

Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 2385 (Alanis) – As Amended April 8, 2024

**SUBJECT:** Driver's licenses: instruction permits and provisional licenses

**SUMMARY** Extends the age requirements of the provisional driver's license (PDL) program to individuals between the ages of 18 and 21 beginning January 1, 2027. Specifically, **this bill:**

- 1) Authorizes the Department of Motor Vehicles (DMV) to charge a licensed driving school a fee not to exceed \$1 for each driver education or driver training certificate of completion furnished to DMV beginning January 1, 2026. Authorizes the school to pass the fee to the consumer.
- 2) Provides that an individual aged 18 to 21 must hold a learner's permit for at least 60 days, prior to applying for a PDL.
- 3) Authorizes a PDL holder who is 18 to 20 years old to use a copy of their class schedule to document the school activity exception to PDL requirements, and a copy of his or her work schedule for the employment exception. Waives the requirement for a PDL holder who is 18 to 20 years old to document the family member exception.
- 4) Allows an individual 18 to 20 years old to have a licensed driver 25 years or older certify that he or she has completed the instruction permit requirements, except for a motorcycle license.
- 5) Exempts from these requirements a member of the US Armed Forces who is on active duty and is at least 18 years old.
- 6) Provides that the hours of operation restrictions and the transportation of passengers who are under 20 years of age restrictions on a PDL will be for six months instead of 12 months for those between the ages of 18 and 21.
- 7) Provides that an individual with a PDL between the ages of 18 and 21 will have their license restricted for 30 days if they receive more than two negligent operator points within six months by requiring them to be accompanied by an individual over 25 years of age, or a parent, spouse or guardian, and no other passengers.
- 8) Requires an owner or operator of a driving school, or an independent driving instructor, to affirmatively offer and accept compensation in equal monthly installments for up to a year and prohibits charging of any additional fees such as interest or administrative fees. Provides that beginning January 1, 2025, allowing installment payments shall be a condition of receiving or renewing a driving school or instructor license.

**EXISTING LAW:**

- 1) Establishes a PDL program for individuals between 16 and 18 years of age. (Vehicle Code Section (VEH) 12814.8).

- 2) Provides that prior to issuing a PDL, the DMV must issue an instruction permit, commonly known as a learner's permit. An individual must be at least 15 years and six months old to apply for a learner's permit, and must have taken, or be enrolled in, driver education and training classes. (An individual 17 years and six months or older can apply without having taken driver education or training.) The learner's permit authorizes the holder to operate a motor vehicle only when he or she is either taking a driver training class or is practicing under the immediate supervision of a California licensed driver 25 years or older. (VEH 12809).
- 3) Prohibits a learner's permit holder from applying for a PDL until he or she has held the permit for at least six months. Requires a permit holder, prior to applying for a PDL, to successfully complete driver education and training classes; at least six hours of behind-the-wheel training; 50 hours of supervised driving practice, including at least 10 hours of nighttime driving; and written and driving tests required by DMV. (VEH 12814.6)
- 4) Prohibits, during the first 12 months, a PDL holder from driving between the hours of 11 p.m. and 5 a.m., or from transporting passengers who are under 20 years old, unless accompanied by the PDL holder's parent or guardian, a licensed driver who is 25 years or older, or a licensed and certified driving instructor. Provides exceptions for medical necessity, school activities, job necessity, need to transport an immediate family member, or if the licensee is an emancipated minor. (VEH 12814.6)
- 5) Provides that an individual with a PDL between the ages of 16 and 18 will have their license restricted for 30 days if they receive more than two negligent operator points within 12 months by requiring them to be accompanied with an individual over 25 years of age; or a parent, spouse or guardian, and no other passengers. (VEH 12814.6)
- 6) Requires an individual to submit to DMV the certification of a parent, spouse, guardian, or licensed and certified driving instructor that the applicant has completed the required amount of driving practices. Provides that an individual may have a licensed driver 25 years or older certify that he or she has completed these requirements if he or she does not have a parent, spouse, or guardian, or is an emancipated minor. (VEH 12814.6)
- 7) Requires a PDL holder who needs to drive under one of the exceptions listed above to keep in his or her possession the appropriate document, as follows:
  - a) Medical necessity exception: a signed statement from a physician;
  - b) School activity exception: a signed statement from the school principal, dean, or school staff member designated by the principal or dean;
  - c) Employment exception: a signed statement from the employer; and,
  - d) Family member exception: a signed statement from a parent or legal guardian. (VEH 12814.6)
- 8) Allows an individual 18 years or older to apply for an original driver's license by passing a traffic laws and signs test, among other requirements. Provides that an individual 18 years or older who holds a learner's permit must be accompanied by another individual 18 years or older when practicing driving. Provides that this individual may schedule a driving test at DMV any time once he or she has obtained the learner's permit. (VEH 12814)

