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AB-63 Driver's licenses: instruction permits and provisional licenses. (2017-2018)

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Date Published: 09/16/2017 04:00 AM

ENROLLED SEPTEMBER 15, 2017
PASSED IN SENATE SEPTEMBER 11, 2017
PASSED IN ASSEMBLY SEPTEMBER 13, 2017
AMENDED IN SENATE SEPTEMBER 06, 2017
AMENDED IN SENATE AUGUST 23, 2017
AMENDED IN SENATE JULY 03, 2017
AMENDED IN ASSEMBLY MAY 30, 2017
AMENDED IN ASSEMBLY APRIL 05, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

NO. 63

**Introduced by Assembly Member Frazier
(Coauthor: Assembly Member Medina)
(Coauthor: Senator Newman)**

December 12, 2016

An act to amend, repeal, and add Sections 12509, 12509.5, 12660, and 12814.6 of, and to add Section 11103.5 to, the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 63, Frazier. Driver's licenses: instruction permits and provisional licenses.

(1) Existing law, the Brady-Jared Teen Driver Safety Act of 1997, establishes a provisional licensing program and generally requires that a driver's license issued to a person at least 16 years of age but under 18 years of age be issued pursuant to that provisional licensing program. Existing law requires a person to hold an instruction permit for not less than 6 months prior to applying for a provisional license. During the first 12 months after issuance of a provisional license, existing law prohibits the licensee from driving between the hours of 11 p.m. and 5 a.m. and transporting passengers who are under 20 years of age, unless he or she is accompanied and supervised by a licensed driver, as specified, or a licensed or certified driving instructor. Existing law provides limited exceptions to these restrictions under which a licensee is authorized to drive under specified circumstances, including a school or school-authorized activity or an employment necessity, and requires the licensee to keep

certain supporting documentation in his or her possession. Existing law requires a person to complete 50 hours of supervised driving practice prior to the issuance of a provisional license, as specified, and requires the person to submit to the Department of Motor Vehicles the certification of a parent, spouse, guardian, or licensed or certified driving instructor that the applicant has completed the required amount of driving practice and is prepared to take the department's driving test. Existing law allows a person without a parent, spouse, guardian, or who is an emancipated minor, to have a licensed driver 25 years of age or older or a licensed or certified driving instructor complete the certification. A violation of these provisions is punishable as an infraction.

This bill would, commencing January 1, 2020, expand the scope of the provisional licensing program by extending the applicable age range for the program to 16 to under 21 years of age. The bill would exempt active duty members of the California National Guard, the State Military Reserve, or the United States Armed Forces who are at least 18 years of age from the program. The bill would also exempt a person who is at least 18 years of age and possesses an ambulance driver certificate, a certificate to drive other specified vehicles, including school buses, or a commercial driver's license from the program. The bill would, commencing January 1, 2020, apply the requirement to hold an instruction permit for not less than 6 months only to persons under 18 years of age, and would reduce that time period to not less than 60 days for persons at least 18 years of age, but under 21 years of age. The bill also would, commencing January 1, 2020, authorize persons at least 18 years of age, but under 21 years of age, to have a driving practice certification completed by a licensed driver or certified driving instructor, as specified. By expanding the scope of the provisional licensing program, the violation of which constitutes an infraction, the bill would impose a state-mandated local program. The bill would, commencing January 1, 2020, authorize a licensee who is 18, 19, or 20 years of age to keep in his or her possession a copy of his or her class schedule or work schedule as documentation to satisfy the exceptions for a school or school-authorized activity and employment necessity, respectively, and would provide that a signed statement by a parent or legal guardian is not required if reasonable transportation facilities are inadequate and the operation of a vehicle by a licensee who is 18, 19, or 20 years of age is necessary to transport the licensee or the licensee's immediate family member. The bill would, commencing January 1, 2020, make other technical and conforming changes, including changes to age restriction provisions for the issuance of an M1 or M2 motorcycle license. The bill would also include specified findings and declarations.

(2) Existing law generally 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 who meets any one of 5 specified requirements, including that the person is 17 years and 6 months of age or older.

This bill would, commencing January 1, 2020, raise the age for the above requirement to 20 years and 6 months.

Existing law 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, as specified. A violation of this provision is punishable as an infraction.

This bill would, commencing January 1, 2020, raise the required age of the California-licensed driver to 21 years of age. By changing the definition of an existing infraction, the bill would impose a state-mandated local program.

