

AMENDED IN ASSEMBLY SEPTEMBER 3, 1997

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AMENDED IN SENATE MAY 15, 1997

AMENDED IN SENATE APRIL 22, 1997

AMENDED IN SENATE APRIL 7, 1997

SENATE BILL

No. 1329

Introduced by Senator Leslie

(Principal coauthor: Assembly Member Murray)

(Coauthors: Senators Alpert and Haynes)

(Coauthors: Assembly Members Campbell, Kuykendall,
Margett, Richter, and Scott)

February 28, 1997

An act to amend Section 51226.6 of the Education Code, and to amend Sections 12507.1, 12509, 12514, 12660, and 12814.6 of, and to repeal Sections 12507 and 12512 of, the Vehicle Code, ~~relating to vehicles, and declaring the urgency thereof, to take effect immediately.~~ *relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1329, as amended, Leslie. Vehicles: minors: provisional driver's license.

(1) Existing law requires that any driver's license issued to a person under 18 years of age be issued pursuant to a specified provisional licensing program. Among other things, the provisional licensing program requires (1) that the person

hold a specified instruction permit for not less than 30 days prior to applying for a provisional driver's license, (2) that a 30-day restriction, as specified, be imposed when the person's record shows a violation point count, as specified, of 2 or more points in 12 months, and (3) that a 6-month suspension be imposed when the person's record shows a violation point count of 3 or more points in 12 months.

This bill would require the person to hold the specified instruction permit for not less than 6 months prior to applying for a provisional driver's license.

The bill would require the person to complete 50 hours of supervised driving practice prior to the issuance of a provisional license, with not less than 10 of those hours to include driving during darkness, as defined.

The bill would require that the provisional driver's license be subject to specified conditions, including that for the first 6 months after issuance of a provisional license the licensee not drive between the hours of 12:00 a.m. and 5:00 a.m. or transport passengers who are under 20 years of age, unless accompanied and supervised by a licensed driver who is the licensee's parent or guardian or a person older than 25 years of age and authorized by the parent or guardian to accompany and supervise the provisional licensee. During the second 6 months after issuance of a provisional license the licensee would be authorized to transport passengers under the age of 20 years between the hours of 5:00 a.m. and 12:00 a.m. without supervision. However, the restriction that the licensee not drive between the hours of 12:00 a.m. and 5:00 a.m. would continue to apply during this period.

The bill would provide exceptions to these restrictions based upon specified circumstances.

The bill would prohibit a law enforcement officer from stopping a vehicle for the sole purpose of determining whether the driver is in violation of the specified restrictions.

The provisions regarding the provisional driver's license program specified above would become operative on July 1, 1998.

The bill would delete obsolete provisions and would make other technical, nonsubstantive changes in existing law.



The bill would require a court to impose community service or specified fines upon a licensee violating certain of these provisions and would thereby impose a state-mandated local program by increasing the duties imposed upon local juvenile court officials and probation officers.

(2) 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.

~~(3) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ²/₃—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 51226.6 of the Education Code is
2 amended to read:

3 51226.6. (a) The State Department of Education
4 shall develop and adopt a model curriculum framework
5 for driver education and training that incorporates the
6 rules and regulations adopted by the State Board of
7 Education relating to driver education pursuant to
8 Sections 41905 and 51850, and that is directed to
9 preparing student drivers for compliance with paragraph
10 (4) of subdivision (a) of Section 12814.6 of the Vehicle
11 Code.

12 (b) The State Department of Education shall not be
13 required to comply with the requirements of subdivision
14 (a) unless federal funding is available to defray the cost
15 of developing and adopting the model curriculum
16 framework for driver training and education.

17 SEC. 2. Section 12507 of the Vehicle Code is repealed.

18 SEC. 3. Section 12507.1 of the Vehicle Code is
19 amended to read:

20 12507.1. (a) (1) In enacting this section, it is the
21 intent of the Legislature to implement a pilot program to
22 study the safety and fiscal effects of allowing certain



1 driving schools to conduct the provisional driver's license
2 behind-the-wheel driving test.

