

**ASSEMBLY BILL**

**No. 1115**

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**Introduced by Assembly Member Jones**

February 22, 2013

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An act to amend Section 12509 of, and to add Section 12814.9 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1115, as introduced, Jones. Vehicles: driver's licenses.

Existing law permits, except as specified, the Department of Motor Vehicles, for good cause, to issue an instruction permit to a physically and mentally qualified person who applies to the department for an instruction permit and meets one of specified requirements, including, but not limited to, being over 16 years of age and applying for a restricted driver's license as specified, or being over 17 years and 6 months of age.

This bill would add to the specified requirement that a person be over 17 years and 6 months of age, that he or she must also be applying for a driver's license pursuant to, specified provision. This bill would include in that additional specified provision that the department is prohibited from issuing a driver's license to a person who is 18 years of age or older unless that person demonstrates that he or she completed a written examination before being issued an instruction permit, that he or she held the instruction permit prior to applying for a driver's license, satisfactory completion of a specified driver education program that is approved by the department, and satisfactory completion of a driving test as required by the department. This bill would also establish a specified waiting period before a driver's license applicant may retake a specified examination or test.

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

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

1 SECTION 1. Section 12509 of the Vehicle Code is amended  
2 to read:  
3 12509. (a) Except as otherwise provided in subdivision (f) of  
4 Section 12514, the department, for good cause, may issue an  
5 instruction permit to 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 15 years and 6 months of age or older, and has successfully  
9 completed approved courses in automobile driver education and  
10 driver training as provided in paragraph (3) of subdivision (a) of  
11 Section 12814.6.  
12 (2) Is 15 years and 6 months of age or older, and has successfully  
13 completed an approved course in automobile driver education and  
14 is taking driver training as provided in paragraph (3) of subdivision  
15 (a) of Section 12814.6.  
16 (3) Is 15 years and 6 months of age and enrolled and  
17 participating in an integrated automobile driver education and  
18 training program as provided in subparagraph (B) of paragraph  
19 (3) of subdivision (a) of Section 12814.6.  
20 (4) Is over 16 years of age and is applying for a restricted  
21 driver’s license pursuant to Section 12814.7.  
22 (5) Is over 17 years and 6 months of age *and is applying for a*  
23 *driver’s license pursuant to Section 12814.9.*  
24 (b) The applicant shall qualify for, and be issued, an instruction  
25 permit within 12 months from the date of the application.  
26 (c) An instruction permit issued pursuant to subdivision (a) shall  
27 entitle the applicant to operate a vehicle, subject to the limitations  
28 imposed by this section and any other provisions of law, upon the  
29 highways for a period not exceeding 24 months from the date of  
30 the application.  
31 (d) Except as provided in Section 12814.6, a person, while  
32 having in his or her immediate possession a valid permit issued  
33 pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), may  
34 operate a motor vehicle, other than a motorcycle, motorized  
35 scooter, or a motorized bicycle, when accompanied by, and under

1 the immediate supervision of, a California-licensed driver with a  
2 valid license of the appropriate class who is 18 years of age or  
3 over and whose driving privilege is not subject to probation. An  
4 accompanying licensed driver at all times shall occupy a position  
5 within the driver's compartment that would enable the  
6 accompanying licensed driver to assist the person in controlling  
7 the vehicle as may be necessary to avoid a collision and to provide  
8 immediate guidance in the safe operation of the vehicle.

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

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

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

23 SEC. 2. Section 12814.9 is added to the Vehicle Code, to read:

24 12814.9. (a) For purposes of paragraph (5) of subdivision (a)  
25 of Section 12509, the department shall not issue a driver's license  
26 to a person who is 18 years of age or older unless the person meets  
27 the following requirements:

28 (1) The person shall have held an instruction permit prior to  
29 applying for a driver's license. The department shall issue the  
30 instruction permit upon satisfactory completion of a written  
31 examination.

32 (2) Satisfactory completion of a driver education program that  
33 is approved by the department. The driver education program may  
34 be conducted through the Internet or by a driving instructor licensed  
35 under Chapter 1 (commencing with Section 11100) of Division 5.

36 (3) Satisfactory completion of a driving test, as required by the  
37 department.

38 (b) Before retaking an examination or test required by this  
39 section, the person shall wait for not less than one week after failure

- 1 of the written test and for not less than two weeks after failure of
- 2 the driving test.

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