

AMENDED IN ASSEMBLY JULY 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 959**

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**Introduced by Assembly Member Garrick**

February 26, 2009

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*An act to amend Section 12509 of the Vehicle Code, relating to An act to amend Sections 51220.6 and 51226.6 of the Education Code, and to amend Sections 12509, 12514, 12660, 12810, 12814.6, and 12814.7 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 959, as amended, Garrick. Vehicles: instruction ~~permits~~: *permits: provisional licenses.*

**Existing**

*(1) 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.*

*Existing law requires a person, prior to the issuance of an instruction permit, to have complied with one of 3 alternative programs of driver education and training.*

*This bill would reduce the number of programs to 2 and would revise the requirements of those programs. The bill would also require that the instruction permit not be issued until that person is enrolled in an approved driver training course and completes the first 2 hours of behind-the-wheel instruction. The instruction permit would not be valid until the permit is signed by the instructor.*

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

(2) *Existing law authorizes a person, with immediate possession of a valid permit, to operate a motor vehicle, when accompanied by, and under the immediate supervision of, a California licensed driver with a valid license who is 18 years of age or older, with exceptions.*

*This bill would change the minimum age of the California licensed driver required to accompany and supervise a person with immediate possession of a valid permit in the operation of a motor vehicle, to 25 years of age.*

(3) *Existing law authorizes the issuance of a provisional driver’s license to a person at least 16 years of age, but under 18 years of age.*

*Existing law requires a person, prior to the issuance of a provisional license, to complete 50 hours of supervised driving practice and, upon application for the provisional license, submit a 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 driving test.*

*This bill would additionally require the parent, spouse, or guardian to complete a debriefing with the driving instructor. The bill would require that before obtaining a provisional license the person successfully complete an approved course of driver training conducted by a California secondary school, licensed driving school, or equivalent instruction in a secondary school of another state or a driving school licensed by another state, or completes an approved integrated driver education and training program.*

(4) *This bill would make conforming changes.*

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

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

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

3 (a) *At the recommendation of the National Transportation Safety*  
 4 *Board, in October 2006, the National Highway Traffic Safety*  
 5 *Administration (NHTSA) initiated the National Driver Education*  
 6 *Standards Project (Project) to develop novice driver education*  
 7 *and training standards to assist driver education and training*

1 *professionals to teach novice drivers the skills and transfer the*  
2 *knowledge necessary to perform as safe and competent drivers,*  
3 *thereby contributing to the reduction of crashes, fatalities, and*  
4 *injuries.*

5 *(b) The Project's research reviewed and compared driver*  
6 *education and training-related documents from NHTSA, the*  
7 *American Automobile Association Foundation for Traffic Safety,*  
8 *the American Driver and Traffic Safety Education Association,*  
9 *and the Driving School Association of the Americas.*

10 *(c) The Project recommends that standards be established for*  
11 *five topic areas:*

12 *(1) Program administration.*

13 *(2) Education and training.*

14 *(3) Instructor qualifications.*

15 *(4) Parent or guardian involvement.*

16 *(5) Coordination with driver licensing.*

17 *(d) In February 2009, the NHTSA convened 58 driver education*  
18 *and training specialists in Phoenix, Arizona to finalize the Project's*  
19 *working document to establish new standards criteria for training*  
20 *novice drivers. The Project recommends that each state should*  
21 *have a single agency that is informed by an advisory board of*  
22 *stakeholders and charged with overseeing all novice driver*  
23 *education and training programs. That agency should have*  
24 *authority and responsibility for the implementation, monitoring,*  
25 *and enforcement of those standards.*

26 *SEC. 2. Section 51220.6 of the Education Code is amended to*  
27 *read:*

28 51220.6. (a) Notwithstanding any other ~~provision of~~ law, a  
29 private school is not required to offer courses in driver education  
30 or driver training.

31 (b) This section shall not be construed to require a private school  
32 to offer automobile driver education that meets the requirements  
33 of this chapter unless the private school requests the Department  
34 of Motor Vehicles to issue a certificate of satisfactory completion  
35 form.

36 (c) For purposes of subdivision (j) of Section 51220, Section  
37 51220.1, and subparagraph (A) of paragraph ~~(3)~~ (2) of subdivision  
38 (a) of Section 12814.6 of the Vehicle Code, the satisfactory  
39 completion by a pupil of an Internet-based, correspondence, or  
40 other distance-learning course in automobile driver education

1 offered by a private secondary school satisfies the driver education  
2 instructional requirements of those provisions and the Department  
3 of Motor Vehicles shall issue certificates of satisfactory completion  
4 forms if all of the following conditions are met:

5 (1) The private secondary school has a current affidavit or  
6 statement on file in compliance with Section 33190.