(3) Existing law prohibits a person from owning or operating a driving school or giving driving instruction for compensation without a license issued by the Department of Motor Vehicles.

This bill would require an owner or operator of a driving school or an independent driving instructor, as a condition to obtain a new license or renewed license from the department on and after January 1, 2018, to offer and accept installment payments, as specified, for the compensation to provide the instruction required by the Brady-Jared Teen Driver Safety Act of 1997. The bill would also authorize the Department of Motor Vehicles to charge a driving school, as specified, a fee not to exceed \$1 for each driver education or driver training certificate of completion furnished by the department and issued to a person who has demonstrated satisfactory completion of a certified driver education and driver training course, in order to recover the department's reasonable costs in administering the provisional licensing program. The bill would prohibit a driving school from charging an applicant a fee for a certificate of completion that exceeds the fee the department charges the school.

(4) 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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) According to the State Department of Public Health's EpiCenter and data provided by the National Center for Injury Prevention and Control of the federal Centers for Disease Control and Prevention (CDC), unintentional injuries are the leading cause of death and hospitalizations for California's children and youth between 1 and 19 years of age and the leading cause of injury-related deaths for children under one year of age. The EpiCenter data shows that every 10 years unintentional injuries cause the death of nearly 10,000 California children and youth, result in the hospitalization of another 240,000, and result in more than four million emergency room visits, at a cost of more than \$617 million a year in medical costs and \$3.4 billion a year in medical and wage loss costs combined when parents, caregivers, or guardians have to take time off work to help care for an injured child or plan for a funeral.

(b) According to the EpiCenter, the National Center for Injury Prevention and Control, the National Highway Traffic Safety Administration (NHTSA), and the American Academy of Pediatrics, vehicle crashes are the leading cause of death and hospitalizations for teenage youth nationwide, and crashes involving teenage drivers are most likely to lead to teenage deaths and hospitalizations.

(c) Vehicle crashes involving children and youth 19 years of age or younger cost California's health care system \$110 million in medical costs and \$387 million in medical and wage loss costs combined, excluding ongoing medical, followup care, special education, services provided by the State Department of Developmental Services, and other associated costs.

(d) According to the CDC, the Insurance Institute for Highway Safety, the Department of Motor Vehicles, the Department of the California Highway Patrol, and NHTSA data, there are five factors that have a documented impact on reducing teenage driver-involved crashes and result in fewer deaths and injuries involving first-time teenage drivers:

- (1) Teenage drivers obtaining their first driver's license after completing a Graduated Driver Licensing (GDL) program, which requires driver education training, and a period of time during which the driver gains experience driving under the restrictions of a provisional license.
- (2) Teenage drivers not texting or using a cellular telephone while driving.
- (3) Teenage drivers not having peers in the car as passengers, especially during the provisional driver's license time period.
- (4) Teenage drivers not drinking alcohol and driving.
- (5) Teenage drivers wearing a shoulder harness seatbelt at all times while driving.

(e) According to the CDC, NHTSA, and Insurance Institute for Highway Safety data, first-time teenage drivers who have obtained their unrestricted driver's license after completing a GDL program, similar to the GDL program in California, have 40 to 60 percent fewer crashes than first-time teenage drivers who have not gone through GDL. California's GDL program only covers first-time teenage drivers who are 16 or 17 years of age. First-time California teenage drivers who are 18 or 19 years of age are not required to complete California's GDL program.

(f) According to the Department of Motor Vehicles, 35 percent or more of California's teenagers do not first obtain their driver's license until they are 18 or 19 years of age.

(g) The California 2015–2019 Strategic Highway Safety Plan Implementation Plan, prepared in part by the California Emergency Medical Services Authority, the California Office of Traffic Safety, the California Department of Transportation, the State Department of Public Health, the Department of the California Highway Patrol, and the Department of Motor Vehicles, calls for extending California's Graduated Driver's Licensing program to apply to novice drivers through 20 years of age.

(h) For all of these reasons, and because California's GDL program has proven to be successful in greatly reducing first-time teenage driver-involved crashes, the Legislature has a compelling reason to protect all of our state's teenage drivers, and everyone else who drives on the same roadways, by expanding California's first-time teenage driver GDL program to include persons who are under 21 years of age, but over 17 years of age, to allow first-time teenage drivers enough time to fully complete the driver education and provisional or restricted driver's license phase of the GDL program.

