

ASSEMBLY BILL

No. 959

Introduced by Assembly Member Garrick

February 26, 2009

An act to amend Section 12509 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 959, as introduced, Garrick. Vehicles: instruction permits.

Existing law authorizes the Department of Motor Vehicles, for good cause, to issue an instruction permit to a physically and mentally qualified person who is at least 15 years and 6 months of age and who has, among other qualifications, successfully completed an approved course in automobile driver education.

This bill would require that a person be prohibited from commencing an approved course in automobile driver education prior to attaining 15 years of age.

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 12509 of the Vehicle Code is amended
2 to read:
3 12509. (a) Except as otherwise provided in subdivision (f) of
4 Section 12514, the department, for good cause, may issue an
5 instruction permit to ~~any~~ a physically and mentally qualified person
6 who meets one of the following requirements and who applies to
7 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. *However, the person shall not commence an*
5 *approved course in automobile driver education prior to attaining*
6 *15 years of age.*

7 (2) Is age 15 years and 6 months or older, and has successfully
8 completed an approved course in automobile driver education and
9 is taking driver training as provided in paragraph (3) of subdivision
10 (a) of Section 12814.6. *However, the person shall not commence*
11 *an approved course in automobile driver education prior to*
12 *attaining 15 years of age.*

13 (3) Is age 15 years and 6 months and enrolled and participating
14 in an integrated driver education and training program as provided
15 in subparagraph (B) of paragraph (3) of subdivision (a) of Section
16 12814.6.

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

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

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

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

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

1 (e) A person, while having in his or her immediate possession
2 a valid permit issued pursuant to paragraphs (1) to (3), inclusive,
3 of subdivision (a), who is age 15 years and 6 months or older and
4 who has successfully completed approved courses in automobile
5 education and driver training as provided in paragraph (3) of
6 subdivision (a) of Section 12814.6, and a person, while having in
7 his or her immediate possession a valid permit issued pursuant to
8 subdivision (a), who is age 17 years and 6 months or older, may,
9 in addition to operating a motor vehicle pursuant to subdivision
10 (d), also operate a motorcycle, motorized scooter, or a motorized
11 bicycle, except that the person shall not operate a motorcycle,
12 motorized scooter, or a motorized bicycle during hours of darkness,
13 shall stay off any freeways that have full control of access and no
14 crossings at grade, and shall not carry any passenger except an
15 instructor licensed under Chapter 1 (commencing with Section
16 11100) of Division 5 of this code or a qualified instructor as defined
17 in Section 41907 of the Education Code.

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

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

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

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