- 9) Notwithstanding the PDL program, requires DMV to issue a restricted driver's license to an individual who is between 16 and 18 years old, valid for the operation of US Army and California National Guard vehicles, if specified conditions are met. (VEH 12509).

**FISCAL EFFECT:** Unknown

**COMMENTS:**

In a May 27, 2018 article for *The Atlantic* titled "Where has Teen Car Culture Gone?" columnist Gary Cross wrote "For nearly a century, coming of age in America meant getting behind the wheel. A driver's license marked the transition from childhood and dependence to adult responsibility and freedom. To many, it was a far more important milestone than voting or legal drinking. It was the beginning of a new world—of cruising down Main Street to meet with friends and compete with rivals; the ritual of being picked up for a date and making out while "parking"; and of the pleasures and frustrations of repairing, souping up, customizing, or racing a car... some young car enthusiasts remain today, but American teens have as a whole moved on."

Some have suggested that getting a driver's license at 16 years old is not the symbol of freedom it once was. As John Zimmer, the co-founder of Lyft, noted "The independence once represented by the car has been replaced by cell phones and social networks, which are now at the forefront of people's expression of freedom and access. Once a symbol of 'coming of age,' many drivers are waiting longer to get their licenses."

According to the Federal Highway Administration, roughly 25% of 16 year old Americans have a driver's license, compared to 46% in 1983. While Zimmer has posited that this drop in driving is because of social media and cell phones, the truth is more in the economics: teen drivers simply cannot afford a car. According to the Governor's Highway Safety Association (GHSA), "Numerous studies confirm that teens were negatively impacted by the recession, making the cost of owning and operating a vehicle a hardship. Additionally, if a teen's parents were impacted by the economic downturn, it was unlikely they were able or willing to subsidize these costs, further de-incentivizing teen licensure."

The decline in teen driving has also come with a decline in traffic fatalities. According to GHSA, between 2005 and 2014 fatalities among 15-20 year olds declined 51%, while serious injuries declined 59%. GHSA credits much of that decline to graduated drivers licensing (GDL), known as a PDL in California. Between 2008 and 2017, 3,918 California drivers between the ages of 15 and 20 were involved in a fatal crash, with a high of 523 drivers in 2008, to a low of 326 drivers in 2011.

For most of the country, including California, drivers between the age of 16 and 18 have certain restrictions while driving. In California, these drivers are prohibited from driving between the hours of 11 p.m. and 5 a.m. These drivers are also prohibited from transporting passengers under the age of 20, unless accompanied and supervised by a licensed driver over the age of 25, during the first 12 months of being issued a PDL, with certain exceptions.

These restrictions have a rational basis. Teen drivers, because of their inexperience, tend to have a higher crash rate than the general public. According to GHSA, teen drivers are 1.6 times more likely to be involved in a fatal crash than older drivers.

While the fatality rate is dropping for teenage drivers, there is a noticeable difference between drivers between the ages of 16 and 17 and 18 to 20. According to GHSA, While younger teens have seen a 56% drop in fatal crashes, older teens have only seen a 44% drop. Older teen drivers are also twice as likely to be involved in a fatal crash between midnight and 6 a.m. Further, nearly 20% of older teens involved in fatal car crashes had a blood alcohol content over .01%, compared to 10% of younger teens.