7 (2) The private secondary school utilizes the Department of  
8 Motor Vehicles' driver education curriculum developed under  
9 subdivision (f) of former Section 12814.8 of the Vehicle Code for  
10 providing the automobile driver education course, or the private  
11 school certifies to the Department of Motor Vehicles that the  
12 curriculum used is educationally equivalent to the Department of  
13 Motor Vehicles' curriculum.

14 (3) All certificates issued to a private school by the Department  
15 of Motor Vehicles shall remain under the exclusive control of that  
16 school. A school shall only issue a certificate to a student who is  
17 enrolled in the private school, and has successfully completed a  
18 driver education course offered by that school.

19 (4) All course curriculums contain the school name, school  
20 address, and telephone number.

21 (5) Internet web pages or CD courses are reasonably secure and  
22 protected from unauthorized access, modifications, or extraction  
23 of confidential data.

24 (6) Test questions for Internet and CD courses are secured and  
25 randomly extracted to safeguard from copying.

26 *SEC. 3. Section 51226.6 of the Education Code is amended to*  
27 *read:*

28 51226.6. (a) The State Department of Education shall develop  
29 and adopt a model curriculum framework for driver education and  
30 training that incorporates the rules and regulations adopted by the  
31 State Board of Education relating to driver education pursuant to  
32 Sections 41905 and 51850, and that is directed to preparing student  
33 drivers for compliance with paragraph (4) of subdivision ~~(a)~~ (b)  
34 of Section 12814.6 of the Vehicle Code.

35 (b) The State Department of Education shall not be required to  
36 comply with the requirements of subdivision (a) unless federal  
37 funding is available to defray the cost of developing and adopting  
38 the model curriculum framework for driver training and education.

39 **SECTION 4.**

40 *SEC. 4. Section 12509 of the Vehicle Code is amended to read:*

1 12509. (a) Except as otherwise provided in subdivision (f) of  
2 Section 12514, the department, for good cause, may issue an  
3 instruction permit to a physically and mentally qualified person  
4 who meets one of the following requirements and who applies to  
5 the department for an instruction permit:

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

15 (2) Is age 15 years and 6 months or older, and has successfully  
16 completed an approved course in automobile driver education and  
17 ~~is taking driver training as provided in paragraph (3) of subdivision~~  
18 ~~(a) as provided in subparagraph (A) of paragraph (2) of~~  
19 ~~subdivision (a) of Section 12814.6 and is taking a driver training~~  
20 ~~course as described in paragraph (3) of subdivision (b) of Section~~  
21 12814.6. However, the person shall not commence an approved  
22 course in automobile driver education prior to attaining 15 years  
23 of age.

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

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

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

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

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

38 (d) Except as provided in Section 12814.6, a person, while  
39 having in his or her immediate possession a valid permit issued  
40 pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), may

1 operate a motor vehicle, other than a motorcycle, motorized  
2 scooter, or a motorized bicycle, when accompanied by, and under  
3 the immediate supervision of, a California licensed driver with a  
4 valid license of the appropriate class, ~~18~~ 25 years of age or over  
5 whose driving privilege is not on probation. Except as provided  
6 in subdivision (e), an accompanying licensed driver at all times  
7 shall occupy a position within the driver's compartment that would  
8 enable the accompanying licensed driver to assist the person in  
9 controlling the vehicle as may be necessary to avoid a collision  
10 and to provide immediate guidance in the safe operation of the  
11 vehicle.

12 (e) A person, while having in his or her immediate possession  
13 a valid permit issued pursuant to paragraphs (1) to (3), inclusive,  
14 of subdivision (a), who is age 15 years and 6 months or older ~~and~~  
15 ~~who has successfully completed approved courses in automobile~~  
16 ~~education and driver training as provided in paragraph (3) of~~  
17 ~~subdivision (a) of Section 12814.6~~, and a person, while having in  
18 his or her immediate possession a valid permit issued pursuant to  
19 subdivision (a), who is age 17 years and 6 months or older, may,  
20 in addition to operating a motor vehicle pursuant to subdivision  
21 (d), also operate a motorcycle, motorized scooter, or a motorized  
22 bicycle, except that the person shall not operate a motorcycle,  
23 motorized scooter, or a motorized bicycle during hours of darkness,  
24 shall stay off any freeways that have full control of access and no  
25 crossings at grade, and shall not carry any passenger except an  
26 instructor licensed under Chapter 1 (commencing with Section  
27 11100) of Division 5 of this code or a qualified instructor as defined  
28 in Section 41907 of the Education Code.