3 (2) The adoption of departmental regulations,
4 training of driving school instructors, and all other
5 functions necessary to prepare for the implementation of
6 the pilot program shall be performed by the department
7 commencing on January 1, 1995.

8 (b) Commencing on January 1, 1996, the department
9 may allow a driving school that has operated for at least
10 two years in compliance with Chapter 1 (commencing
11 with Section 11100) of Division 5 to administer the
12 behind-the-wheel driving test portion of the examination
13 required by subparagraph (D) of paragraph (1) of
14 subdivision (a) of Section 12804.9 for a provisional driver's
15 license for any person who is 16 years of age or older, but
16 who is less than 18 years of age, if all of the following
17 conditions apply:

18 (1) The applicant has complied with the requirements
19 of paragraph (4) of subdivision (a) of Section 12814.6.

20 (2) The tests given by the driving school are the same
21 as those that would otherwise be given by the
22 department.

23 (3) The driving school enters into an agreement with
24 the department containing, but not limited to, all of the
25 following provisions:

26 (A) The department shall annually conduct onsite
27 inspections of the testing operations, or more often as the
28 department determines to be necessary.

29 (B) All driving school examiners shall meet all of the
30 following qualifications:

31 (i) Have at least 500 hours of instructional experience
32 as a driving school instructor.

33 (ii) Be at least 25 years of age.

34 (iii) Have the same qualification and training
35 standards as the department's examiners, to the extent
36 necessary to conduct the driving tests in compliance with
37 department standards.

38 (C) No driving school examiner shall be qualified to
39 administer the behind-the-wheel test where the



1 individual to be tested has been previously instructed by
2 that examiner in the operation of a vehicle.

3 (D) No driving school or driving school instructor shall
4 condition the payment of a fee to the school by an
5 applicant for receiving instruction in the operation of a
6 vehicle or the administration of the behind-the-wheel
7 driving test, or both, upon the passage or failure of the
8 behind-the-wheel driving test.

9 (E) The driving school requires written assurances
10 from an applicant's parent or guardian that the parent or
11 guardian assumes liability for the applicant during the
12 driving test.

13 (F) The department may cancel, suspend, or revoke
14 the agreement with the driving school, upon giving 15
15 days' prior written notice of the proposed action to the
16 driving school, if the department determines that the
17 driving school is failing to comply with the standards for
18 the behind-the-wheel driving test or with any other term
19 of the agreement.

20 (4) A driving school that has had its agreement
21 canceled, suspended, or revoked by order of the
22 department may not administer a behind-the-wheel
23 driving test during the period that the order is in effect.

24 (5) (A) Any driving school that has had its agreement
25 canceled pursuant to subparagraph (F) of paragraph (3)
26 may apply for a new agreement at any time.

27 (B) The suspension of an agreement pursuant to
28 subparagraph (F) of paragraph (3) shall be for a term of
29 not more than 12 months, as determined by the
30 department in accordance with regulations adopted by
31 the department. After the period of suspension has
32 expired, the agreement shall be reinstated upon request
33 of the driving school if the driving school is in compliance
34 with this section.

35 (C) (i) The revocation of an agreement pursuant to
36 subparagraph (F) of paragraph (3) shall be for a term of
37 not less than one year. A driving school may apply for a
38 new agreement after the period of revocation has
39 expired, upon submission of proof to the department of



1 correction of the deficiencies or violations that resulted
2 in the revocation.

3 (ii) The department may permanently revoke an
4 agreement pursuant to subparagraph (F) of paragraph
5 (3) for repeated violations or repeated failures to comply
6 with any standard or provision of the agreement.

7 (6) The department shall monitor the driving schools
8 and evaluate the benefits and effects on traffic safety of
9 the driving school testing program. The department shall
10 periodically choose at random and retest driving
11 school-certified provisional license applicants for the
12 purposes of evaluating the program.

13 (7) Any provisional driver's license applicant who
14 takes and passes a driving test administered by a driving
15 school pursuant to this section shall provide the
16 department with a certificate satisfactory to the
17 department that the applicant has successfully passed the
18 driving test.

