division 104 of the Health and Safety Code.

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

6 (A) ~~Not less than eight hours nor more than 16 hours of~~  
7 ~~community service for a first offense and not less than 16 hours~~  
8 ~~nor more than 24 hours of community service for a second or~~  
9 ~~subsequent offense.~~

10 (B) ~~A fine of not more than thirty-five dollars (\$35) for a first~~  
11 ~~offense and a fine of not more than fifty dollars (\$50) for a second~~  
12 ~~or subsequent offense.~~

13 (2) ~~If the court orders community service, the court shall retain~~  
14 ~~jurisdiction until the hours of community service have been~~  
15 ~~completed.~~

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

20 (f) ~~A conviction of paragraph (1) of subdivision (b), when~~  
21 ~~reported to the department, may not be disclosed as otherwise~~  
22 ~~specified in Section 1808 or constitute a violation point count value~~  
23 ~~pursuant to Section 12810.~~

24 (g) ~~Any term of restriction or suspension of the driving privilege~~  
25 ~~imposed on a person pursuant to this subdivision shall remain in~~  
26 ~~effect until the end of the term even though the person becomes~~  
27 ~~18 years of age before the term ends.~~

28 (1) ~~The driving privilege shall be suspended when the record~~  
29 ~~of the person shows one or more notifications issued pursuant to~~  
30 ~~Section 40509 or 40509.5. The suspension shall continue until any~~  
31 ~~notification issued pursuant to Section 40509 or 40509.5 has been~~  
32 ~~cleared.~~

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

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

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

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

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

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

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

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

1 ~~(k) The department shall include, on the face of the provisional~~  
2 ~~driver's license, the original issuance date of the provisional~~  
3 ~~driver's license in addition to any other issuance date.~~

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

6 *SEC. 2. Section 12814.6 of the Vehicle Code is amended to*  
7 *read:*

8 12814.6. (a) Except as provided in Section 12814.7, a driver's  
9 license issued to a person at least 16 years of age but under 18  
10 years of age shall be issued pursuant to the provisional licensing  
11 program contained in this section. The program shall consist of  
12 all of the following components:

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

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

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

28 (A) Satisfactory completion of approved courses in automobile  
29 driver education and driver training maintained pursuant to  
30 provisions of the Education Code in any secondary school of  
31 California, or equivalent instruction in a secondary school of  
32 another state.

33 (B) Satisfactory completion of an integrated driver education  
34 and training program that is approved by the department and  
35 conducted by a driving instructor licensed under Chapter 1  
36 (commencing with Section 11100) of Division 5. The program  
37 shall utilize segmented modules, whereby a portion of the  
38 educational instruction is provided by, and then reinforced through,  
39 specific behind-the-wheel training before moving to the next phase  
40 of driver education and training. The program shall contain a

1 minimum of 30 hours of classroom instruction and six hours of  
2 behind-the-wheel training.

3 (C) Satisfactory completion of six hours or more of  
4 behind-the-wheel instruction by a driving school or an independent  
5 driving instructor licensed under Chapter 1 (commencing with  
6 Section 11100) of Division 5 and either an accredited course in  
7 automobile driver education in any secondary school of California  
8 pursuant to provisions of the Education Code or satisfactory  
9 completion of equivalent professional instruction acceptable to  
10 the department. To be acceptable to the department, the  
11 professional instruction shall meet minimum standards to be  
12 prescribed by the department, and the standards shall be at least  
13 equal to the requirements for driver education and driver training  
14 contained in the rules and regulations adopted by the State Board  
15 of Education pursuant to the Education Code. A person who has  
16 complied with this ~~subdivision~~ *subparagraph* shall not be required  
17 by the governing board of a school district to comply with  
18 subparagraph (A) in order to graduate from high school.

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

22 (4) The person shall complete 50 hours of supervised driving  
23 practice prior to the issuance of a provisional license, which is in  
24 addition to any other driver training instruction required by law.  
25 Not less than 10 of the required practice hours shall include driving  
26 during darkness, as defined in Section 280. Upon application for  
27 a provisional license, the person shall submit to the department  
28 the certification of a parent, spouse, guardian, or licensed or  
29 certified driving instructor that the applicant has completed the  
30 required amount of driving practice and is prepared to take the  
31 department's driving test. A person without a parent, spouse,  
32 guardian, or who is an emancipated minor, may have a licensed  
33 driver 25 years of age or older or a licensed or certified driving  
34 instructor complete the certification. This requirement does not  
35 apply to motorcycle practice.