The purpose of a PDL was to ensure new drivers are not distracted by younger passengers or driving at night when it is more dangerous. However, research suggests that 20 to 30% of teens age 18 or older do not have a driver's license. With more teenagers delaying when they are getting a license, an increasing number of organizations are suggesting that states extend their GDL/PDL requirements to older new drivers. The Center for Disease Control, the National Highway Traffic Safety Administration, and the Insurance Institute for Highway Safety have all found that drivers that go through a provisional licensing period experience 40-60% fewer vehicle crashes than those who obtain a license after reaching the age of 18.

*According to the author, "Not long ago most teenagers obtained their first driver's license before turning 18. California's successful teen driver safety program Graduated Driver License program ends at age 18, yet more than 40% of California's teenagers are waiting to get their first driver's license until they are 18 or older thus aging out of the current age range of the state's teen driver safety program. The DMV attributes much of this to the change in the cost of being a driver, including far higher car pricing, gas, insurance & maintenance costs. National and state research shows that 18-21 year old drivers without GDL have 40% to 60% higher fatal crash rates than their younger peers – 16- and 17-year-old – drivers with GDL. AB 2385 makes the important public health, traffic safety, and lifesaving change to our state's successful teen driver safety program by extending that program to all first-time drivers up through age 20."*

Forty-five percent of eligible drivers are waiting until they turn 18 to get their license, primarily because of the costs associated with driving. This means they miss out on the benefits of the Graduated Driver License Program (GDL) that is currently capped at age 18. These drivers who wait are 40 to 60 percent more likely to be involved in a fatal car crash compared to their 16-17 year old peers who went through GDL. Expanding GDL to 18-20 year olds has the opportunity to save 250-500 young lives each year and thousands of others who are hospitalized due to severe crash injury."

Governor Jerry Brown vetoed AB 63 (Frazier) of 2017, which was substantially similar to this bill. In his veto message, Governor Brown argued: "This bill takes existing driver license restrictions placed on minors aged 16 and 17 years and extends it to adults between 18 to 21 years old. While I understand the author's intent of needing to address factors that contribute to the unnecessary collisions and deaths of young Californians on our highways, the provisions of this bill create a burden on a segment of adult Californians that are no longer seen as a minor in the eyes of the law. Eighteen year olds are eligible to enlist in the military, vote in national, state, and local elections, enter into contracts, and buy their own car. I believe adults should not be subject to the same driving restrictions presently applied to minors. When I vetoed a similar bill in 2013, I believed that efforts would be better focused on teen driver training and education programs that improve transportation safety for provisional drivers. That is still my view today."

While the Governor vetoed AB 63, the California 2015-2019 Strategic Highway Safety Plan recommends extending California's PDL requirements to individuals up to the age of 20. This report was prepared by the California Department of Transportation in consultation with the California Emergency Medical Services Authority, the Office of Traffic Safety, California Department of Public Health, the California Highway Patrol, and DMV. As the report notes, "The years right after the graduated driver license restrictions have the highest representation in fatal and injury crashes. Nearly 70 percent of young driver fatalities and severe injuries take place on local roads in urban areas, and occur mainly on the weekends from 12 midnight to 3 a.m."

More recently, the United States Department of Transportation (USDOT) has introduced the National Roadway Safety Strategy (NRSS). Under the NRSS, USDOT has set a goal to strive for zero roadway fatalities. Zero is the only acceptable number of deaths on our highways, roads, and streets. The USDOT is committed to taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation's roadways. However, no one will reach this goal acting alone. Reaching zero will require USDOT to work with the entire roadway transportation community and the American people to lead a significant cultural shift that treats roadway deaths as unacceptable and preventable."

To achieve this goal, USDOT is adopting a safe systems approach, with the principles that death and serious injuries are unacceptable, humans make mistakes, humans are vulnerable, responsibility is shared, safety is proactive, and redundancy is crucial. To address these concerns to get to zero, NRSS sets across five complementary objectives corresponding with a safe systems approach: safer people, safer roads, safer vehicles, safer speeds, and post-crash care. Under "safer people", the USDOT considers GDL requirements to be one of the tools available to reduce fatalities. It does not, however, specify the age of the novice driver, as this bill does.