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

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

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

4 *SEC. 5. Section 12514 of the Vehicle Code is amended to read:*

5 12514. (a) Junior permits issued pursuant to Section 12513  
6 shall not be valid for a period exceeding that established on the  
7 original request as the approximate date the minor's operation of  
8 a vehicle will no longer be necessary. In any event, no permit shall  
9 be valid on or after the 18th birthday of the applicant.

10 (b) The department may revoke ~~any~~ a permit when to do so is  
11 necessary for the welfare of the minor or in the interests of safety.

12 (c) If conditions or location of residence, ~~which~~ that required  
13 the minor's operation of a vehicle, change prior to expiration of  
14 the permit, the department may cancel the permit.

15 (d) Upon a determination that the permittee has operated a  
16 vehicle in violation of restrictions, the department shall revoke the  
17 permit.

18 (e) A junior permit is a form of driver's license that shall include  
19 all information required by subdivision (a) of Section 12811 except  
20 for an engraved picture or photograph of the permittee, and is  
21 subject to all provisions of this code applying to driver's licenses,  
22 except as otherwise provided in this section and Section 12513.

23 (f) An instruction permit valid for a period of not more than six  
24 months may be issued after eligibility has been established under  
25 Section 12513.

26 (g) The department shall cancel ~~any~~ a permit six months from  
27 the date of issuance unless the permittee has complied with one  
28 of the conditions prescribed by paragraph ~~(3)~~ (2) of subdivision  
29 (a) of Section 12814.6.

30 *SEC. 6. Section 12660 of the Vehicle Code is amended to read:*

31 12660. (a) The department may establish a program authorizing  
32 a driving school licensed under Chapter 1 (commencing with  
33 Section 11100) of Division 5 to issue a student license to operate  
34 a class 3 vehicle to ~~any~~ an applicant 15 years of age or older,  
35 subject to the conditions specified in subdivision (d).

36 (b) The department may charge ~~any~~ a driving school  
37 participating in the program a fee not to exceed two dollars (\$2)  
38 per applicant to recover the department's cost in establishing and  
39 monitoring the program. The fee that a participating school may

1 charge an applicant for a student license may not exceed the fee  
2 that the department charges the school for the license.

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

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

14 (2) No licensed driving school may issue a student license to  
15 ~~any~~ *an* applicant under the age of 17 years and 6 months unless  
16 that applicant shows proof of satisfactory completion of an  
17 approved course in driver education, pursuant to standards specified  
18 in paragraph ~~(4)~~ (2) of subdivision (a) of Section 12814.6.

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

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

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

35 *SEC. 7. Section 12810 of the Vehicle Code is amended to read:*  
36 12810. In determining the violation point count, the following  
37 shall apply:

38 (a) A conviction of failure to stop in the event of an accident in  
39 violation of Section 20001 or 20002 shall be given a value of two  
40 points.

1 (b) A conviction of a violation of Section 23152 or 23153 shall  
2 be given a value of two points.

3 (c) A conviction of reckless driving shall be given a value of  
4 two points.

5 (d) (1) A conviction of a violation of subdivision (b) of Section  
6 191.5 or subdivision (c) of Section 192 of the Penal Code, or of  
7 Section 2800.2 or 2800.3, subdivision (b) of Section 21651,  
8 subdivision (b) of Section 22348, subdivision (a) or (c) of Section  
9 23109, Section 23109.1, or Section 31602 of this code, shall be  
10 given a value of two points.

11 (2) A conviction of a violation of subdivision (a) or (b) of  
12 Section 23140 shall be given a value of two points.

13 (e) A conviction of a violation of Section 14601, 14601.1,  
14 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

15 (f) Except as provided in subdivision (i), any other traffic  
16 conviction involving the safe operation of a motor vehicle upon  
17 the highway shall be given a value of one point.

18 (g) A traffic accident in which the operator is deemed by the  
19 department to be responsible shall be given a value of one point.

20 (h) A conviction of a violation of Section 27360 or 27360.5  
21 shall be given a value of one point.

22 (i) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision  
23 (b) of Section 40001 shall not result in a violation point count  
24 being given to the driver if the driver is not the owner of the  
25 vehicle.

26 (2) A conviction of a violation of paragraph (1) or (2) of  
27 subdivision ~~(b)~~ (c) of Section 12814.6, subdivision (a) of Section  
28 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or  
29 26707 shall not be given a violation point count.