19 (8) The department shall charge a fee not to exceed
20 five dollars (\$5) for each certificate provided to the
21 department by an applicant. The amount of the fee shall
22 be sufficient to pay for the actual costs incurred by the
23 department in connection with the monitoring of driving
24 schools and retesting of license applicants pursuant to
25 paragraph (6).

26 (9) (A) This paragraph applies only to driving schools
27 that have administered both behind-the-wheel training
28 and behind-the-wheel driving tests for at least 12 months.

29 (B) The department shall prohibit a driving school
30 from continuing to administer behind-the-wheel driving
31 tests if the department determines that the driving school
32 has administered behind-the-wheel training and
33 behind-the-wheel driving tests to applicants, the majority
34 of whom have subsequently been subject to any of the
35 following provisions:

36 (i) Paragraph (6) of subdivision (a) of Section 12814.6.

37 (ii) Paragraph (7) of subdivision (a) of Section
38 12814.6.

39 (iii) Paragraph (9) of subdivision (a) of Section
40 12814.6.



1 (10) The establishment of driving school
2 behind-the-wheel testing agreements may be
3 implemented by the department on those dates that the
4 department determines to be necessary to accomplish an
5 orderly provisional driver's license testing program
6 pursuant to this section.

7 (11) During each year of the pilot project authorized
8 by this section, not more than 15,000 applicants for
9 provisional driver's licenses may receive the
10 behind-the-wheel driving test at a driving school that
11 meets the criteria specified in this section.

12 (12) The department shall submit a report to the
13 Legislature on the progress of the driving school testing
14 program authorized pursuant to this section within three
15 years after the date the program is implemented. The
16 report shall compare subsequent driving records,
17 including accidents, convictions, and failures to appear,
18 for provisional driver's license applicants who have been
19 tested by the driving schools and tested by the
20 department. The report shall include, but shall not be
21 limited to, an analysis of the costs and benefits of the
22 program and shall include recommendations by the
23 department.

24 (13) The director may terminate the driving school
25 testing program at any time that the department
26 determines that continued operation of the program
27 would have an adverse effect on traffic safety. The finding
28 upon which that determination is based shall be reported
29 to the Legislature not later than 30 days after the
30 termination of the program.

31 (c) This section shall remain in effect only until
32 January 1, 1999, and as of that date is repealed, unless a
33 later enacted statute, which is enacted before January 1,
34 1999, deletes or extends that date.

35 SEC. 4. Section 12509 of the Vehicle Code is amended
36 to read:

37 12509. (a) Except as otherwise provided in
38 subdivision (f) of Section 12514, the department, for good
39 cause, may issue an instruction permit to any physically
40 and mentally qualified person who meets one of the



1 following requirements and who applies to the
2 department for an instruction permit:

3 (1) Is age 15 years and 6 months or over and has
4 successfully completed approved courses in automobile
5 driver education and driver training as provided in
6 paragraph (4) of subdivision (a) of Section 12814.6.

7 (2) Is age 15 years and 6 months or over and has
8 successfully completed an approved course in automobile
9 driver education and is taking driver training as provided
10 in paragraph (4) of subdivision (a) of Section 12814.6.

11 (3) Is age 15 years or over and is enrolled in an
12 approved driver education course and is at the same time
13 or during the same semester enrolled in an approved
14 driver training course.

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

16 (b) An instruction permit issued pursuant to
17 subdivision (a) shall entitle the applicant to operate a
18 vehicle, subject to the limitations imposed by this section
19 and any other provisions of law, upon the highways for a
20 period not exceeding 12 months.

21 (c) Except as provided in paragraph (1) of subdivision
22 (a) of Section 12814.6, any person, while having in his or
23 her immediate possession a valid permit issued pursuant
24 to subdivision (a), may operate a motor vehicle, other
25 than a motorcycle or a motorized bicycle, when either
26 taking the driver training instruction of a kind referred
27 to in paragraph (4) of subdivision (a) of Section 12814.6,
28 or when practicing that instruction, and when
29 accompanied by, and under the immediate supervision
30 of, a California licensed driver 18 years of age or over
31 whose driving privilege is not on probation. Except as
32 provided in subdivision (d), an accompanying licensed
33 driver at all times shall occupy a position within the
34 driver's compartment that would enable the
35 accompanying licensed driver to assist the person in
36 controlling the vehicle as may be necessary to avoid a
37 collision and to provide immediate guidance in the safe
38 operation of the vehicle.

