

LAWS FOR MINOR DRIVERS

2012- 2013
TMCEC CLERKS SCHOOL

Consider this:

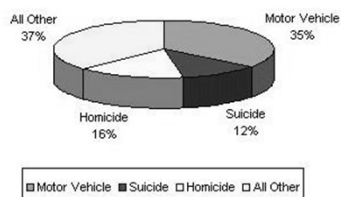
- Motor vehicle crashes are the leading cause of death for U.S. teens, accounting for more than one in three deaths in this age group.
- In 2009, eight teens ages 16 to 19 died every day from motor vehicle injuries.
- Per mile driven, teen drivers ages 16 to 19 are four times more likely than older drivers to crash.

How big is the problem?

- In 2009, about 3,000 teens in the United States aged 15–19 were killed and more than 350,000 were treated in emergency departments for injuries suffered in motor-vehicle crashes.
- Young people ages 15-24 represent only 14% of the U.S. population. However, they account for 30% (\$19 billion) of the total costs of motor vehicle injuries among males and 28% (\$7 billion) of the total costs of motor vehicle injuries among females.

Vehicle Crashes are the Leading Cause of Death for Teens (15-20)

Leading Causes of Death for Teens



Who is most at risk?

- The risk of motor vehicle crashes is higher among 16- to 19-year-olds than among any other age group.
- In fact, per mile driven, teen drivers ages 16 to 19 are four times more likely than older drivers to crash.

Those Most at High Risk of vehicle crash or accident:

- **Males:** In 2006, the motor vehicle death rate for male drivers and passengers ages 15 to 19 was almost two times that of their female counterparts.
- **Teens driving with teen passengers:** The presence of teen passengers increases the crash risk of unsupervised teen drivers. This risk increases with the number of teen passengers.
- **Newly licensed teens:** Crash risk is particularly high during the first year that teenagers are eligible to drive.

What factors put teen drivers at risk?

- Teens are more likely to underestimate dangerous situations or not be able to recognize hazardous situations.
- Teens are more likely to speed and allow shorter headways (the distance from the front of one vehicle to the front of the next). The presence of male teenage passengers increases the likelihood of this risky driving behavior.
- Among male drivers between 15 and 20 years of age who were involved in fatal crashes in 2005, 37% were speeding at the time of the crash and 26% had been drinking.

And then there is Alcohol...

- In 2008, 25% of drivers ages 15 - 20 who died in vehicle crashes had a BAC of 0.08 or higher.
- In a 2007, 3 out of 10 teens reported that they had ridden with a driver who had been drinking alcohol. One in ten reported having driven after drinking alcohol within the same one-month period.
- In 2008, half of teen deaths from crashes occurred between 3 p.m. and midnight and 56% occurred on Friday, Saturday, or Sunday.

Factors related to inexperience:

- Seventy percent (70%) of novice driver errors were attributable to inexperience.
- Primary skills lacking in novice drivers:
 - Ineffective visual search (scanning for hazards)
 - speed adjustment, and
 - Inattention(in that order)

**Strategies and Solutions:
Dealing With Teen Drivers**

- Increased Education before and after citation or accident
- Seat Belt Enforcement and Education
- Restrictions on, and Suspension of Drivers License Privileges
- Graduated Drivers Licenses
- Education about and enforcement of “distracted driving” laws

**Code of Criminal Procedure -
Appearance and Disposition**

- While applicable to all defendants under the age of 17, the concept of personal appearances before the court serves the same purpose – responsibility
- Art. 45.0215 requires that a defendant under 17:
 - appear in open court
 - With a parent or legal guardian

Deferred Disposition – Art. 45.01

- Art. 45.051 provides for dismissal after deferred period on traffic offense if defendant is under 25 y.o.a. only if defendant completes and provides proof of **Drivers Safety Course (DSC)** as a term and condition of probation.
- 45.051(b-1)(3) requires that a defendant who holds a provisional license shall be examined by DPS as required under Trans. 521.161 even if previously examined.

Drivers Safety Course

- Of course, dismissal after completion of an approved Drivers Safety Course is permitted under Art. 45.0511 regardless of age, so long as other conditions met:
 - Valid Texas Drivers License
 - Valid Financial Responsibility (Insurance)
 - And has not completed DSC within previous 12 months

Teen Court Dismissal

- Driver otherwise eligible for Teen Court Deferral under Art. 45.052 may have traffic offense dismissed.
- Must be under 18 years of age, enrolled in school and not completed a teen court program within two years prior to offense
- Minimal fees

Texas Transportation Code – License Restrictions

- Sec. 521 of the Texas Trans. Code governs the issuance of licenses
- Sec. 521.022, 521.023 and 521.024 prohibit issuance of license for the operation of a school bus, junior college bus, common carrier or taxi to a person under 18 years of age.
- A commercial license (CDL) may not be issued to a person under 18 years of age.

