

AMENDED IN SENATE MAY 28, 1999

AMENDED IN SENATE MAY 3, 1999

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 335

Introduced by Senator Hayden
(Principal coauthor: Senator Johnston)
(Coauthor: Senator Speier)
(Coauthor: Assembly Member Aroner)

February 9, 1999

An act to amend Sections 12805 and 12814 of, and to add Sections 1673, 1673.2, 1673.4, 1673.6, 1673.8, ~~and 12814.1~~ *12814.1, and 14909* to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 335, as amended, Hayden. Driver's license: age: *fees*.

(1) Existing law requires the Director of Motor Vehicles to establish standards and develop criteria for the approval of driver improvement courses specifically designed for the safe driving needs of drivers who are 55 years of age or older.

This bill would require the Department of Motor Vehicles to develop a program to foster a positive atmosphere that is conducive to encouraging senior drivers, as defined, to succeed in passing any visual tests or written or behind-the-wheel driving tests administered by the department.

The bill would require the department to prepare a report listing all restricted driver's licenses issued during the 2000 calendar year. The report would be required to contain a

category describing the condition that required issuance of the restricted license, would be organized by that category, and would describe the restriction that was imposed in each case. The bill would require the department to submit the report to the Legislature on or before January 31, 2001.

The bill would require the department to implement a component in its training and development program for test administrators that encourages sensitivity to the issues of aging.

The bill would require the department to establish a task force to analyze potential sources of funding and modes of transportation for seniors who have lost their driver's licenses due to a failure to pass a visual test or a written or behind-the-wheel driving test. The department would be required to prepare and submit a report on the findings of the task force to the Legislature not later than July 1, 2000.

(2) Under existing law, the Department of Motor Vehicles is prohibited from issuing a driver's license to, or renewing a driver's license of, certain listed persons.

This bill would include in that listing persons whose best corrected visual acuity is 20/200 or worse in that person's better eye, as specified. The bill would prohibit a person from using a bioptic telescopic or similar lens to meet the visual acuity standards.

(3) Existing law allows the department to require an examination deemed by the department to be appropriate of an applicant for renewal of a driver's license based on records of accidents and convictions of that applicant or based on evidence of the applicant's condition, and specifies that the age of an applicant-licensee, by itself, does not constitute evidence of a condition requiring an examination of the applicant's driving ability.

Existing law also prohibits the department from granting a driver's license to a person who is 70 years of age or older on the basis of a renewal by mail.

This bill would, additionally, require a person who is 75 years of age or older to complete and pass the eyesight test and written test, and demonstrate the person's ability to operate a motor vehicle in order to be granted a renewal. The bill would also limit the terms of a license issued to persons 75



years of age or older to terms ranging from 4 years to one year, based on the age of the applicant.

(4) Existing law specifies the fees for the issuance and renewal of drivers' licenses.

This bill would authorize the Director of Motor Vehicles, with the concurrence of the Director of Finance, to increase the fees imposed for the issuance and renewal of driver's licenses if the director determines that the funds appropriated to the department for support are not sufficient to pay the total costs of the department of providing and administering the additional tests and demonstrations imposed by this bill for the issuance and renewal of driver's licenses.

(5) This bill would set forth legislative findings and declarations.

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. This act shall be known as, and may be
2 cited as, the Brandi Mitock Safe Drivers Act.

3 SEC. 2. The Legislature finds and declares the
4 following:

5 (a) Currently, there is no minimum vision
6 requirement to operate a motor vehicle in this state,
7 creating a significant weakness in the state's efforts to
8 ensure maximum safety on the roads, and there is no
9 mandatory driving test requirement for persons over 70
10 years of age.

11 (b) Studies indicate that the aging process causes
12 medical problems, including worsened vision and slowed
13 reaction time, which affect the ability to drive. Some
14 studies indicate that senior drivers are involved in a
15 disproportionate number of fatal collisions in California.

16 (c) The Legislature declares its intent to determine a
17 just and reasonable balance of public safety concerns with
18 protection of seniors against discrimination based on age.