SEC. 2. Section 11103.5 is added to the Vehicle Code, to read:

11103.5. (a) To the extent required by subdivision (b), an owner or operator of a driving school or an independent driving instructor who requires compensation to provide the behind-the-wheel instruction or driver training instruction specified in Section 12814.6 shall affirmatively offer and accept compensation in installments through the duration of the instruction for up to 12 months from the first date the instruction begins. Final payment shall be due upon issuance of a certificate of completion furnished to the driving school by the department and issued to the person completing the instruction. An owner or operator of a driving school or an independent driving instructor shall not charge any additional amount, in any form, including, but not limited to, interest charges or a processing or administrative fee, for accepting the compensation by installment payments.

(b) On and after January 1, 2018, an owner or operator of a driving school or an independent driving instructor shall accept and perform the requirements of subdivision (a) as a condition of receiving a license or a renewal of a license pursuant to this chapter. An owner or operator of a driving school or an independent driving instructor providing instruction for compensation pursuant to a current license the department issued pursuant to this chapter before the date the measure adding this section went into effect shall not be required to accept and perform the requirements of subdivision (a) for the duration of that current license period only.

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

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

(5) Is over 17 years and 6 months of age.

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

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

(d) Except as provided in Section 12814.6, a person, while having in his or her immediate possession a valid permit issued pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), 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 who is 18 years of age or over and whose driving privilege is not subject to probation. An accompanying licensed driver at all times shall occupy a position within the driver's compartment that would enable the accompanying licensed driver to assist the person in controlling the vehicle as may be necessary to avoid a collision and to provide immediate guidance in the safe operation of the vehicle.

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

(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.

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

(h) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 4. Section 12509 is added to the Vehicle Code, 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 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 15 years and 6 months of age 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 15 years and 6 months of age 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) Is 15 years and 6 months of age and enrolled and participating in an integrated automobile driver education and training program as provided in subparagraph (B) of paragraph (3) of subdivision (a) of Section 12814.6.

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

(5) Is over 20 years and 6 months of age.

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

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

(d) Except as provided in Section 12814.6, a person, while having in his or her immediate possession a valid permit issued pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), 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 who is 21 years of age or over and whose driving privilege is not subject to probation. An accompanying licensed driver at all times shall occupy a position within the driver's compartment that would enable the accompanying licensed driver to assist the person in controlling the vehicle as may be necessary to avoid a collision and to provide immediate guidance in the safe operation of the vehicle.

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

(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.

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

(h) This section shall become operative on January 1, 2020.

SEC. 5. Section 12509.5 of the Vehicle Code is amended to read:

12509.5. (a) A person shall obtain an instruction permit issued pursuant to this section prior to operating, or being issued a class M1 or M2 driver's license to operate, a two-wheel motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, moped, or bicycle with an attached motor. The person shall meet the following requirements to obtain an instruction permit for purposes of this section:

(1) If age 15 years and 6 months or older, but under the age of 18 years, the applicant shall meet all of the following requirements:

(A) Have a valid class C license or complete driver education and training pursuant to paragraph (3) of subdivision (a) of Section 12814.6.

(B) Successfully complete a motorcyclist safety program that is operated pursuant to Article 2 (commencing with Section 2930) of Chapter 5 of Division 2.

(C) Pass the motorcycle driver's written exam.

(2) If 18 years of age or older, but under 21 years of age, the applicant shall meet both of the following requirements:

(A) Successfully complete a motorcyclist safety program that is operated pursuant to Article 2 (commencing with Section 2930) of Chapter 5 of Division 2.

(B) Pass the motorcycle driver's written exam.

(3) If 21 years of age or older, pass the motorcycle driver's written exam.

(b) A person described in paragraph (1) or (2) of subdivision (a) shall hold an instruction permit issued pursuant to this section for a minimum of six months prior to being issued a class M1 or M2 license.

(c) A person issued an instruction permit pursuant to this section shall not operate a two-wheel motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, moped, or bicycle with an attached motor during the hours of darkness, shall stay off any

freeways that have full control of access and have no crossings at grade, and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 or a qualified instructor as defined in Section 41907 of the Education Code.

(d) An instruction permit issued pursuant to this section shall be valid for a period not exceeding 24 months from the date of application.

(e) The department may perform, during regularly scheduled computer system maintenance and upgrades, any necessary software updates related to the changes made by the addition, during the 2009–2010 Regular Session, of this section.

