

AMENDED IN SENATE AUGUST 9, 2010

AMENDED IN SENATE JUNE 28, 2010

AMENDED IN SENATE JUNE 7, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2464

**Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Eng and Torlakson)**

February 19, 2010

An act to amend Sections 12509 and 12814.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2464, as amended, Huffman. Vehicles: provisional licensing.

(1) Existing law, except as specified, authorizes the Department of Motor Vehicles, for good cause, to issue an instruction permit to any physically and mentally qualified person who applies to the department for an instruction permit and meets any one of 5 specified requirements, including the requirement that the person be 15 years and 6 months of age or older and have successfully completed an approved course in automobile driver education and be taking driver training, as specified.

Existing law also provides that a person, while having in his or her immediate possession a valid permit issued pursuant to the above provisions, may operate a motor vehicle, other than a motorcycle, motorized scooter, or a motorized bicycle, when accompanied by, and under the immediate supervision of, a California-licensed driver with

a valid license of the appropriate class, 18 years of age or over whose driving privilege is not on probation.

This bill would delete the above alternative requirement and ~~make conforming changes~~ raise the age of the California-licensed driver to 21 years of age. The bill would also make conforming changes to these provisions.

(2) The Brady-Jared Teen Driver Safety Act of 1997 allows 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 the act, licensees are required to meet specified requirements, driver education, and training. The act requires, among other things, that the applicant for an original license be issued an instruction permit to operate a motor vehicle, other than a motorcycle or motorized bicycle, only when the person is either taking specified driver training instruction or practicing that instruction, provided the person is accompanied by, and is under the immediate supervision of, ~~a California-licensed~~ *California-licensed* driver 25 years of age or older whose driving privilege is not on probation. The act also requires that the applicant 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.

This bill would delete the requirement that the applicant be taking or practicing specified driving instruction to be issued an instruction permit under the act and would ~~require that the California-licensed driver accompanying the applicant instead be 21 years of age or older. This bill would~~ require that a licensed driving school or independent driving instructor provide a driving log that the student may use to document the 50 hours of supervised practice.

The bill would make other conforming and clarifying changes to these provisions.

(3) This bill would incorporate additional changes to Section 12509 of the Vehicle Code proposed by AB 1952, to be operative only if AB 1952 and this bill become effective on or before January 1, 2010, and this bill is enacted last.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Teenage drivers in California continue to die, suffer serious
4 injuries, and cause accidents at a greater rate than any other age
5 group despite a decade of increasingly stricter requirements for
6 licensing young drivers.

7 (b) According to the National Highway Traffic Safety
8 Administration (NHTSA), motor vehicle crashes continue to be
9 the leading cause of death for 15 to 20 year olds, accounting for
10 21 percent of California's traffic fatalities, even though this age
11 group constitutes less than 6 percent of California's licensed
12 drivers.

13 (c) The NHTSA also reports that, nationally, 12.9 percent of all
14 drivers involved in fatal crashes were between 15 to 20 years of
15 age. In comparison, these young drivers represent 6.3 percent of
16 all licensed drivers. In 2006, young drivers between 15 to 20 years
17 of age had the highest fatal crash involvement rate of any age group
18 with 59.5 fatal crashes per 100,000 licensed drivers. The
19 involvement rate is highest, at 63.98 percent, for 16-year-old
20 drivers whose driving experience is the most limited.

21 (d) From a public health perspective, motor vehicle crashes are
22 among the most serious problems facing teenagers. Studies by the
23 American Automobile Association's Foundation for Traffic Safety
24 indicate that first-year drivers have 10 times the crashes per mile
25 as adults, and for every teen driver that crashes and dies, two other
26 vehicle users or pedestrians are killed in that crash.

27 (e) From an economic perspective, these crashes also impose
28 an enormous cost to society. In its publication, *The Economic*
29 *Impact of Motor Vehicle Crashes*, the NHTSA reported that, in
30 2002, the estimated economic cost of police-reported fatal and
31 nonfatal crashes involving drivers 15 to 20 years of age was \$40.8
32 billion.

33 SEC. 2. Section 12509 of the Vehicle Code is amended to read:

34 12509. (a) Except as otherwise provided in subdivision (f) of
35 Section 12514, the department, for good cause, may issue an
36 instruction permit to any physically and mentally qualified person
37 who meets one of the following requirements and who applies to
38 the department for an instruction permit:

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

5 (2) Is age 15 years and 6 months and enrolled and participating
6 in an integrated driver education and training program as provided
7 in subparagraph (B) of paragraph (3) of subdivision (a) of Section
8 12814.6.

9 (3) Is over the age of 16 years and is applying for a restricted
10 driver's license pursuant to Section 12814.7.

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

12 (b) The applicant shall qualify for, and be issued, an instruction
13 permit within 12 months from the date of the application.