19 SEC. 3. Section 1673 is added to the Vehicle Code, to
20 read:



1 1673. For the purposes of Sections 1673.2 to 1673.8,
2 inclusive, a “senior” is a person who is 75 years of age or
3 more.

4 SEC. 4. Section 1673.2 is added to the Vehicle Code,
5 to read:

6 1673.2. The department shall develop a program to
7 foster a positive atmosphere that is conducive to
8 encouraging a senior driver to succeed in passing any
9 visual tests or written or behind-the-wheel driving tests
10 administered by the department.

11 SEC. 5. Section 1673.4 is added to the Vehicle Code,
12 to read:

13 1673.4. Notwithstanding Section 7550.5 of the
14 Government Code, the department shall prepare a
15 report listing all restricted driver’s licenses issued during
16 the 2000 calendar year. The report shall contain a
17 category describing the condition that required issuance
18 of the restricted license and shall be organized by that
19 category. The report shall describe the restriction that
20 was imposed in each case. The department shall submit
21 the report to the Legislature on or before January 31,
22 2001.

23 SEC. 6. Section 1673.6 is added to the Vehicle Code,
24 to read:

25 1673.6. In order to address any conscious or
26 unconscious bias against a senior by persons
27 administering the department’s visual tests or written or
28 behind-the-wheel driving tests, the department shall
29 implement a component in its training and development
30 program for test administrators that encourages
31 sensitivity to the issues of aging.

32 SEC. 7. Section 1673.8 is added to the Vehicle Code,
33 to read:

34 1673.8. (a) The Legislature finds and declares that
35 seniors should be provided with transportation
36 alternatives when their privilege to drive is lost because
37 of failure to pass visual tests or written or
38 behind-the-wheel driving tests. While a partial obligation
39 for addressing this issue rests with families, communities,
40 social service agencies, and local governments, the



1 Legislature recognizes an obligation to promote,
2 facilitate, and share in the funding of alternative modes
3 of transportation for seniors who have lost their driving
4 privilege.

5 (b) Accordingly, it is the intent of the Legislature, not
6 later than January 1, 2002, to provide an affordable and
7 equitable mode of transportation to fulfill the reasonable
8 transportation needs of seniors who have lost their
9 driver's licenses due to a failure to pass a visual test or a
10 written or behind-the-wheel driving test.

11 (c) In furtherance of the intent set forth in subdivision
12 (b), the department shall establish a task force to analyze
13 potential sources of funding and modes of transportation
14 for seniors who have lost their driver's licenses due to a
15 failure to pass a visual test or a written or
16 behind-the-wheel driving test. Notwithstanding Section
17 7550.5 of the Government Code, the department shall
18 prepare and submit a report on the findings of the task
19 force to the Legislature not later than July 1, 2000.

20 SEC. 8. Section 12805 of the Vehicle Code is amended
21 to read:

22 12805. The department shall not issue a driver's
23 license to, or renew a driver's license of, any person:

24 (a) Who is not of legal age to receive a driver's license.

25 (b) Whose best corrected visual acuity is 20/200 or
26 worse in that person's better eye, as verified by an
27 optometrist or ophthalmologist. No person may use a
28 bioptic telescopic or similar lens to meet the 20/200 visual
29 acuity standards.

30 (c) Who is unable, as shown by examination, to
31 understand traffic signs or signals or who does not have
32 a reasonable knowledge of the provisions of this code
33 governing the operations of vehicles upon the highways.

34 (d) When it is determined, by examination or other
35 evidence, that the person is unable to safely operate a
36 motor vehicle upon a highway.

37 (e) Who is unable to read and understand simple
38 English used in highway traffic and directional signs. This
39 subdivision does not apply to any person holding an



1 operator's or chauffeur's license issued by this state and
2 valid on September 11, 1957.

3 (f) Who holds a valid driver's license issued by a
4 foreign jurisdiction unless the license has been
5 surrendered to the department, or is lost or destroyed.