License “Designator” Required

- DPS is required under Sec. 521.123 to clearly designate by special marking that a driver is under 18 years of age and holds a “Provisional License”
- DPS is required under Sec. 521.123 to clearly designate by special marking that a person is under 21 years of age.

Application for License Under 18 Years of Age

- An application for license by a person under 18 years of age must be signed by:
 - The parent or legal guardian
- If the person has no parent or legal guardian, the application must be signed by:
 - The applicant’s employer
 - The county judge of the county in which the person resides

Co-signer’s Withdrawal or Death

- Sec. 521.304 provides for the cancellation of a minor’s license if the co-signor provides a written and acknowledged request in writing.
- A request for cancellation releases the co-signer from liability related to the minor.
- Sec. 521.035 provides for the cancellation of a minor’s license upon notification that the co-signer has died.

License Requirements - Minors

- DPS may issue a Class “C” license to a person under 18 years of age if:
 - The person is 16 or older
 - Has submitted a drivers education certificate under 521.205 or has been approved by T.E.A.
 - Has obtained a HS diploma or GED or enrolled in school and attended for at least 80 days in the semester prior to application or GED program
 - Has passed the exam required under 521.161, &
 - Has held a “instruction permit” for at least six months prior to application

DPS Approved Drivers Instruction

- In 2009, the 81st legislature recognized that “parent-taught” drivers training had its weaknesses.
- Sec. 521.205 requires that driver instruction taught by a parent or guardian must meet specific requirements as to course materials, required matter, minimum “behind the wheel” hours, specialized vehicle equipment and the “instructor” must minimum requirements (including points)
- Approval for alternative training methods (electronic) must be obtained

Instruction Permit

- A person who is at least 15 years of age may receive an “instruction permit” from either an approved driver training school or instructor or the DPS so long as the have passed the written exam and other exams required under 521.161 (not driving test)
- DPS can issue an “instruction permit” to a person over 18 who has passed all parts of the written exam without a driving test

**Graduated Drivers Licenses –
TTC Sec. 545.424 – Phase I**

- Individuals who are under 18 years of age must hold a valid learner license or a minor restricted DL for a minimum of six months prior to the issuance of a provisional Class A, B or C driver license.
- There is not a minimum time a person must hold a restricted motorcycle or moped license before he/she can apply for a Class M license.

**Graduated Drivers Licenses –
TTC Sec. 545.424 – Phase I**

- If the individual's license is suspended during Phase One, then the initial six-month period is extended by the number of days of the suspension because the license is invalid during that time.

**Graduated Drivers Licenses –
TTC Sec. 545.424 – Phase 2**

- Phase Two restricts the driving privileges of individuals who are under 18 years of age during the 12-month period following the issuance of an original provisional license.
- A provisional license will have the GDL completion date printed on it: TRC 545.424 applies until mm/dd/yy.

**Graduated Drivers Licenses –
TTC Sec. 545.424 – Phase 2**

- During Phase 2-, minors may not drive:
 1. With more than one passenger who is under the age of 21, unless the extra passengers are family members
 2. Or ride a motorcycle between the hours of midnight and 5 a.m. unless:
 - With a parent or guardian
 - It is a medical emergency
 - Driving to or from work or to a school activity

**Operation of Vehicle
Under 18 Years of Age**

- Sec. 545.424 prohibits a person under the age of 18 from operating a vehicle during a 12 month period after receiving a class license:
 - After midnight and before 5:00 a.m. unless for employment, school activity or medical emergency; OR
 - With more than one passenger in the vehicle under the age of 21 who is not a family member

Motorcycle of Moped – Under 18

- Sec. 545.424 prohibits a person under the age of 17 who holds a license restricted to the operation of a motorcycle or moped from driving a motorcycle or moped:
 - After midnight and before 5:00 a.m. unless for employment, school activity or medical emergency; OR
- Exception: If within sight of the person’s parent or guardian

Cell Phone Use Prohibited

- Sec. 454.425 prohibits use of a “wireless communication device” by Individuals who are under 18 years of age and obtained their driver license on or after September 1, 2009 are restricted from using a wireless communication device, including a hands-free device, until they reach the age of 18, except in the case of an emergency.

Resources:

- **NHTSA –**
 - <http://www.nhtsa.gov/teen-drivers>
- **Centers for Disease Control and Prevention**
 - www.cdc.gov/.../Teen_Drivers/teendrivers_factsheet.html

Texting – It Can Wait

- <http://www.att.com/gen/press-room?pid=23184>