14 (c) An instruction permit issued pursuant to subdivision (a) shall
15 entitle the applicant to operate a vehicle, subject to the limitations
16 imposed by this section and any other provisions of law, upon the
17 highways for a period not exceeding 24 months from the date of
18 the application.

19 (d) Except as provided in Section 12814.6, a person, while
20 having in his or her immediate possession a valid permit issued
21 pursuant to paragraph (1) or (2) of subdivision (a), may operate a
22 motor vehicle, other than a motorcycle, motorized scooter, or a
23 motorized bicycle, when accompanied by, and under the immediate
24 supervision of, a ~~California-licensed~~ *California-licensed* driver
25 with a valid license of the appropriate class, 21 years of age or
26 over whose driving privilege is not on probation. Except as
27 provided in subdivision (e), an accompanying licensed driver at
28 all times shall occupy a position within the driver's compartment
29 that would enable the accompanying licensed driver to assist the
30 person in controlling the vehicle as may be necessary to avoid a
31 collision and to provide immediate guidance in the safe operation
32 of the vehicle.

33 (e) A person, while having in his or her immediate possession
34 a valid permit issued pursuant to paragraph (1) or (2) of subdivision
35 (a), who is age 15 years and 6 months or older and who has
36 successfully completed approved courses in automobile education
37 and driver training as provided in paragraph (3) of subdivision (a)
38 of Section 12814.6, and a person, while having in his or her
39 immediate possession a valid permit issued pursuant to subdivision
40 (a), who is age 17 years and 6 months or older, may, in addition

to operating a motor vehicle pursuant to subdivision (d), also operate a motorcycle, motorized scooter, or a motorized bicycle, except that the person shall not operate a motorcycle, motorized scooter, or a motorized bicycle during hours of darkness, shall stay off any freeways that have full control of access and no crossings at grade, and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 of this code or a qualified instructor as defined in Section 41907 of the Education Code.

(f) A person, while having in his or her immediate possession a valid permit issued pursuant to paragraph (3) of subdivision (a), may only operate a government-owned motor vehicle, other than a motorcycle, motorized scooter, or a motorized bicycle, when taking a driver training instruction administered by the California National Guard.

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

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

SEC. 2.5. Section 12509 of the Vehicle Code is amended to read:

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

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

~~(2) Is age 15 years and 6 months or older, and has successfully completed an approved course in automobile driver education and is taking driver training as provided in paragraph (3) of subdivision (a) of Section 12814.6.~~

~~(3)~~

1 (2) Is ~~age~~ 15 years *of age* and 6 months and enrolled and
2 participating in an integrated *automobile* driver education and
3 training program as provided in subparagraph (B) of paragraph
4 (3) of subdivision (a) of Section 12814.6.

5 (4)

6 (3) Is over ~~the age of~~ 16 years *of age* and is applying for a
7 restricted driver's license pursuant to Section 12814.7.

8 (5)

9 (4) Is over ~~the age of~~ 17 years *of age* and 6 months.

10 (b) The applicant shall qualify for, and be issued, an instruction
11 permit within 12 months from the date of the application.

12 (c) An instruction permit issued pursuant to subdivision (a) shall
13 entitle the applicant to operate a vehicle, subject to the limitations
14 imposed by this section and any other provisions of law, upon the
15 highways for a period not exceeding 24 months from the date of
16 the application.

17 (d) Except as provided in Section 12814.6, a person, while
18 having in his or her immediate possession a valid permit issued
19 pursuant to ~~paragraphs (1) to (3), inclusive, paragraph (1) or (2)~~
20 of subdivision (a), may operate a motor vehicle, other than a
21 motorcycle, motorized scooter, or a motorized bicycle, when
22 accompanied by, and under the immediate supervision of, a
23 California licensed driver with a valid license of the appropriate
24 class, ~~18~~ 21 years of age or over whose driving privilege is not on
25 probation. ~~Except as provided in subdivision (e), an~~ An
26 accompanying licensed driver at all times shall occupy a position
27 within the driver's compartment that would enable the
28 accompanying licensed driver to assist the person in controlling
29 the vehicle as may be necessary to avoid a collision and to provide
30 immediate guidance in the safe operation of the vehicle.

31 ~~(e) A person, while having in his or her immediate possession~~
32 ~~a valid permit issued pursuant to paragraphs (1) to (3), inclusive,~~
33 ~~of subdivision (a), who is age 15 years and 6 months or older and~~
34 ~~who has successfully completed approved courses in automobile~~
35 ~~education and driver training as provided in paragraph (3) of~~
36 ~~subdivision (a) of Section 12814.6, and a person, while having in~~
37 ~~his or her immediate possession a valid permit issued pursuant to~~
38 ~~subdivision (a), who is age 17 years and 6 months or older, may,~~
39 ~~in addition to operating a motor vehicle pursuant to subdivision~~
40 (d), also operate a motorcycle, motorized scooter, or a motorized

bicycle, except that the person shall not operate a motorcycle, motorized scooter, or a motorized bicycle during hours of darkness, shall stay off any freeways that have full control of access and no crossings at grade, and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 of this code or a qualified instructor as defined in Section 41907 of the Education Code.