30 (3) A violation of subdivision (d) of Section 21712 shall not  
31 result in a violation point count.

32 (4) A violation of Section 23136 shall not result in a violation  
33 point count.

34 (5) A violation of Section 38301.3 shall not result in a violation  
35 point count.

36 (j) A conviction for only one violation arising from one occasion  
37 of arrest or citation shall be counted in determining the violation  
38 point count for the purposes of this section.

39 *SEC. 8. Section 12814.6 of the Vehicle Code is amended to*  
40 *read:*

1 12814.6. (a) Except as provided in Section 12814.7, a driver's  
2 license issued to a person at least 16 years of age but under 18  
3 years of age shall be issued pursuant to the provisional licensing  
4 program contained in this section. The program shall consist of  
5 all of the following components:

6 (1) Upon application for an original license, the applicant shall  
7 be issued an instruction permit pursuant to Section 12509. A person  
8 who has in his or her immediate possession a valid permit issued  
9 pursuant to Section 12509 may operate a motor vehicle, other than  
10 a motorcycle or motorized bicycle, only when the person is either  
11 taking the driver training instruction referred to in paragraph (3)  
12 *of subdivision (b)* or practicing that instruction, provided the person  
13 is accompanied by, and is under the immediate supervision of, a  
14 California licensed driver 25 years of age or older whose driving  
15 privilege is not on probation. The age requirement of this paragraph  
16 does not apply if the licensed driver is the parent, spouse, or  
17 guardian of the permitholder or is a licensed or certified driving  
18 instructor.

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

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

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

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

37 ~~(C) Satisfactory completion of six hours or more of~~  
38 ~~behind-the-wheel instruction by a driving school or an independent~~  
39 ~~driving instructor licensed under Chapter 1 (commencing with~~  
40 ~~Section 11100) of Division 5 and either an accredited course in~~

1 automobile driver education in any secondary school of California  
2 pursuant to provisions of the Education Code or satisfactory  
3 completion of equivalent professional instruction acceptable to  
4 the department. To be acceptable to the department, the  
5 professional instruction shall meet minimum standards to be  
6 prescribed by the department, and the standards shall be at least  
7 equal to the requirements for driver education and driver training  
8 contained in the rules and regulations adopted by the State Board  
9 of Education pursuant to the Education Code. A person who has  
10 complied with this subdivision shall not be required by the  
11 governing board of a school district to comply with subparagraph  
12 (A) in order to graduate from high school.

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

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

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

34 (2) A permit shall be issued to a person who is at least 15 years  
35 and six months but less than 17 years and six months if the person  
36 has complied with either of the following:

37 (A) Satisfactory completion of a course in automobile driver  
38 education approved by the department conducted by a California  
39 secondary school or driving school licensed pursuant to Section

1 11100 or equivalent instruction in a secondary school of another  
2 state or a driving school licensed by another state.

3 (B) Enrollment and participation in an integrated driver  
4 education and training program that is approved by the  
5 department. The program shall utilize segmented modules, whereby  
6 a portion of the educational instruction is provided by, and then  
7 reinforced through, specific behind-the-wheel training before  
8 moving to the next phase of driver education and training.

9 (3) A person shall not commence an approved course of  
10 automobile driver education prior to attaining 15 years of age.

11 (4) The person shall successfully complete an examination on  
12 laws related to driving and safe driver practices required by the  
13 department. Before retaking a test, the person shall wait for not  
14 less than two weeks after failure of the test.

15 (5) A permit shall not be issued by the department until the  
16 student is enrolled in a driver training course as described in  
17 paragraph (3) of subdivision (b) and has completed the first two  
18 hours of behind-the-wheel instruction provided in that course by  
19 the licensed driving school or secondary school. In order to be  
20 valid, a permit shall be signed by the licensed driving school  
21 instructor or the secondary school instructor.

22 (6) A person who has completed a course in automobile driver  
23 education or driver training pursuant to subparagraph (A) of  
24 paragraph (2) or paragraph (3) of subdivision (b) from a driving  
25 school licensed pursuant to Section 11100 shall not be required  
26 by the governing board of a school district to retake automobile  
27 driver education or driver training in order to graduate from high  
28 school.

29 (b) To be granted a provisional license the person shall meet  
30 all of the following requirements:

31 (1) Be at least 16 years of age.

32 (2) Hold an instruction permit for not less than six months prior  
33 to applying for a provisional driver's license.