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

1 (b) Except as provided in Section 12814.7, the provisional  
2 driver’s license shall be subject to all of the following restrictions:  
3 (1) Except as specified in paragraph (2), during the first 12  
4 months after issuance of a provisional license the licensee ~~may~~  
5 *shall* not do any of the following unless accompanied and  
6 supervised by a licensed driver who is the licensee’s parent or  
7 guardian, a licensed driver who is 25 years of age or older, or a  
8 licensed or certified driving instructor:  
9 (A) Drive between the hours of 11 p.m. and 5 a.m.  
10 (B) Transport passengers who are under 20 years of age.  
11 (2) A licensee may drive between the hours of 11 p.m. and 5  
12 a.m. or transport an immediate family member without being  
13 accompanied and supervised by a licensed driver who is the  
14 licensee’s parent or guardian, a licensed driver who is 25 years of  
15 age or older, or a licensed or certified driving instructor, in the  
16 following circumstances:  
17 (A) Medical necessity of the licensee when reasonable  
18 transportation facilities are inadequate and operation of a vehicle  
19 by a minor is necessary. The licensee shall keep in his or her  
20 possession a signed statement from a physician familiar with the  
21 condition, containing a diagnosis and probable date when sufficient  
22 recovery will have been made to terminate the necessity.  
23 (B) Schooling or school-authorized activities of the licensee  
24 when reasonable transportation facilities are inadequate and  
25 operation of a vehicle by a minor is necessary. The licensee shall  
26 keep in his or her possession a signed statement from the school  
27 principal, dean, or school staff member designated by the principal  
28 or dean, containing a probable date that the schooling or  
29 school-authorized activity will have been completed.  
30 (C) Employment necessity of the licensee when reasonable  
31 transportation facilities are inadequate and operation of a vehicle  
32 by a minor is necessary. The licensee shall keep in his or her  
33 possession a signed statement from the employer, verifying  
34 employment and containing a probable date that the employment  
35 will have been completed.  
36 (D) Necessity of the licensee or the licensee’s immediate family  
37 member when reasonable transportation facilities are inadequate  
38 and operation of a vehicle by a minor is necessary to transport the  
39 licensee or the licensee’s immediate family member. The licensee  
40 shall keep in his or her possession a signed statement from a parent

1 or legal guardian verifying the reason and containing a probable  
2 date that the necessity will have ceased.

3 (E) The licensee is an emancipated minor.

4 (c) A law enforcement officer shall not stop a vehicle for the  
5 sole purpose of determining whether the driver is in violation of  
6 the restrictions imposed under subdivision (b).

7 (d) A law enforcement officer shall not stop a vehicle for the  
8 sole purpose of determining whether a driver who is subject to the  
9 license restrictions in subdivision (b) is in violation of Article 2.5  
10 (commencing with Section 118947) of Chapter 4 of Part 15 of  
11 Division 104 of the Health and Safety Code.

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

14 (A) Not less than eight hours nor more than 16 hours of  
15 community service for a first offense and not less than 16 hours  
16 nor more than 24 hours of community service for a second or  
17 subsequent offense.

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

21 (2) If the court orders community service, the court shall retain  
22 jurisdiction until the hours of community service have been  
23 completed.

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

28 (f) A conviction of paragraph (1) of subdivision (b), when  
29 reported to the department, may not be disclosed as otherwise  
30 specified in Section 1808 or constitute a violation point count value  
31 pursuant to Section 12810.

32 (g) Any term of restriction or suspension of the driving privilege  
33 imposed on a person pursuant to this subdivision shall remain in  
34 effect until the end of the term even though the person becomes  
35 18 years of age before the term ends.

36 (1) The driving privilege shall be suspended when the record  
37 of the person shows one or more notifications issued pursuant to  
38 Section 40509 or 40509.5. The suspension shall continue until any  
39 notification issued pursuant to Section 40509 or 40509.5 has been  
40 cleared.

