

Date of Hearing: April 17, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Jim Frazier, Chair  
AB 63 (Frazier) – As Amended April 5, 2017

**SUBJECT:** Driver's licenses: provisional licenses

**SUMMARY:** Raises the age at which a first-time driver must obtain a provisional driver's license (PDL) from 18 to 21. Specifically, **this bill:**

- 1) Makes finding and declarations regarding the safety benefits of graduated driver's licenses to crash rates and medical expenses of teen drivers.
- 2) Raises the age at which a person must obtain a PDL from 18 to 21.
- 3) Authorizes a licensee who is 18, 19, or 20 to keep in his or her possession a copy of his or her class or work schedule to qualify for an exception to restrictions on a PDL.
- 4) Provides that if reasonable transportation facilities are inadequate and operation of a motor vehicle by a license who is 18, 19, or 20 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.

**EXISTING LAW:**

- 1) Authorizes the Department of Motor Vehicles (DMV) to issue an instructional permit to a person who is at least 15 and a half years of age and requires a person driving on an instructional permit to be accompanied and supervised by a licensed driver at all times.
- 2) Authorizes DMV to issue a PDL to a person between the ages of 16 and 18 who has met the following criteria:
  - a) Has held an instructional permit issued by DMV for at least six months;
  - b) Has completed driver education and training offered by a secondary school or licensed driving instructor, as specified;
  - c) Has completed at least six hours of behind-the-wheel instruction by a driving school or licensed driving instructor, as specified;
  - d) Has completed 50 hours of supervised driving practice, as specified; and,
  - e) Has passed an examination required by DMV.
- 3) Prohibits the holder of a PDL from driving between the hours of 11 p.m. and 5 a.m. or transporting passengers under the age of 20 unless accompanied and supervised by a licensed driver during the first 12 months after issuance of a PDL, as specified.

- 4) Authorizes the holder of a PDL to 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 in the following circumstances:
  - a) Medical necessity when reasonable transportation facilities are inadequate with a signed statement from a physician;
  - b) Schooling or school-authorized activities when reasonable transportation facilities are inadequate with a signed statement from a school principal, dean, or school staff member;
  - c) Employment when reasonable transportation facilities are inadequate with a signed statement from an employer;
  - d) Necessity of the licensee or the licensee's immediate family member when reasonable transportation facilities are inadequate with a signed statement from a parent or legal guardian; or,
  - e) The licensee is an emancipated minor.
- 5) Prohibits a law enforcement officer from stopping a vehicle for the sole purpose of determining if the driver is in violation of PDL restrictions.
- 6) Establishes a penalty of community service or fines for a violation of PDL restrictions and provides that a violation does not constitute a negligent operator violation point.
- 7) Establishes periods of suspension, probation, and license restrictions for accumulation of negligent operator violation points while driving on a PDL as follows:
  - a) A suspension of the driving privilege for a PDL licensee with one or more notifications of having failed to appear in court, pay a fine, or obey a court order to attend traffic violator school.
  - b) A 30-day restriction requiring the PDL licensee to be accompanied by a licensed parent, spouse, guardian, or other licensed driver 25 years of older or with no passengers aboard when the licensee's record shows a violation point count of two or more points in 12 months.
  - c) A six-month suspension of the driving privilege and a one-year term of probation requiring the PDL licensee to not violate any law that is reportable to DMV, as specified, and to remain free from accident responsibility when the licensee's record shows a negligent operator violation point count of three or more points in 12 months.

**FISCAL EFFECT:** Unknown

**COMMENTS:** The Brady-Jared Teen Driver Safety Act of 1997 established a PDL program for licenses issued to drivers at least 16 years of age but under 18 years of age. After holding a learner's permit for six months and completing driver education, behind-the-wheel training, and 50 hours of supervised driving, a person who is at least 16 years old may apply to DMV for a PDL. During the first 12 months after a PDL is issued, a licensee is prohibited from driving between the hours of 11:00 p.m. and 5:00 a.m. and transporting passengers who are under 21 years of age, unless he or she is accompanied and supervised by a licensed driver or certified

driving instructor, with certain exceptions. These exceptions include driving to and from school with a note from a principal or dean, driving to and from employment with a note from an employer, and transportation immediate family members when existing transportation facilities are inadequate with a note from the driver's parent or guardian. After the 12 months elapse, the restrictions are lifted, and the driver must avoid accumulating negligent operator violation points. The PDL program was intended to promote safer driving by first-time drivers by restricting their driving hours and conditions of driving while they gaining driving experience and improve driving safety generally.