(f)

(e) A person, while having in his or her immediate possession a valid permit issued pursuant to paragraph (4) (3) of subdivision (a), may only operate a government-owned motor vehicle, other than a motorcycle, motorized scooter, or a motorized bicycle, when taking a driver training instruction administered by the California National Guard.

(g)

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

(h)

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

SEC. 3. 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, provided the person is accompanied by, and is under the immediate supervision of, a California-licensed driver 21 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

1 guardian of the permitholder or is a licensed or certified driving
2 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 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. The driving school or
37 independent driving instructor licensed under Chapter 1
38 (commencing with Section 11100) of Division 5 shall provide a
39 driving log that the student may use to document the 50 hours of
40 supervised practice required pursuant to paragraph (4).

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

4 (4) The person shall complete 50 hours of supervised driving
5 practice prior to the issuance of a provisional license, which is in
6 addition to any other driver training instruction required by law.
7 Not less than 10 of the required practice hours shall include driving
8 during darkness, as defined in Section 280. Upon application for
9 a provisional license, the person shall submit to the department
10 the certification of a parent, spouse, guardian, or licensed or
11 certified driving instructor that the applicant has completed the
12 required 50 hours of supervised driving practice and is prepared
13 to take the department's driving test. The requirement that a person
14 must complete 50 hours of supervised driving practice shall be
15 explicitly stated on the instruction permit. A person without a
16 parent, spouse, guardian, or who is an emancipated minor, may
17 have a licensed driver ~~24~~ 25 years of age or older or a licensed or
18 certified driving instructor complete the certification. This
19 requirement does not apply to motorcycle practice.

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

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

26 (1) Except as specified in paragraph (2), during the first 12
27 months after issuance of a provisional license the licensee shall
28 not do any of the following unless accompanied and supervised
29 by a licensed driver who is the licensee's parent or guardian, a
30 licensed driver who is ~~24~~ 25 years of age or older, or a licensed or
31 certified driving instructor:

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

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

34 (2) A licensee may drive between the hours of 11 p.m. and 5
35 a.m. or transport an immediate family member without being
36 accompanied and supervised by a licensed driver who is the
37 licensee's parent or guardian, a licensed driver who is ~~24~~ 25 years
38 of age or older, or a licensed or certified driving instructor, in the
39 following circumstances:

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

7 (B) Schooling or school-authorized activities of the licensee
8 when reasonable transportation facilities are inadequate and
9 operation of a vehicle by a minor is necessary. The licensee shall
10 keep in his or her possession a signed statement from the school
11 principal, dean, or school staff member designated by the principal
12 or dean, containing a probable date that the schooling or
13 school-authorized activity will have been completed.

14 (C) Employment necessity of the licensee when reasonable
15 transportation facilities are inadequate and operation of a vehicle
16 by a minor is necessary. The licensee shall keep in his or her
17 possession a signed statement from the employer, verifying
18 employment and containing a probable date that the employment
19 will have been completed.

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

27 (E) The licensee is an emancipated minor.

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

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

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

38 (A) Not less than eight hours nor more than 16 hours of
39 community service for a first offense and not less than 16 hours

1 nor more than 24 hours of community service for a second or
2 subsequent offense.

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

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

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

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

17 (g) Any term of restriction or suspension of the driving privilege
18 imposed on a person pursuant to this subdivision shall remain in
19 effect until the end of the term even though the person becomes
20 18 years of age before the term ends.

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

26 (2) A 30-day restriction shall be imposed when a driver's record
27 shows a violation point count of two or more points in 12 months,
28 as determined in accordance with Section 12810. The restriction
29 shall require the licensee to be accompanied by a licensed parent,
30 spouse, guardian, or other licensed driver-~~21~~ 25 years of age or
31 older, except when operating a class M vehicle, or so licensed,
32 with no passengers aboard.

33 (3) A six-month suspension of the driving privilege and a
34 one-year term of probation shall be imposed whenever a licensee's
35 record shows a violation point count of three or more points in 12
36 months, as determined in accordance with Section 12810. The
37 terms and conditions of probation shall include, but not be limited
38 to, both of the following:

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

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

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

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

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

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

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

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

36 *SEC. 4. Section 2.5 of this bill incorporates amendments to*
37 *Section 12509 of the Vehicle Code proposed by both this bill and*
38 *AB 1952. It shall only become operative if (1) both bills are enacted*
39 *and become effective on or before January 1, 2011, (2) each bill*
40 *amends Section 12509 of the Vehicle Code, and (3) this bill is*

- 1 *enacted after AB 1952, in which case Section 2 of this bill shall*
- 2 *not become operative.*

O