39 (d) Any person while having in his or her immediate
40 possession a valid permit issued pursuant to subdivision



1 (a), who is age 15 years and 6 months or over and who has
2 successfully completed approved courses in automobile
3 education and driver training as provided in paragraph
4 (4) of subdivision (a) of Section 12814.6, and any person
5 while having in his or her immediate possession a valid
6 permit issued pursuant to subdivision (a) who is age 17
7 years and 6 months or over, may, in addition to operating
8 a motor vehicle pursuant to subdivision (c), also operate
9 a motorcycle or a motorized bicycle, except that the
10 person shall not operate a motorcycle or a motorized
11 bicycle during hours of darkness, shall stay off any
12 freeways that have full control of access and no crossings
13 at grade and shall not carry any passenger except an
14 instructor licensed under Chapter 1 (commencing with
15 Section 11100) of Division 5 of this code or a qualified
16 instructor as defined in Section 18252.2 of the Education
17 Code.

18 (e) No student shall take driver training instruction
19 unless he or she is at the same time taking driver
20 education instruction or has successfully completed
21 driver education.

22 (f) The department may also issue an instruction
23 permit to a person who has been issued a valid driver's
24 license to authorize the person to obtain driver training
25 instruction and to practice that instruction in order to
26 obtain another class of driver's license or an endorsement.

27 (g) The department may further restrict permits
28 issued under subdivision (a) as it may determine to be
29 appropriate to assure the safe operation of a motor
30 vehicle by the permittee.

31 SEC. 5. Section 12512 of the Vehicle Code is repealed.

32 SEC. 6. Section 12514 of the Vehicle Code is amended
33 to read:

34 12514. (a) Junior permits issued pursuant to Section
35 12513 shall not be valid for a period exceeding that
36 established on the original request as the approximate
37 date the minor's operation of a vehicle will no longer be
38 necessary. In any event, no permit shall be valid on or
39 after the 18th birthday of the applicant.



1 (b) The department may revoke any permit when to
2 do so is necessary for the welfare of the minor or in the
3 interests of safety.

4 (c) If conditions or location of residence, which
5 required the minor's operation of a vehicle, change prior
6 to expiration of the permit, the department may cancel
7 the permit.

8 (d) Upon a determination that the permittee has
9 operated a vehicle in violation of restrictions, the
10 department shall revoke the permit.

11 (e) A junior permit is a form of driver's license that
12 shall include all information required by subdivision (a)
13 of Section 12811 except for an engraved picture or
14 photograph of the permittee, and is subject to all
15 provisions of this code applying to driver's licenses,
16 except as otherwise provided in this section and Section
17 12513.

18 (f) An instruction permit valid for a period of not more
19 than six months may be issued after eligibility has been
20 established under Section 12513.

21 (g) The department shall cancel any permit six
22 months from the date of issuance unless the permittee has
23 complied with one of the conditions prescribed by
24 paragraph (4) of subdivision (a) of Section 12814.6.

25 SEC. 7. Section 12660 of the Vehicle Code is amended
26 to read:

27 12660. (a) The department may establish a program
28 authorizing a driving school licensed pursuant to Chapter
29 1 (commencing with Section 11100) of Division 5 to issue
30 a student license to operate a class 3 vehicle to any
31 applicant 15 years of age or older, subject to the
32 conditions specified in subdivision (d).

33 (b) The department may charge any driving school
34 participating in the program a fee not to exceed two
35 dollars (\$2) per applicant to recover the department's
36 cost in establishing and monitoring the program. The fee
37 that a participating school may charge an applicant for a
38 student license may not exceed the fee which the
39 department charges the school for the license.



