

ASSEMBLY BILL

No. 235

Introduced by Assembly Member Frazier

February 5, 2015

An act to amend Section 12814.6 of the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 235, as introduced, Frazier. Driver's licenses: provisional licenses.

Existing law, the Brady-Jared Teen Driver Safety Act of 1997, provides 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 existing law, a person licensed under this program is prohibited, during the first 12 months after issuance of a provisional 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 prohibit a person with a provisional license, from engaging in those prohibited activities until the provisional period ends when the person reaches 18 years of age. 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:

SECTION 1. Section 12814.6 of the Vehicle Code is amended to read:

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

(1) Upon application for an original license, the applicant shall be issued an instruction permit pursuant to Section 12509. A person who has in his or her immediate possession a valid permit issued pursuant to Section 12509 may operate a motor vehicle, other than a motorcycle or motorized bicycle, only when the person is either taking the driver training instruction referred to in paragraph (3) 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. The age requirement of this paragraph does not apply if the licensed driver is the parent, spouse, or guardian of the permitholder or is a licensed or certified driving instructor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (C) Employment necessity of the licensee when reasonable
29 transportation facilities are inadequate and operation of a vehicle
30 by a minor is necessary. The licensee shall keep in his or her
31 possession a signed statement from the employer, verifying
32 employment and containing a probable date that the employment
33 will have been completed.

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

1 (E) The licensee is an emancipated minor.

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

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

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

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

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

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

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

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

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

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

39 (2) A 30-day restriction shall be imposed ~~when~~ if a driver's
40 record shows a violation point count of two or more points in 12

1 months, as determined in accordance with Section 12810. The
2 restriction shall require the licensee to be accompanied by a
3 licensed parent, spouse, guardian, or other licensed driver 25 years
4 of age or older, except when operating a class M vehicle, or so
5 licensed, with no passengers aboard.

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

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

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

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

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

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

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

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

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

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.