

California - Provisional Drivers License Restrictions during the First Year

Effective January 1, 2006, a new law will increase driving restrictions for persons under the age of 18 who:

- Are issued a provisional driver license (DL) *on or after* January 1, 2006, **or**
- Already hold a provisional DL issued *on or after* January 1, 2005.

Provisional Driving Restrictions—You must be accompanied and supervised by a licensed parent, guardian or other licensed driver 25 years of age or older or a licensed or certified driving instructor when you:

- Transport passengers under 20 years of age at any time, for the first **twelve months**.
- Drive between **11 pm and 5 am** for the first **twelve months**.

Previously, a provisional license holder was prohibited from transporting passengers under the age of 20 for the first **six months**, and not allowed to drive between **midnight and 5 am** for the first **twelve months** after issuance of his/her DL.

Persons under 18 may not be employed to drive a motor vehicle. When you turn 18 years of age, the provisional part of your license ends. You may continue to drive as an adult using your photo license, which will expire on your 5th birthday after the date you applied.

Exceptions to Restrictions

When reasonable transportation is **not** available and it is necessary for you to drive, the law grants the following exceptions for minors to drive between 11 pm and 5 am or to transport an immediate family member unaccompanied and unsupervised.

The law requires that you **must** carry a note explaining why you must drive and when the necessity will end.

- **Medical Necessity**
The note must be signed by your physician and contain a diagnosis and probable date when recovery will end your need to drive.
- **School or School–Authorized Activities**
The note must be signed by your school principal, dean, or his or her designee and include a reason for the school or school–authorized activity and the date when the activity will end.
- **Employment Necessity**
The note must be signed by your employer and verify employment and the date your employment will end.
- **Immediate Need of Family Member**
The note must be signed by your parent or legal guardian and include the reason and date the necessity will end.
- **Emancipated Minor**
No documentation is needed for this exemption, however you must have already declared yourself emancipated by completing a DMV form and by providing Proof of Financial Responsibility (SR 1P) in lieu of your guarantors' signatures when you applied for your instruction permit.

Questions and Answers—Changes to Provisional Driver License Restrictions

Q. What changes are there to the provisional driver license restrictions?

A. Effective January 1, 2006, persons under age 18 **must** be accompanied by a parent/guardian or other person specified by law when:

- Transporting passengers under 20 years of age, at any time for the **first twelve months**.
- Driving between the hours of **11:00 PM and 5:00 AM** for the **first twelve months**

Q. I was issued my provisional driver license on May 1, 2005, and was already restricted for six months. Now, I drive friends to school everyday who are under 20 years of age. Will I be restricted again in January 2006?

A. Yes, you will be restricted through April 2006, or until your 18th birthday, whichever comes first.

Q. When I was issued my provisional driver license, DMV said I would be restricted for six months. Now, DMV is saying 12 months. Does that mean 12 additional months after the six months I already completed?

A. No. The restrictions last a *total of 12 months from the date of issuance* that displays on your provisional driver license.

Q. I am not sure when my restrictions began. How will I know when they end?

A. Look at the bottom of your driver license. Just to the left of your photograph is the date when the restrictions began. Calculate one year from that date to determine the date the restrictions end.

Q. Will I still be restricted when I turn age 18?

A. When you turn age 18, you will no longer be under the provisional driver license restrictions.

Q. There are two dates at the bottom of my license. Which one indicates the day the restrictions began?

A. The date closest to the photograph is the date the restrictions began.

Q. Will I have to get a new driver license?

A. No. You will not need to get another license.

Q. Why is the department discriminating against teen drivers?

A. The department is not discriminating. It is implementing legislation to save lives. Recent statistics show that citations/serious accidents involving provisional drivers during the 9:00 PM to 5:00 AM period have dramatically increased over the past five years. The change in law should reduce accidents and save lives.

Q. How will these restrictions show on my driving record?

A. The restrictions will read: "First 12 months of licensure may not transport passengers under age 20, and may not drive between the hours of 11:00 PM and 5:00 AM without parent/other driver as specified in Section 12814.6 CVC."

Q. When the restrictions end, will they be removed from my record automatically?

A. Yes, the restrictions will be automatically removed from your record when the 12 months have ended or when you turn age 18, whichever comes first.

Q. I work a summer job which requires me to drive between 11:00 PM and 5:00 AM. Can I apply for an exception?

A. California Vehicle Code Section 12814.6 provides an exception for a person who has to work, provided that reasonable transportation facilities are inadequate. You **must** carry a statement with you that is signed by your employer verifying your employment and indicating the date your employment is expected to end. An application for an exception is not necessary.

Q. Are there any other exceptions to the restrictions?

A. **Medical necessity** when reasonable transportation facilities are inadequate. You **must** carry a signed statement from your doctor stating the diagnosis and the probable date the necessity will end.

Schooling or school-authorized activities when reasonable transportation facilities are inadequate. You **must** carry a statement signed by the school principal, dean or a staff person authorized by the principal or dean, indicating when the schooling or school-authorized activity will be completed.

Necessity of family member including yourself, when adequate transportation facilities are unavailable and you need personal transportation or to transport a family member. You **must** carry a signed statement by a parent/legal guardian verifying the reason you must drive and the probable date the necessity will end.

Emancipated minor If you have filed documents with DMV to show you are emancipated and have filed either an SR-1P or SR 22 as required by law, you are not held to the provisional driving restrictions. It may be a good idea to carry proof of your emancipated status with you.

Q. I did not receive the letter notifying me of the new restrictions and I was cited by law enforcement for violating these restrictions. What can I do?

A. The department has made a reasonable effort to notify every driver and his or her parents /guardians by mail and has notified the newspapers and media about this change in the law. It is the responsibility of the driver and his or her parents/guardians to be aware of changes in the law affecting the driving privilege.

Q. My friend and I got our licenses at the same time. Why is my license restricted and his is not?

A. Has your friend turned 18 years of age? The restrictions end when a driver turns age 18. Make sure your friend is aware of the new changes in the law.

Q. When the restrictions end, will I receive a new license?

A. No, a new driver license will not be issued.

Q. Can I drive in the event of an emergency even though my provisional license is restricted?

A. The law does not provide for emergencies; only for exceptions as listed in Vehicle Code Section 12814.6. It is the discretion of law enforcement to determine if they will cite you for violating your provisional license restrictions.

Information Source: California Department of Motor Vehicles (January 1, 2006)

Website: <http://www.dmv.ca.gov>

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