34 (3) Have successfully completed a course of driver training  
35 approved by the department conducted by a California secondary  
36 school or driving school licensed pursuant to Section 11100 or  
37 equivalent instruction in a secondary school of another state or a  
38 driving school licensed by another state or completed an integrated  
39 driver education and training program that is approved by the  
40 department. A student may not take driver training instruction

1 *until he or she has successfully completed automobile driver*  
2 *education unless the person is participating in an integrated driver*  
3 *education and training program.*

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

21 (5) Successfully complete a driving test as required by the  
22 department. Before retaking the test, the person shall wait for not  
23 less than one month after failure of the driving test.

24 ~~(b)~~

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

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

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

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

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

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

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

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

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

27 (E) The licensee is an emancipated minor.

28 ~~(e)~~

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

32 ~~(d)~~

33 (e) 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)~~ (c) is in violation of Article  
 36 2.5 (commencing with Section 118947) of Chapter 4 of Part 15 of  
 37 Division 104 of the Health and Safety Code.

38 ~~(e)~~

1 (f) (1) Upon a finding that ~~any~~ a licensee has violated paragraph  
2 (1) of subdivision ~~(b)~~ (c), the court shall impose one of the  
3 following:

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

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

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

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

18 ~~(f)~~

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

23 ~~(g)~~

24 (h) Any term of restriction or suspension of the driving privilege  
25 imposed on a person pursuant to this subdivision shall remain in  
26 effect until the end of the term even though the person becomes  
27 18 years of age before the term ends.

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

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

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

7 (A) The person shall ~~not violate~~ ~~no a law which~~ *that*, if resulting  
 8 in conviction, is reportable to the department under Section 1803.

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

10 ~~(h)~~

11 ~~(i)~~ Whenever action by the department under subdivision ~~(g)~~  
 12 ~~(h)~~ arises as a result of a motor vehicle accident, the person may,  
 13 in writing and within 10 days, demand a hearing to present  
 14 evidence that he or she was not responsible for the accident upon  
 15 which the action is based. Whenever action by the department is  
 16 based upon a conviction reportable to the department under Section  
 17 1803, the person has no right to a hearing pursuant to Article 3  
 18 (commencing with Section 14100) of Chapter 3.

19 ~~(i)~~

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

27 ~~(j)~~

28 ~~(k)~~ (1) Notwithstanding any other provision of this code, the  
 29 department may issue a distinctive driver’s license, that displays  
 30 a distinctive color or a distinctively colored stripe or other  
 31 distinguishing characteristic, to persons at least 16 years of age  
 32 and older but under 18 years of age, and to persons 18 years of  
 33 age and older but under 21 years of age, so that the distinctive  
 34 license feature is immediately recognizable. The features shall  
 35 clearly differentiate between driver’s licenses issued to persons at  
 36 least 16 years of age or older but under 18 years of age and to  
 37 persons 18 years of age or older but under 21 years of age.

38 (2) If changes in the format or appearance of driver’s licenses  
 39 are adopted pursuant to this subdivision, those changes may be

1 implemented under ~~any~~ a new contract for the production of  
2 driver's licenses entered into after the adoption of those changes.

3 ~~(k)~~

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

7 ~~(t)~~

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

10 *SEC. 9. Section 12814.7 of the Vehicle Code is amended to*  
11 *read:*

12 12814.7. (a) Notwithstanding the provisional licensing  
13 requirements of subdivisions (a) to ~~(e)~~ (f), inclusive, of Section  
14 12814.6, the department shall issue to a person who is at least 16  
15 years of age, but under 18 years of age, a restricted class C driver's  
16 license valid for the operation of United States Army and California  
17 National Guard vehicles during the course and scope of their duties  
18 with the California National Guard if the following conditions are  
19 met:

20 (1) Upon application, the person provides the department with  
21 the executed enlistment contract for the applicant.

22 (2) The person qualifies for and is issued an instruction permit  
23 pursuant to Section 12509.

24 (3) Prior to the issuance of the class C license, the applicant  
25 provides proof satisfactory to the department of successful  
26 completion of a driver education and training course administered  
27 by the California National Guard.

28 (b) A driver's license issued pursuant to this section shall be  
29 subject to both of the following:

30 (1) Subdivisions ~~(f)~~ (g) to ~~(k)~~ (l), inclusive, of Section 12814.6.

31 (2) Pull-notice and periodic reports issued pursuant to Section  
32 1808.1.

33 (c) The licensee shall comply with all other licensing  
34 requirements of this code, including, but not limited to, the  
35 requirements of Section 12804.9.

O