This bill extends PDL restrictions that currently exist for 16 to 18 year olds to 18 to 20 year olds with some notable exceptions. First, if the individual is over 20 years and 6 months of age, an instruction permit will not be necessary. Next, someone over the age of 18 will only have to have an instruction permit for 60 days instead of 6 months before they get their PDL. 18 to 20 year olds will still be able to drive between the hours of 11 PM and 5 AM if they have documentation that they need to drive for work or for school. They will also be able to transport family members under 20 without a parental note. While someone between the ages of 16 and 18 will have their license restricted if they have two or more negligent operator points within a 12 month period, those 18 or older will only have those restrictions in place if they get the two points in a six month period. Those restrictions include only being able to drive with someone 25 or older, or a parent, guardian or spouse. Finally, if the individual is 18 or older and are an active duty member of the Armed Forces, they will not have to have a PDL.

Finally, to protect consumers, this bill also provides that driving schools must offer and accept payments in installments through the duration of instruction for up to 12 months. It also prohibits interest charges, processing or administrative fees for accepting the compensation in installments.

According to the California Coalition for Children's Safety and Health, a co-sponsor of this bill, "Young novice drivers through age 20 years old have the highest crash rates of all ages of drivers on California's roadways. California's Department of Motor Vehicles reports 16-19-year-old crash rate is 2.7 times higher than all other ages. Between 2014 and 2019 16-19-year-old

involved vehicle crashes resulted in more than 76,000 emergency room visits, 5,000 hospitalizations, and 3,000 deaths (National Highway Traffic Safety Administration, Centers for Disease Control and Prevention, and California Department of Public Health EPICenter data). California's Graduated Driver License (GDL) program ensures young first-time drivers have the experience they need to decrease driving risks and risks to everyone else sharing the road with them. Currently only 16 and 17-year-old novice drivers must go through our state's GDL program to obtain a driver's license, even though 18-20-year-old novice drivers have crash rates 40% to 60% higher than younger first-time drivers who have been through GDL. The California Department of Motor Vehicles reports that a growing number of California's teenagers are waiting until they are 18, 19 and 20 years old before obtaining their first driver's license, and therefore do not benefit from California's successful GDL program. Survey research shows the primary reason for delaying obtaining a driver's license is due to economics. It is expensive to own gas, insure, park, and maintain a car.

The GDL program allows all novice drivers to have a license and drive, but provides them with the types of driver education, training and experience driving without distractions that are proven to give them the experience they need to be a good driver.”

*Committee concerns:* This bill may increase cost pressures on DMV. According to the Legislative Analyst Office (LAO), The Motor Vehicle Account (MVA), the primary funding source for DMV, is expected to fully exhaust its reserves and become insolvent in 2025-26. The LAO recommends the Legislature should consider MVA cost pressures when evaluating new proposals. LAO argues that “Until a plan is put in place to address MVA's structural deficit, we recommend the Legislature set a high bar for considering approval of any proposals that create additional MVA cost pressures and accelerate the risk of insolvency.”

SB 473 (Allen) of 2023, AB 2388 (Villapudua) of 2022, AB 1267 (Rivas) of 2019, AB 3067 (Medina) of 2020, and SB 571 (Newman) of 2021 were substantially similar to this bill. AB 2388 and AB 1267 were all held on suspense, AB 3067 died in Assembly Transportation Committee, and SB 571 died in Senate Transportation Committee.

AB 63 (Frazier) of 2017 would have raised the age at which a person must obtain a PDL from 18 to 21. AB 63 was vetoed by the Governor.

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**

California Association for Safety Education  
California Coalition for Children's Safety and Health  
Impact Teen Drivers  
National Safety Council  
Nora Rose Hines Foundation  
Peace Officers Research Association of California (PORAC)  
Personal Insurance Federaton of California  
Safe Moves

**Opposition**

None on file

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