

AMENDED IN ASSEMBLY MARCH 22, 2012

AMENDED IN ASSEMBLY MARCH 13, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2061

Introduced by Assembly Member Norby

February 23, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2061, as amended, 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 this program 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 this licensee may drive between the hours of 11 p.m. and 5 a.m. or transport an immediate family member without being accompanied as prescribed under certain circumstances, including the necessity of the licensee or the licensee's immediate family member when reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary to transport the licensee or the licensee's immediate family member, as specified.

This bill would ~~allow, under~~ revise this exception, *to allow a person with a provisional driver's license to drive at any hour to transport an immediate family member without being accompanied due to the necessity of the licensee or the licensee's immediate family member when reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary to transport the licensee or the licensee's immediate family member, and to also transport others who may rely on the licensee for essential education-related transportation, including, but not limited to, school carpools.*

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 permitholder 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

1 California, or equivalent instruction in a secondary school of
2 another state.

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

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

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

32 (4) The person shall complete 50 hours of supervised driving
33 practice prior to the issuance of a provisional license, which is in
34 addition to any other driver training instruction required by law.
35 Not less than 10 of the required practice hours shall include driving
36 during darkness, as defined in Section 280. Upon application for
37 a provisional license, the person shall submit to the department
38 the certification of a parent, spouse, guardian, or licensed or
39 certified driving instructor that the applicant has completed the
40 required amount of driving practice and is prepared to take the

1 department's driving test. A person without a parent, spouse,
2 guardian, or who is an emancipated minor, may have a licensed
3 driver 25 years of age or older or a licensed or certified driving
4 instructor complete the certification. This requirement does not
5 apply to motorcycle practice.

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

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

12 (1) Except as specified in ~~paragraph (2)~~ *paragraphs (2) and (3)*,
13 during the first 12 months after issuance of a provisional license
14 the licensee may not do any of the following unless accompanied
15 and supervised by a licensed driver who is the licensee's parent
16 or guardian, a licensed driver who is 25 years of age or older, or
17 a licensed or certified driving instructor:

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

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

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

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

32 (B) Schooling or school-authorized activities of the licensee
33 when reasonable transportation facilities are inadequate and
34 operation of a vehicle by a minor is necessary. The licensee shall
35 keep in his or her possession a signed statement from the school
36 principal, dean, or school staff member designated by the principal
37 or dean, containing a probable date that the schooling or
38 school-authorized activity will have been completed.

39 (C) Employment necessity of the licensee when reasonable
40 transportation facilities are inadequate and operation of a vehicle

1 by a minor is necessary. The licensee shall keep in his or her
2 possession a signed statement from the employer, verifying
3 employment and containing a probable date that the employment
4 will have been completed.

5 ~~(D) Necessity of the licensee or the licensee's immediate family~~
6 ~~member when reasonable transportation facilities are inadequate~~
7 ~~and operation of a vehicle by a minor is necessary to transport the~~
8 ~~licensee or the licensee's immediate family member, or others who~~
9 ~~may rely on the licensee for essential education-related~~
10 ~~transportation, including, but not limited to, school carpools. The~~
11 ~~licensee shall keep in his or her possession a signed statement from~~
12 ~~a parent or legal guardian verifying the reason and containing a~~
13 ~~probable date that the necessity will have ceased.~~

14 ~~(E)~~

15 ~~(D)~~ The licensee is an emancipated minor.

16 *(3) A licensee may drive at any hour to transport an immediate*
17 *family member without being accompanied and supervised by a*
18 *licensed driver who is the licensee's parent or guardian, a licensed*
19 *driver who is 25 years of age or older, or a licensed or certified*
20 *driving instructor, due to the necessity of the licensee or the*
21 *licensee's immediate family member when reasonable*
22 *transportation facilities are inadequate and operation of a vehicle*
23 *by a minor is necessary to transport the licensee or the licensee's*
24 *immediate family member, or others who may rely on the licensee*
25 *for essential education-related transportation, including, but not*
26 *limited to, school carpools. The licensee shall keep in his or her*
27 *possession a signed statement from a parent or legal guardian*
28 *verifying the reason and containing a probable date that the*
29 *necessity will have ceased.*

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

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

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

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

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

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

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

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

19 (g) Any term of restriction or suspension of the driving privilege
20 imposed on a person pursuant to this subdivision shall remain in
21 effect until the end of the term even though the person becomes
22 18 years of age before the term ends.

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

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

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

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

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

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

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

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

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

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

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