1 (c) The department may remove a driving school
2 from the program if the department determines that the
3 school has issued a student license fraudulently, or has
4 otherwise not followed the requirements of the program.
5 This fraudulent conduct may result in cause for
6 suspension or revocation of the driving school license.

7 (d) (1) Applicants shall meet the qualification
8 standards specified in regulations adopted by the
9 department pursuant to Section 12661. The student
10 license application shall be accompanied by a statement
11 signed by the parents or guardian, or person having
12 custody of the minor, consenting to the issuance of a
13 student license to the applicant.

14 (2) No licensed driving school shall issue a student
15 license to any applicant under the age of 17 years and six
16 months unless that applicant shows either proof of
17 enrollment in, or satisfactory completion of, an approved
18 course in driver education, pursuant to standards
19 specified in paragraph (4) of subdivision (a) of Section
20 12814.6.

21 (e) A driving school owner or an independent
22 instructor licensed under Section 11105.5 shall maintain
23 liability insurance for bodily injury or property damage
24 caused by the use of a motor vehicle in driving
25 instruction, and for the liability of the driving school, the
26 instructor, and the student, in accordance with Section
27 11103.

28 (f) The department shall submit a report to the
29 Legislature on the progress of the program established
30 pursuant to subdivision (a) within two years after the
31 program is implemented. The report shall include, but
32 not be limited to, an analysis of the costs and benefits of
33 the program and shall include recommendations by the
34 department.

35 (g) The director may terminate the program at any
36 time the department determines that continued
37 operation of the program would have an adverse effect on
38 traffic safety. The finding upon which the termination is
39 based shall be reported to the Legislature within 30 days
40 following termination of the program.



1 SEC. 8. Section 12814.6 of the Vehicle Code is
2 amended to read:

3 12814.6. (a) Notwithstanding any other provision of
4 law, any driver's license issued to a person under 18 years
5 of age shall be issued pursuant to the provisional licensing
6 program contained in this section. The program shall
7 consist of all of the following components:

8 (1) Upon application for an original license, the
9 applicant shall be issued an instruction permit pursuant
10 to Section 12509. A person who has in his or her immediate
11 possession a valid permit issued pursuant to Section 12509
12 may operate a motor vehicle, other than a motorcycle or
13 motorized bicycle, subject to Section 12509 only if that
14 person is accompanied by, and under the immediate
15 supervision of, a driver who is 25 years of age or older, who
16 holds a driver's license issued under this code, and whose
17 driving privilege is not on probation. The age
18 requirement of this paragraph does not apply if the
19 licensed driver is the parent, spouse, or guardian of the
20 permitholder or is a licensed or certified driving
21 instructor.

22 (2) Before retaking a test, the person shall wait for not
23 less than one week after failure of the written test and for
24 not less than two weeks after failure of the driving test.

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

28 (4) The person shall successfully complete an
29 examination required by the department and shall have
30 complied with one of the following:

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

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



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

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

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

36 (7) A 30-day restriction shall be imposed when a
37 driver's record shows a violation point count of two or
38 more points in 12 months, as determined in accordance
39 with Section 12810. The restriction shall require the
40 licensee to be accompanied by a licensed parent, spouse,



1 guardian, or other licensed driver 25 years of age or older,
2 except when operating a class M vehicle, if so licensed,
3 with no passengers aboard.

4 (8) The provisional driver's license shall be subject to
5 all of the following restrictions:

6 (A) Except as specified in subparagraph (C), during
7 the first six months after issuance of a provisional license
8 the licensee shall not do any of the following unless
9 accompanied and supervised by a licensed driver who is
10 the licensee's parent or guardian, a licensed driver who
11 is 25 years of age or older, or a licensed or certified driving
12 instructor:

13 (i) Drive between the hours of 12:00 a.m. and 5:00 a.m.

14 (ii) Transport passengers who are under 20 years of
15 age.

16 (B) During the second six months after issuance of a
17 provisional license the licensee may transport passengers
18 under the age of 20 years between the hours of 5:00 a.m.
19 and 12:00 a.m. without supervision. This driving time
20 restriction shall not modify or alter any local ordinance
21 that restricts or prohibits cruising during specified
22 proscribed hours. However, the restriction imposed
23 under clause (i) of subparagraph (A) shall continue to
24 apply during this period.

