

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1223

Introduced by Senator Huff

(Principal coauthor: Assembly Member Frazier)

(Coauthor: Assembly Member Chu)

February 18, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1223, as amended, Huff. Driver's licenses: provisional licenses.

Existing law, the Brady-Jared Teen Driver Safety Act of 1997, establishes a provisional licensing program and generally requires that a driver's license issued to a person at least 16 years of age but under 18 years of age be issued pursuant to that provisional licensing program. During the first 12 months after issuance of a provisional license, existing law prohibits the licensee from driving between the hours of 11 p.m. and 5 a.m. and transporting passengers who are under 20 years of age, unless he or she is accompanied and supervised by a licensed driver, as specified, or a licensed or certified driving instructor. Existing law provides limited exceptions to these restrictions under which a licensee is authorized to drive under specified circumstances, including ~~a-schooling~~ school or school-authorized activity or an employment necessity, and requires the licensee to keep certain supporting documentation in his or her possession. A violation of these provisions is punishable as an infraction.

This bill would expand the scope of the provisional licensing program by extending the applicable age range for the program from 16 to under

18 years of age to 16 to under 21 years of age. By expanding the scope of the provisional licensing program, the violation of which constitutes an infraction, the bill would impose a state-mandated local program. The bill would authorize a licensee who is 18, 19, or 20 years of age to keep in his or her possession a copy of his or her class schedule or work schedule as documentation to satisfy the exceptions for ~~schooling a~~ *school* or school-authorized activity and employment necessity, respectively, and would provide that a signed statement by a parent or legal guardian is not required if reasonable transportation facilities are inadequate and the operation of a vehicle by a licensee who is 18, 19, or 20 years of age is necessary to transport the licensee or the licensee's immediate family member. The bill would make other *technical and* conforming changes.

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. Section 12814.6 of the Vehicle Code is amended
2 to read:
3 12814.6. (a) Except as provided in Section 12814.7, a driver's
4 license issued to a person at least 16 years of age but under 21
5 years of age shall be issued pursuant to the provisional licensing
6 program contained in this section. The program shall consist of
7 all of the following components:
8 (1) Upon application for an original license, the applicant shall
9 be issued an instruction permit pursuant to Section 12509. A person
10 who has in his or her immediate possession a valid permit issued
11 pursuant to Section 12509 may operate a motor vehicle, other than
12 a motorcycle or motorized bicycle, only when the person is either
13 taking the driver training instruction referred to in paragraph (3)
14 or practicing that instruction, provided the person is accompanied
15 by, and is under the immediate supervision of, a California licensed
16 driver 25 years of age or older whose driving privilege is not on
17 probation. The age requirement of this paragraph does not apply

1 if the licensed driver is the parent, spouse, or guardian of the
2 permitholder or is a licensed or certified driving instructor.

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

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

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

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

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

37 (D) Except as provided under subparagraph (B), a student shall
38 not take driver training instruction, unless he or she has
39 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) Except as specified in paragraph (2), during the first 12 months after issuance of a provisional license the licensee shall not do any of the following unless accompanied and supervised by a licensed driver who is the licensee's parent or guardian, a licensed driver who is 25 years of age or older, or a licensed or certified driving instructor:

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

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

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

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

1 (B) ~~Schooling~~ *School* or school-authorized activities of the
2 licensee when reasonable transportation facilities are inadequate
3 and operation of a vehicle by a licensee is necessary.

4 (i) The licensee shall keep in his or her possession a signed
5 statement from the school principal, dean, or school staff member
6 designated by the principal or dean, containing a probable date
7 that the ~~schooling~~ *school* or school-authorized activity will have
8 been completed.

9 (ii) A licensee who is 18, 19, or 20 years of age may keep in
10 his or her possession a copy of his or her class schedule as
11 documentation to satisfy clause (i).

12 (C) Employment necessity of the licensee when reasonable
13 transportation facilities are inadequate and operation of a vehicle
14 by a licensee is necessary.

15 (i) The licensee shall keep in his or her possession a signed
16 statement from the employer, verifying employment and containing
17 a probable date that the employment will have been completed.

18 (ii) A licensee who is 18, 19, or 20 years of age may keep in
19 his or her possession a copy of his or her work schedule as
20 documentation to satisfy clause (i).

21 (D) Necessity of the licensee or the licensee's immediate family
22 member when reasonable transportation facilities are inadequate
23 and operation of a vehicle by a licensee is necessary to transport
24 the licensee or the licensee's immediate family member. The
25 licensee shall keep in his or her possession a signed statement from
26 a parent or legal guardian verifying the reason and containing a
27 probable date that the necessity will have ceased. If reasonable
28 transportation facilities are inadequate and operation of a vehicle
29 by a licensee who is 18, 19, or 20 years of age is necessary to
30 transport the licensee or the licensee's immediate family member,
31 a signed statement by a parent or legal guardian is not required.

32 (E) The licensee is an emancipated minor.

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

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

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

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

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

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

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

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

(g) Any term of restriction or suspension of the driving privilege imposed on a person pursuant to this subdivision shall remain in effect until the end of the term even though the person becomes 21 years of age before the term ends.

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

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

(3) A six-month suspension of the driving privilege and a one-year term of probation shall be imposed whenever a licensee's record shows a violation point count of three or more points in 12 months, as determined in accordance with Section 12810. The

1 terms and conditions of probation shall include, but not be limited
2 to, both of the following:

3 (A) The person shall not violate any law that, if resulting in
4 conviction, is reportable to the department under Section 1803.

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

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

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

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

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

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

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

1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.