This bill would extend the PDL program to apply to all first-time drivers between 16 and 21 years of age. After completing the one-year period of restrictions licensee's driving privilege that begins when the PDL is issued, the licensee would then be required to comply with the limits on the number of negligent operator violation points a driver can accumulate until the licensee turns 21, instead of when he or she turns 18 as is required under existing law. This bill would not extend or alter the restrictions placed upon first-time teen drivers during their first 12 months of licensure. This bill does loosen the restrictions placed upon drivers who are 18, 19, and 20 years old during their first 12 months of holding a driver's license, by allowing them to carry a school or work schedule instead of a signed note, and waiving the note altogether to transport immediate family members if existing transportation facilities are inadequate.

With this bill, the author intends to provide more novice teen drivers with the opportunity to safely hone their driving skills while undergoing a provisional period in order to reduce older teen injuries and deaths from motor vehicle accidents.

According to the California Department of Public Health (CDPH) and the Centers for Disease Control and Prevention (CDC), vehicle crashes are the leading cause of emergency room visits, hospitalizations, and deaths for California children ages 1 to 19 years old. Furthermore, according to the author, approximately 1 in 3 drivers wait until they are 18 to get their driver's license, which eliminates their eligibility to participate in the PDL program when receiving their driver's license for the first time. This creates a large portion of teen drivers on California roads who have not undergone a provisional licensing period.

According to the CDC, the National Highway Traffic Safety Administration, and the Insurance Institute for Highway Safety, drivers who go through a provisional licensing period experience 40-60% fewer vehicle crashes than those who obtain a license after reaching the age of 18. A recent report by the Governor's Highway Safety Association (GHSA), in which California is represented by the Office of Traffic Safety (OTS), found that 15 to 17 year olds had a greater decrease in fatal crashes over the past decade than 18 to 20 year olds who did not participate in a PDL program, and recommended all states adopt a PDL program up to the age of 21. New Jersey and Maryland are among the states that have extended their PDL program to at least the age of 21.

Similarly, California's 2015-19 Strategic Highway Safety Plan (SHSP) Implementation Plan, prepared in accordance with federal requirements by the California Department of Transportation with input from the California Emergency Medical Services Authority, OTS, CDPH, the California Highway Patrol (CHP), and DMV, states that "Young drivers have less driving experience, may be less likely to identify hazardous conditions and react to them, and are disproportionately involved in risky driving behaviors that directly result in more crashes than experienced drivers," and that fatalities and severe injuries among drivers between the ages of 15

and 20 comprised 14% of all fatalities and severe injuries from 2012 to 2014 in California. The SHSP Implementation Plan recommends extending graduated driver's license requirements through age 20.

This bill would extend California's PDL program to all first-time drivers under age 21, consistent with recommendations from GHSA and the state agencies compiling the SHSP Implementation Plan. By targeting older teen drivers who may have not undergone the same provisional period as their younger counterparts, this bill may result in greater driver safety benefits and a reduction in accidents, injuries, and fatalities.

*Previous legislation:* SB 1223 (Huff) of 2016 would have raised the age at which a person must obtain a PDL from 18 to 21. SB 1223 was held on the Senate Appropriations Committee Suspense File.

AB 235 (Frazier) of 2015 would have extended the driving restrictions on a PDL from the just the first 12 months of licensure to the entire duration of the PDL. AB 235 passed out of this committee with a vote of 14-0, but was held on the Senate Appropriations Committee Suspense File.

AB 1801 (Frazier) of 2014 was identical to AB 235 and passed out of this committee with a vote of 14-1, but was held on the Assembly Appropriations Committee Suspense File.

AB 1113 (Frazier) of 2013 would have required a person to hold a learner's permit for 9 months before applying for a PDL and extended and expanded the driving restrictions on a PDL to the entire duration of the PDL. AB 1113 was vetoed by Governor Brown. In his veto message, the Governor directed DMV, CHP, and OTS to implement a teen driver training and education program to improve transportation safety for provisional drivers.

AB 724 (Cooley) of 2013 would have raised the age at which a person must obtain a PDL from 18 to 20. AB 724 passed out of this committee with a vote of 10-4, but was held in the Assembly Appropriations Committee Suspense File.

SB 1329 (Leslie) Chapter 760, Statutes of 1997, the Brady-Jared Teen Driver Safety Act of 1997, created California's PDL program in its current form.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Advocates for Highway and Auto Safety  
Alcohol Justice  
Allstate Insurance  
American Academy of Pediatrics, California  
Association of California Life and Health Insurance Companies  
California Alcohol Policy Alliance  
California Association for Safety Education  
California Association of Highway Patrolmen  
California Coalition for Children's Safety and Health  
California State PTA  
Health Officers Association of California

Impact Teen Drivers  
Liberty Mutual Insurance  
National Safety Council  
Nationwide Mutual Insurance Company  
Personal Insurance Federation of California  
Peace Officers Research Association of California  
Safe Kids California  
San Marcos Prevention Coalition  
State Farm Insurance

**Opposition**

None on file

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