25 (C) A licensee may drive between the hours of 12:00
26 a.m. and 5:00 a.m. or transport an immediate family
27 member without being accompanied and supervised by
28 a licensed driver who is the licensee's parent or guardian,
29 a licensed driver who is 25 years of age or older, or a
30 licensed or certified driving instructor, in the following
31 circumstances:

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

39 (ii) Schooling or school-authorized activities of the
40 licensee when reasonable transportation facilities are



1 inadequate and operation of a vehicle by a minor is
2 necessary. The licensee shall keep in his or her possession
3 a signed statement from the school principal, dean, or
4 school staff member designated by the principal or dean,
5 containing a probable date that the schooling or
6 school-authorized activity will have been completed.

7 (iii) Employment necessity of the licensee when
8 reasonable transportation facilities are inadequate and
9 operation of a vehicle by a minor is necessary. The
10 licensee shall keep in his or her possession a signed
11 statement from the employer, verifying employment and
12 containing a probable date that the employment will
13 have been completed.

14 (iv) Necessity of the licensee or the licensee's
15 immediate family member when reasonable
16 transportation facilities are inadequate and operation of
17 a vehicle by a minor is necessary to transport the licensee
18 or the licensee's immediate family member. The licensee
19 shall keep in his or her possession a signed statement from
20 a parent or legal guardian verifying the reason and
21 containing a probable date that the necessity will have
22 ceased.

23 (v) The licensee is an emancipated minor.

24 (9) A six-month suspension of the driving privilege
25 and a one-year term of probation shall be imposed
26 whenever a licensee's record shows a violation point
27 count of three or more points in 12 months, as determined
28 in accordance with Section 12810. The terms and
29 conditions of probation shall include, but not be limited
30 to, both of the following:

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

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

36 (b) Any term of restriction or suspension of the driving
37 privilege imposed on a person under this section shall
38 remain in effect until the end of the term even though the
39 person becomes 18 years of age before the term ends.



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

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

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

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

35 (f) A law enforcement officer shall not stop a vehicle
36 for the sole purpose of determining whether the driver is
37 in violation of the restrictions imposed under
38 subparagraph (A) or (B) of paragraph (8) of subdivision
39 (a).



1 (g) (1) Upon a finding that any licensee has violated
2 clause (i) or (ii) of subparagraph (A) of paragraph (8) of
3 subdivision (a), the court shall impose one of the
4 following:

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

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

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

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

20 (h) The department shall include, on the face of the
21 provisional driver's license, the original issuance date of
22 the provisional driver's license in addition to any other
23 issuance date.

24 (i) This section shall be known and may be cited as the
25 Brady-Jared Teen Driver Safety Act of 1997.

26 (j) This section shall become operative on July 1, 1998.

27 SEC. 9. No reimbursement is required by this act
28 pursuant to Section 6 of Article XIII B of the California
29 Constitution because the only costs that may be incurred
30 by a local agency or school district will be incurred
31 because this act creates a new crime or infraction,
32 eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section
34 17556 of the Government Code, or changes the definition
35 of a crime within the meaning of Section 6 of Article
36 XIII B of the California Constitution.

37 Notwithstanding Section 17580 of the Government
38 Code, unless otherwise specified, the provisions of this act
39 shall become operative on the same date that the act
40 takes effect pursuant to the California Constitution.



1 ~~SEC. 10. This act is an urgency statute necessary for~~
2 ~~the immediate preservation of the public peace, health,~~
3 ~~or safety within the meaning of Article IV of the~~
4 ~~Constitution and shall go into immediate effect. The facts~~
5 ~~constituting the necessity are:~~
6 ~~In order to enact, at the earliest possible time, a~~
7 ~~provisional driver's license program for minors to protect~~
8 ~~the safety of the public and prevent injuries and accidents~~
9 ~~involving minors, who are known to be~~
10 ~~disproportionately more likely to be involved in accidents~~
11 ~~at night, it is necessary that this act take effect~~
12 ~~immediately.~~