(f) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 6. Section 12509.5 is added to the Vehicle Code, to read:

12509.5. (a) A person shall obtain an instruction permit issued pursuant to this section prior to operating, or being issued a class M1 or M2 driver's license to operate, a two-wheel motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, moped, or bicycle with an attached motor. The person shall meet the following requirements to obtain an instruction permit for purposes of this section:

(1) If age 15 years and 6 months or older, but under 21 years of age, the applicant shall meet all of the following requirements:

(A) Have a valid class C license or complete driver education and training pursuant to paragraph (3) of subdivision (a) of Section 12814.6.

(B) Successfully complete a motorcyclist safety program that is operated pursuant to Article 2 (commencing with Section 2930) of Chapter 5 of Division 2.

(C) Pass the motorcycle driver's written exam.

(2) If 21 years of age or older, pass the motorcycle driver's written exam.

(b) A person described in paragraph (1) of subdivision (a) shall hold an instruction permit issued pursuant to this section for a minimum of six months prior to being issued a class M1 or M2 license.

(c) A person issued an instruction permit pursuant to this section shall not operate a two-wheel motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, moped, or bicycle with an attached motor during the hours of darkness, shall stay off any freeways that have full control of access and have no crossings at grade, and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 or a qualified instructor as defined in Section 41907 of the Education Code.

(d) An instruction permit issued pursuant to this section shall be valid for a period not exceeding 24 months from the date of application.

(e) The department may perform, during regularly scheduled computer system maintenance and upgrades, any necessary software updates related to the changes made by the addition, during the 2009–2010 Regular Session, of this section.

(f) This section shall become operative on January 1, 2020.

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

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

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

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

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

(2) A licensed driving school may not issue a student license to an applicant under the age of 17 years and 6 months unless that applicant shows proof of satisfactory completion of an approved course in driver education, pursuant to standards specified in paragraph (4) of subdivision (a) of Section 12814.6.

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

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

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

(h) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 8. Section 12660 is added to the Vehicle Code, to read:

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

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

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

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

(2) A licensed driving school may not issue a student license to an applicant under the age of 20 years and 6 months unless that applicant shows proof of satisfactory completion of an approved course in driver education, pursuant to standards specified in paragraph (4) of subdivision (a) of Section 12814.6.

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

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

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

(h) This section shall become operative on January 1, 2020.

SEC. 9. 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, only when the person is either taking the driver training instruction referred to in paragraph (3) or practicing that instruction, provided the person is accompanied by, and is under the immediate

supervision of, a California licensed driver 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 guardian of the permitholder or is a licensed or certified driving instructor.

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

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

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

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

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

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

(4) The person shall 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. Not less than 10 of the required practice hours shall include driving during darkness, as defined in Section 280. Upon application for a provisional license, the person shall submit to the department the certification of a parent, spouse, guardian, or licensed or certified driving instructor that the applicant has completed the required amount of driving practice and is prepared to take the department's driving test. A person without a parent, spouse, or guardian, or an emancipated minor, may have a licensed driver 25 years of age or older or a licensed or certified driving instructor complete the certification. This requirement does not apply to motorcycle practice.

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

(6) The Department of Motor Vehicles may charge a driving school licensed under Chapter 1 (commencing with Section 11100) of Division 5 a fee not to exceed one dollar (\$1) for each driver education or driver training certificate of completion furnished by the department and issued to a person who has demonstrated satisfactory completion of a certified driver education and driver training course, in order to recover the department's reasonable costs in administering this section. The fee that a participating school may charge an applicant for a certificate of completion shall not exceed the fee that the department charges the school for the certificate.

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

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

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

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

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

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

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

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

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

(E) The licensee is an emancipated minor.

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

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

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

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

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

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

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

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

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

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

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

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

(A) The person shall not violate any law that, if resulting in conviction, is reportable to the department under Section 1803.

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

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

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

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

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

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

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

(m) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 10. Section 12814.6 is added to the Vehicle Code, 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 21 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, only when the person is either taking the driver training instruction referred to in paragraph (3) or practicing that instruction, provided the person is accompanied by, and is under the immediate supervision of, a California licensed driver 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 guardian of the permit holder or is a licensed or certified driving instructor.

(2) A person under 18 years of age shall hold an instruction permit for not less than six months prior to applying for a provisional driver's license. A person at least 18 years of age, but under 21 years of age, shall hold an instruction permit for not less than 60 days prior to applying for a provisional driver's license.

