

**ASSEMBLY BILL**

**No. 2061**

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**Introduced by Assembly Member Norby**

February 23, 2012

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An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2061, as introduced, Norby. Provisional driver's licenses: restrictions: exceptions.

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. A person licensed under the act is prohibited during the first 12 months after issuance of a license from driving during the hours of 11 p.m. and 5 a.m. or from transporting passengers who are under 20 years of age, unless he or she is accompanied by a licensed driver who is his or her parent or guardian, at least 25 years of age, or a certified driving instructor. The act provides that a licensee may drive between the hours of 11 p.m. and 5 a.m. or transport an immediate family member under certain circumstances, including the schooling or school-authorized activities of the licensee, and under these circumstances requires that the licensee keep in his or her possession a signed statement from the school principal, dean, or school staff member, as specified.

This bill would allow a person with a provisional driver's license to transport passengers who are under 20 years of age to or from the school or school-authorized activities of the licensee. The bill would also delete the requirement that, under these circumstances, the licensee keep in

his or her possession a signed statement from the school principal, dean, or school staff member.

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. 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 18  
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  
18 if the licensed driver is the parent, spouse, or guardian of the  
19 permit holder or is a licensed or certified driving instructor.

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

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

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

28 (B) Satisfactory completion of an integrated driver education  
29 and training program that is approved by the department and  
30 conducted by a driving instructor licensed under Chapter 1  
31 (commencing with Section 11100) of Division 5. The program  
32 shall utilize segmented modules, whereby a portion of the  
33 educational instruction is provided by, and then reinforced through,

1 specific behind-the-wheel training before moving to the next phase  
2 of driver education and training. The program shall contain a  
3 minimum of 30 hours of classroom instruction and six hours of  
4 behind-the-wheel training.

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

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

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

38 (5) The person shall successfully complete an examination  
39 required by the department. Before retaking a test, the person shall

1 wait for not less than one week after failure of the written test and  
2 for not less than two weeks after failure of the driving test.

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

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

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

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

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

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

25 (B) Schooling or school-authorized activities of the licensee  
26 when reasonable transportation facilities are inadequate and  
27 operation of a vehicle by a minor is necessary. ~~The licensee shall~~  
28 ~~keep in his or her possession a signed statement from the school~~  
29 ~~principal, dean, or school staff member designated by the principal~~  
30 ~~or dean, containing a probable date that the schooling or~~  
31 ~~school-authorized activity will have been completed. Under these~~  
32 *circumstances, the licensee may transport a passenger who is*  
33 *under 20 years of age without being accompanied and supervised*  
34 *by a licensed driver who is the licensee's parent or guardian, a*  
35 *licensed driver who is 25 years of age or older, or a licensed or*  
36 *certified driving instructor.*

37 (C) Employment necessity of the licensee when reasonable  
38 transportation facilities are inadequate and operation of a vehicle  
39 by a minor is necessary. The licensee shall keep in his or her  
40 possession a signed statement from the employer, verifying

1 employment and containing a probable date that the employment  
2 will have been completed.

3 (D) Necessity of the licensee or the licensee's immediate family  
4 member when reasonable transportation facilities are inadequate  
5 and operation of a vehicle by a minor is necessary to transport the  
6 licensee or the licensee's immediate family member. The licensee  
7 shall keep in his or her possession a signed statement from a parent  
8 or legal guardian verifying the reason and containing a probable  
9 date that the necessity will have ceased.

10 (E) The licensee is an emancipated minor.

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

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

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

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

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

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

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

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

39 (g) Any term of restriction or suspension of the driving privilege  
40 imposed on a person pursuant to this subdivision shall remain in

1 effect until the end of the term even though the person becomes  
2 18 years of age before the term ends.

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

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

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

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

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

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

32 (i) The department shall require a person whose driving privilege  
33 is suspended or revoked pursuant to subdivision (g) to submit proof  
34 of financial responsibility as defined in Section 16430. The proof  
35 of financial responsibility shall be filed on or before the date of  
36 reinstatement following the suspension or revocation. The proof  
37 of financial responsibility shall be maintained with the department  
38 for three years following the date of reinstatement.

39 (j) (1) Notwithstanding any other provision of this code, the  
40 department may issue a distinctive driver's license, that displays

1 a distinctive color or a distinctively colored stripe or other  
2 distinguishing characteristic, to persons at least 16 years of age  
3 and older but under 18 years of age, and to persons 18 years of  
4 age and older but under 21 years of age, so that the distinctive  
5 license feature is immediately recognizable. The features shall  
6 clearly differentiate between driver's licenses issued to persons at  
7 least 16 years of age or older but under 18 years of age and to  
8 persons 18 years of age or older but under 21 years of age.

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

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

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