6 (g) Who has ever held, or is the holder of, a license to
7 drive issued by another state, territory, or possession of
8 the United States, the District of Columbia, or the
9 Commonwealth of Puerto Rico, and that license has been
10 suspended by reason, in whole or in part, of a conviction
11 of a traffic violation until the suspension period has
12 terminated, except that the department may issue a
13 license to the applicant if, in the opinion of the
14 department, it will be safe to issue a license to a person
15 whose license to drive was suspended by a state that is not
16 a party to the Driver License Compact provided for in
17 Chapter 6 (commencing with Section 15000) of Division
18 6.

19 (h) Who has ever held, or is the holder of, a license to
20 drive issued by another state, territory, or possession of
21 the United States, the District of Columbia or the
22 Commonwealth of Puerto Rico, and that license has been
23 revoked by reason, in whole or in part, of a conviction of
24 a traffic violation, until the revocation has been
25 terminated or after the expiration of one year from the
26 date the license was revoked, whichever occurs first,
27 except that the department may issue a license to the
28 applicant if, in the opinion of the department, it will be
29 safe to issue a license to a person whose license to drive
30 was revoked by a state that is not a party to the Driver
31 License Compact provided for in Chapter 6
32 (commencing with Section 15000) of Division 6.

33 SEC. 9. Section 12814 of the Vehicle Code is amended
34 to read:

35 12814. (a) Application for renewal of a license shall
36 be made at an office of the Department of Motor Vehicles
37 by the person to whom the license was issued. The
38 department, in its discretion, may require an examination
39 of the applicant as upon an original application, or an
40 examination deemed by the department to be



1 appropriate considering the licensee's record of
2 convictions and accidents, or an examination deemed by
3 the department to be appropriate in relation to evidence
4 of a condition that may affect the ability of the applicant
5 to safely operate a motor vehicle. Except as provided in
6 Section 12814.1, the age of a licensee, by itself, shall not
7 constitute evidence of a condition requiring an
8 examination of the driving ability. If the department finds
9 any evidence of a condition requiring an examination, the
10 department shall disclose the evidence to the applicant or
11 licensee. In the event that person is absent from the state
12 at the time the license expires, the Director of Motor
13 Vehicles may extend the license for a period of one year
14 from the expiration date of the license.

15 (b) Renewal of a driver's license shall be under terms
16 and conditions prescribed by the department.

17 (c) The department may adopt and administer
18 regulations it deems necessary for the public safety in the
19 implementation of a program of selective testing of
20 applicants, and, with reference to this section, the
21 department may waive tests for purposes of evaluation of
22 selective testing procedures.

23 SEC. 10. Section 12814.1 is added to the Vehicle Code,
24 to read:

25 12814.1. (a) Notwithstanding any other provision of
26 law, the following apply to renewal of licenses:

27 (1) If a person is 75 years of age but less than 80 years
28 of age at the time his or her current license expires, that
29 person's renewal shall be granted for a four-year period.

30 (2) If a person is 80 years of age but less than 86 years
31 of age at the time his or her current license expires, that
32 person's renewal shall be granted for a three-year period.

33 (3) If a person is 86 years of age but less than 90 years
34 of age at the time his or her current license expires, that
35 person's renewal shall be granted for a two-year period.

36 (4) If a person is 90 years of age or older at the time his
37 or her current license expires, that person's renewal shall
38 be granted for a one-year period.

39 (b) Prior to granting the renewal of a license to a
40 person described in this section, that person shall



1 complete and pass the eyesight test and written test, and
2 demonstrate an ability to operate a motor vehicle, as
3 those tests and demonstrations are described in Section
4 12804.9, in order to be issued a renewal of a license.

5 *SEC. 11. Section 14909 is added to the Vehicle Code,*
6 *to read:*

7 *14909. If the director determines that the funds*
8 *appropriated for the support of the department are not*
9 *sufficient to pay the total costs incurred by the*
10 *department in providing and administering the tests and*
11 *demonstrations for drivers' licenses described in*
12 *subdivision (b) of Section 12814.1, the director, with the*
13 *concurrence of the Director of Finance, may increase the*
14 *amount of all the fees set forth in this article for the*
15 *issuance or renewal of driver's licenses in amounts that*
16 *are sufficient to provide the revenues needed to pay those*
17 *total costs of the department.*