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

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

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

(C) Satisfactory completion of six hours or more of behind-the-wheel instruction by a driving school or an independent driving instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 and either an accredited course in automobile driver education in any secondary school of California pursuant to provisions of the Education Code or satisfactory completion of equivalent professional instruction acceptable to the department. To be acceptable to the department, the professional instruction shall meet minimum standards to be prescribed by the department, and the standards shall be at least equal to the requirements for driver education and driver training contained in the rules and regulations adopted by the State Board of Education pursuant to the Education Code. A person who has complied with this

subparagraph shall not be required by the governing board of a school district to comply with subparagraph (A) in order to graduate from high school.

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

(4) The person shall 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. Not less than 10 of the required practice hours shall include driving during darkness, as defined in Section 280. Upon application for a provisional license, the person shall submit to the department the certification of a parent, spouse, guardian, or licensed or certified driving instructor that the applicant has completed the required amount of driving practice and is prepared to take the department's driving test. A person without a parent, spouse, or guardian, an emancipated minor, or a person at least 18 years of age, but under 21 years of age, may have a licensed driver 25 years of age or older or a licensed or certified driving instructor complete the certification. This requirement does not apply to motorcycle practice.

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

(6) The Department of Motor Vehicles may charge a driving school licensed under Chapter 1 (commencing with Section 11100) of Division 5 a fee not to exceed one dollar (\$1) for each driver education or driver training certificate of completion furnished by the department and issued to a person who has demonstrated satisfactory completion of a certified driver education and driver training course, in order to recover the department's reasonable costs in administering this section. The fee that a participating school may charge an applicant for a certificate of completion shall not exceed the fee that the department charges the school for the certificate.

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

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

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

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

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

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

(B) School or school-authorized activities of the licensee when reasonable transportation facilities are inadequate and operation of a vehicle by a licensee is necessary.

(i) The licensee shall keep in his or her possession a signed statement from the school principal, dean, or school staff member designated by the principal or dean, containing a probable date that the school or school-authorized activity will have been completed.

(ii) A licensee who is 18, 19, or 20 years of age may keep in his or her possession a copy of his or her class schedule as documentation to satisfy clause (i).

(C) Employment necessity of the licensee when reasonable transportation facilities are inadequate and operation of a vehicle by a licensee is necessary.

(i) The licensee shall keep in his or her possession a signed statement from the employer, verifying employment and containing a probable date that the employment will have been completed.

(ii) A licensee who is 18, 19, or 20 years of age may keep in his or her possession a copy of his or her work schedule as documentation to satisfy clause (i).

(D) Necessity of the licensee or the licensee's immediate family member when reasonable transportation facilities are inadequate and operation of a vehicle by a licensee is necessary to transport the licensee or the licensee's immediate

family member. The licensee shall keep in his or her possession a signed statement from a parent or legal guardian verifying the reason and containing a probable date that the necessity will have ceased. If reasonable transportation facilities are inadequate and operation of a vehicle by a licensee who is 18, 19, or 20 years of age is necessary to transport the licensee or the licensee's immediate family member, a signed statement by a parent or legal guardian is not required.

(E) The licensee is an emancipated minor.

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

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

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

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

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

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

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

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

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

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

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

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

(A) The person shall not violate any law that, if resulting in conviction, is reportable to the department under Section 1803.

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

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

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

(j) (1) Notwithstanding any other provision of this code, the department may issue a distinctive driver's license, that displays a distinctive color or a distinctively colored stripe or other distinguishing characteristic, to persons at least 16 years of age and older but under 18 years of age, and to persons 18 years of age and older but under 21 years of age, so that the distinctive license

feature is immediately recognizable. The features shall clearly differentiate between driver's licenses issued to persons at least 16 years of age or older but under 18 years of age and to persons 18 years of age or older but under 21 years of age.

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

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

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

(m) This section does not apply to a member of the California National Guard, the State Military Reserve, or the United States Armed Forces on active duty who is at least 18 years of age. An identification card issued by the United States Armed Forces is acceptable proof of age for purposes of this subdivision.

(n) This section does not apply to a person who is at least 18 years of age and possesses an ambulance driver certificate pursuant to Section 12527, a certificate to drive a vehicle specified in Section 12517.4, or a commercial driver's license pursuant to Section 15250.

(o) This section shall become operative on January 1, 2020.

SEC. 11. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.