

Date of Hearing: April 1, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Jim Frazier, Chair  
AB 1267 (Robert Rivas) – As Introduced February 21, 2019

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

**SUMMARY:** Extends the provisional driver's license (PDL) program to individuals between the ages of 18 and 21 by July 1, 2020. Specifically, **this bill:**

- 1) Provides that an individual ages 18 to 21 must hold a learner's permit for at least 60 days, prior to applying for a PDL. Allows an individual 20 years and six months or older to apply for a PDL without a learner's permit.
- 2) 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.
- 3) 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.
- 4) Exempts from these requirements a member of the US Armed Forces who is on active duty and is at least 18 years old.
- 5) 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 6 months instead of 12 months for those between the ages of 18 and 21.
- 6) 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.
- 7) 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 July 1, 2020, 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.
- 2) Provides that prior to issuing a PDL, the state Department of Motor Vehicles (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.

- 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.
- 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.
- 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.
- 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.
- 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.
  - d) Family member exception: a signed statement from a parent or legal guardian.
- 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.
- 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.

**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 BAC 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, more and more 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, "DMV data indicate that 1 in 3 drivers are waiting until age 18 to get their license, thus avoiding the GDL program altogether. Research shows that novice drivers who do not go through GDL are 55% more likely to cause a serious or fatal car accident. AB 1267 extends California's Graduated Drivers Licensing (GDL) Program for first-time drivers from 18 to 21 years of age, with certain exemptions for qualified drivers. AB 1267 will do three things: Implement our state's Strategic Highway Safety Plan recommendation to extend the Graduated Driver License program age range. Ensure there is no cost to the state. The bill utilizes an existing funding mechanism between California's licensed driver education schools and our DMV to pay for the implementation costs of the bill. Ensures new drivers going through GDL will be able to drive to work, class and meet other necessary transportation needs. Extending the age for GDL to 21 will lead to more novice drivers undergoing the program and safely hone their driving skills, which will significantly reduce teen deaths from vehicle crashes. Ultimately, GDL seeks to save lives."

Governor Jerry Brown vetoed AB 63 (Frazier, 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 Department of Motor Vehicles. 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."

The California Professional Firefighters, writing in support of this bill, argue: “All too often our members respond to the bad and the very ugly. It is not uncommon for firefighters to be called to the scene of an automobile accident where they witness a young person dying and a grief-stricken family. Because AB 1267 will allow all teenagers to drive, but require that they go through the GDL program, this bill will not only make California’s roadways safer, but also our children and young adults safer.”

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.

*Committee comments:* Last year Governor Brown vetoed almost every bill that would have resulted in increased operational costs to DMV. The Legislative Analyst’s Office predicts the Motor Vehicle Account (MVA), which accounts for 95% of DMV funding, will become insolvent by 2021-2022.

Last year there was a noticeable uptick in wait times at DMV. As a result, DMV began reporting monthly numbers on wait times to the Joint Legislative Budget Committee. In the last week of July of 2018, DMV reported that the average wait time for non-appointment customers was two hours and ten minutes. The top 20 most impacted DMV field offices saw average wait times of three hours and 21 minutes.

DMV attributes much of the increase in wait times to compliance with the Federal REAL ID Act of 2005, which requires in-person verification for a state issued driver’s license or identification cards in order for a person to fly domestically or enter a federal building. While individuals traditionally only have to renew their state issued driver’s license in person once every 15 years, individuals who wish to fly domestically have between January 2018 and October 2020 to renew in person, regardless of when their driver’s licenses expire.

DMV began to hire significantly more staff as a result of the increase in wait times. Between July 1, 2018 and December 31, 2018, DMV made 946 civil service appointments, 680 emergency hires, and hired 141 retired annuitants. DMV made several technological changes as well, including allowing individuals to electronically fill out their information either online or while waiting for their appointment. These actions have sped up transactions.

By January, the statewide average wait time for those without an appointment dropped to 57 minutes and the top 20 offices saw an average wait time of 95 minutes. DMV has set a goal of reducing their average wait times to 45 minutes for those without an appointment, and 15 minutes for those with an appointment. So far DMV has not met that goal.

In addition, Governor Brown initiated an audit of DMV currently being conducted by the Department of Finance. Governor Newsom has indicated he will continue the audit, and announced on January 10, 2019 that a DMV Strike Team would be formed to look at reforms to DMV. These reforms are aimed at making DMV more customer friendly while also reducing wait times.

In light of Governor Newsom's reform efforts of DMV and the impending insolvency of the MVA, the Legislature may want to consider if now a good time to increase operational costs to DMV.

*Previous legislation:*

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**

Advocates For Highway and Auto Safety  
Allstate Insurance Company  
California Association of Highway Patrolmen  
California Coalition for Children's Safety and Health  
California Professional Firefighters  
Health Officers Association of California  
Impact Teen Drivers  
Personal Insurance Federation of California  
State Farm Mutual Automobile Insurance Company  
The Association of California Life and Health Insurance Companies

**Opposition**

None on file.

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