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

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

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

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

17 (h) Whenever action by the department under subdivision (g)  
 18 arises as a result of a motor vehicle accident, the person may, in  
 19 writing and within 10 days, demand a hearing to present evidence  
 20 that he or she was not responsible for the accident upon which the  
 21 action is based. Whenever action by the department is based upon  
 22 a conviction reportable to the department under Section 1803, the  
 23 person has no right to a hearing pursuant to Article 3 (commencing  
 24 with Section 14100) of Chapter 3.

25 (i) The department shall require a person whose driving privilege  
 26 is suspended or revoked pursuant to subdivision (g) to submit proof  
 27 of financial responsibility as defined in Section 16430. The proof  
 28 of financial responsibility shall be filed on or before the date of  
 29 reinstatement following the suspension or revocation. The proof  
 30 of financial responsibility shall be maintained with the department  
 31 for three years following the date of reinstatement.

32 (j) (1) Notwithstanding any other provision of this code, the  
 33 department may issue a distinctive driver’s license, that displays  
 34 a distinctive color or a distinctively colored stripe or other  
 35 distinguishing characteristic, to persons at least 16 years of age  
 36 and older but under 18 years of age, and to persons 18 years of  
 37 age and older but under 21 years of age, so that the distinctive  
 38 license feature is immediately recognizable. The features shall  
 39 clearly differentiate between driver’s licenses issued to persons at

1 least 16 years of age or older but under 18 years of age and to  
2 persons 18 years of age or older but under 21 years of age.

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

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

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

12 (m) *This section shall remain in effect only until January 1,*  
13 *2015, and as of that date is repealed, unless a later enacted statute,*  
14 *that is enacted before January 1, 2015, deletes or extends that*  
15 *date.*

16 SEC. 3. Section 12814.6 is added to the Vehicle Code, to read:

17 12814.6. (a) *Except as provided in Section 12814.7, a driver's*  
18 *license issued to a person at least 16 years of age but under 18*  
19 *years of age shall be issued pursuant to the provisional licensing*  
20 *program contained in this section. The program shall consist of*  
21 *all of the following components:*

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

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

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

37 (A) *Satisfactory completion of approved courses in automobile*  
38 *driver education and driver training maintained pursuant to*  
39 *provisions of the Education Code in any secondary school of*

1 *California, or equivalent instruction in a secondary school of*  
2 *another state.*

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

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

29 *(D) Except as provided under subparagraph (B), a student may*  
30 *not take driver training instruction, unless he or she has*  
31 *successfully completed driver education.*

32 *(4) The person shall complete 50 hours of supervised driving*  
33 *practice prior to the issuance of a provisional license, which is in*  
34 *addition to any other driver training instruction required by law.*  
35 *Not less than 10 of the required practice hours shall include driving*  
36 *during darkness, as defined in Section 280. Upon application for*  
37 *a provisional license, the person shall submit to the department*  
38 *the certification of a parent, spouse, guardian, or licensed or*  
39 *certified driving instructor that the applicant has completed the*  
40 *required amount of driving practice and is prepared to take the*

1 department's driving test. A person without a parent, spouse,  
2 guardian, or who is an emancipated minor, may have a licensed  
3 driver 25 years of age or older or a licensed or certified driving  
4 instructor complete the certification. This requirement does not  
5 apply to motorcycle practice.

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

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

12 (1) Except as specified in paragraph (2), the licensee shall not  
13 do any of the following unless accompanied and supervised by a  
14 licensed driver who is the licensee's parent or guardian, a licensed  
15 driver who is 25 years of age or older, or a licensed or certified  
16 driving instructor:

17 (A) Drive between the hours of 10 p.m. and 5 a.m.

18 (B) Transport passengers who are under 21 years of age.

19 (2) A licensee may drive between the hours of 10 p.m. and 5  
20 a.m. or transport an immediate family member without being  
21 accompanied and supervised by a licensed driver who is the  
22 licensee's parent or guardian, a licensed driver who is 25 years  
23 of age or older, or a licensed or certified driving instructor, in the  
24 following circumstances:

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

31 (B) Schooling or school-authorized activities of the licensee  
32 when reasonable transportation facilities are inadequate and  
33 operation of a vehicle by a minor is necessary. The licensee shall  
34 keep in his or her possession a signed statement from the school  
35 principal, dean, or school staff member designated by the principal  
36 or dean, containing a probable date that the schooling or  
37 school-authorized activity will have been completed.

38 (C) Employment necessity of the licensee when reasonable  
39 transportation facilities are inadequate and operation of a vehicle  
40 by a minor is necessary. The licensee shall keep in his or her

1 *possession a signed statement from the employer, verifying*  
 2 *employment and containing a probable date that the employment*  
 3 *will have been completed.*

4 *(D) Necessity of the licensee or the licensee’s immediate family*  
 5 *member when reasonable transportation facilities are inadequate*  
 6 *and operation of a vehicle by a minor is necessary to transport*  
 7 *the licensee or the licensee’s immediate family member. The*  
 8 *licensee shall keep in his or her possession a signed statement*  
 9 *from a parent or legal guardian verifying the reason and*  
 10 *containing a probable date that the necessity will have ceased.*

11 *(E) The licensee is an emancipated minor.*

12 *(c) A law enforcement officer shall not stop a vehicle for the*  
 13 *sole purpose of determining whether the driver is in violation of*  
 14 *the restrictions imposed under subdivision (b).*

15 *(d) A law enforcement officer shall not stop a vehicle for the*  
 16 *sole purpose of determining whether a driver who is subject to the*  
 17 *license restrictions in subdivision (b) is in violation of Article 2.5*  
 18 *(commencing with Section 118947) of Chapter 4 of Part 15 of*  
 19 *Division 104 of the Health and Safety Code.*

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

22 *(A) Not less than eight hours nor more than 16 hours of*  
 23 *community service for a first offense and not less than 16 hours*  
 24 *nor more than 24 hours of community service for a second or*  
 25 *subsequent offense.*

26 *(B) A fine of not more than thirty-five dollars (\$35) for a first*  
 27 *offense and a fine of not more than fifty dollars (\$50) for a second*  
 28 *or subsequent offense.*

29 *(2) If the court orders community service, the court shall retain*  
 30 *jurisdiction until the hours of community service have been*  
 31 *completed.*

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

36 *(f) A conviction of paragraph (1) of subdivision (b), when*  
 37 *reported to the department, may not be disclosed as otherwise*  
 38 *specified in Section 1808 or constitute a violation point count value*  
 39 *pursuant to Section 12810.*

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

5 (1) The driving privilege shall be suspended when the record  
6 of the person shows one or more notifications issued pursuant to  
7 Section 40509 or 40509.5. The suspension shall continue until any  
8 notification issued pursuant to Section 40509 or 40509.5 has been  
9 cleared.

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

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

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

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

26 (h) Whenever action by the department under subdivision (g)  
27 arises as a result of a motor vehicle accident, the person may, in  
28 writing and within 10 days, demand a hearing to present evidence  
29 that he or she was not responsible for the accident upon which the  
30 action is based. Whenever action by the department is based upon  
31 a conviction reportable to the department under Section 1803, the  
32 person has no right to a hearing pursuant to Article 3 (commencing  
33 with Section 14100) of Chapter 3.

34 (i) The department shall require a person whose driving  
35 privilege is suspended or revoked pursuant to subdivision (g) to  
36 submit proof of financial responsibility as defined in Section 16430.  
37 The proof of financial responsibility shall be filed on or before the  
38 date of reinstatement following the suspension or revocation. The  
39 proof of financial responsibility shall be maintained with the  
40 department for three years following the date of reinstatement.

1 (j) (1) Notwithstanding any other provision of this code, the  
 2 department may issue a distinctive driver’s license, that displays  
 3 a distinctive color or a distinctively colored stripe or other  
 4 distinguishing characteristic, to persons at least 16 years of age  
 5 and older but under 18 years of age, and to persons 18 years of  
 6 age and older but under 21 years of age, so that the distinctive  
 7 license feature is immediately recognizable. The features shall  
 8 clearly differentiate between driver’s licenses issued to persons  
 9 at least 16 years of age or older but under 18 years of age and to  
 10 persons 18 years of age or older but under 21 years of age.

11 (2) If changes in the format or appearance of driver’s licenses  
 12 are adopted pursuant to this subdivision, those changes may be  
 13 implemented under any new contract for the production of driver’s  
 14 licenses entered into after the adoption of those changes.

15 (k) The department shall include, on the face of the provisional  
 16 driver’s license, the original issuance date of the provisional  
 17 driver’s license in addition to any other issuance date.

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

20 (m) This section shall become operative on January 1, 2015.

21 ~~SEC. 3.~~

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