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1. [Cal Veh Code § 12509](#)

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[Cal Veh Code § 12509](#)

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§ 12509. Instruction permits

(a) Except as otherwise provided in subdivision (f) of [Section 12514](#), the department, for good cause, may issue an instruction permit to a physically and mentally qualified person who meets one of the following requirements and who applies to the department for an instruction permit:

(1) Is 15 years and 6 months of age or older, and has successfully completed approved courses in automobile driver education and driver training as provided in paragraph (3) of subdivision (a) of [Section 12814.6](#).

(2) Is 15 years and 6 months of age or older, and has successfully completed an approved course in automobile driver education and is taking driver training as provided in paragraph (3) of subdivision (a) of [Section 12814.6](#).

(3) Is 15 years and 6 months of age and enrolled and participating in an integrated automobile driver education and training program as provided in subparagraph (B) of paragraph (3) of subdivision (a) of [Section 12814.6](#).

(4) Is over 16 years of age and is applying for a restricted driver's license pursuant to [Section 12814.7](#).

(5) Is over 17 years and 6 months of age.

(b) The applicant shall qualify for, and be issued, an instruction permit within 12 months from the date of the application.

(c) An instruction permit issued pursuant to subdivision (a) shall entitle the applicant to operate a vehicle, subject to the limitations imposed by this section and any other provisions of law, upon the highways for a period not exceeding 24 months from the date of the application.

(d) Except as provided in [Section 12814.6](#), a person, while having in his or her immediate possession a valid permit issued pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), may operate a motor vehicle, other than a motorcycle, motorized scooter, or a motorized bicycle, when accompanied by, and under the immediate supervision of, a California-licensed driver with a valid license of the appropriate class who is 18 years of age or over and whose driving privilege is not subject to probation. An accompanying licensed driver at all times shall occupy a position within the driver's compartment that would enable the accompanying licensed driver to assist the person in controlling the vehicle as may be necessary to avoid a collision and to provide immediate guidance in the safe operation of the vehicle.

(e) A person, while having in his or her immediate possession a valid permit issued pursuant to paragraph (4) of subdivision (a), may only operate a government-owned motor vehicle, other than a motorcycle, motorized scooter, or a motorized bicycle, when taking driver training instruction administered by the California National Guard.

(f) The department may also issue an instruction permit to a person who has been issued a valid driver's license to authorize the person to obtain driver training instruction and to practice that instruction in order to obtain another class of driver's license or an endorsement.

(g) The department may further restrict permits issued under subdivision (a) as it may determine to be appropriate to ensure the safe operation of a motor vehicle by the permittee.

History

Added Stats **1974** ch 644 § 2. Amended Stats 1976 ch 645 § 1; Stats 1977 ch 579 § 183; [Stats 1995 ch 766 § 11 \(SB 726\)](#); [Stats 1997 ch 760 § 4 \(SB 1329\)](#); Amended [Stats 2000 ch 1035 § 14 \(SB 1403\)](#); [Stats 2001 ch 825 § 13 \(SB 290\)](#); [Stats 2002 ch 418 § 2 \(AB 2273\)](#), ch 758 § 11.5 (AB 3024); [Stats 2003 ch 62 § 305 \(SB 600\)](#), ch 768 § 2 (AB 1343); [Stats 2004 ch 183 § 352 \(AB 3082\)](#), ch 755 § 4 (AB 1878) (ch 755 prevails); [Stats 2005 ch 22 § 198 \(SB 1108\)](#), effective January 1, 2006; [Stats 2006 ch 538 § 656 \(SB 1852\)](#), effective January 1, 2007; [Stats 2010 ch 586 § 2 \(AB 1952\)](#), effective January 1, 2011; [Stats 2011 ch 296 § 303 \(AB 1023\)](#), effective January 1, 2012.

Annotations

Notes

Former Sections:

Historical Derivation:

Amendments:

Note—

Former Sections:

Former § 12509, similar to the present section, was enacted Stats 1959 ch 3, amended Stats 1959 ch 258 § 1, Stats 1963 ch 140 § 2, Stats 1965 ch 1035 § 2, Stats 1968 ch 180 § 1, ch 1469 § 1, Stats 1970 ch 1288 § 1, ch 1567 § 2, Stats 1972 ch 579 § 47, and repealed Stats **1974** ch 644 § 1.

Historical Derivation:

(a) Former Veh C § 253, as enacted Stats 1935 ch 27, amended Stats 1935 ch 570, Stats 1939 ch 185 § 1, Stats 1947 ch 677 § 2, Stats 1949 ch 1073 § 1, Stats 1957 ch 284 § 1.

(b) Former Veh C § 257, as enacted Stats 1935 ch 27, amended Stats 1935 ch 570, Stats 1937 ch 557 § 3, Stats 1939 ch 185 § 2, Stats 1943 ch 911 § 3, Stats 1945 ch 24 § 1, Stats 1947 ch 1427 § 1, Stats 1949 ch 1086 § 1, Stats 1957 ch 610 § 1.

(c) Former Veh § 12509, as enacted Stats 1959 ch 3, amended Stats 1959 ch 258 § 1, Stats 1963 ch 140 § 2, Stats 1965 ch 1035 § 2, Stats 1968 ch 180 § 1, ch 1469 § 1, Stats 1970 ch 1288 § 1, ch 1567 § 2, Stats 1972 ch 579 § 47.

(d) Former Veh C § 12654, as enacted Stats 1959 ch 3, amended Stats 1965 ch 1035 § 4.

(e) Stats 1923 ch 266 § 59, as amended Stats 1925 ch 239 § 2.

(f) Stats 1923 ch 266 § 64, as amended Stats 1925 ch 239 § 5, Stats 1931 ch 1026 § 17.

(g) Stats 1915 ch 188 § 24, as amended Stats 1917 ch 218 § 18, Stats 1921 ch 147 § 14.

(h) Stats 1913 ch 326 § 24.

(i) Stats 1905 ch 612 § 5.

Amendments:

1976 Amendment:

(1) Substituted “an” for “and” before “approved” in subd (a)(2); (2) added “or a motorized bicycle” wherever it appears in subds (c) and (d); and (3) added the second sentence of subd (c).

1977 Amendment:

Substituted “successfully” for “successfully” in subd (a)(2).

1995 Amendment:

Added “Except as provided in paragraph (1) of subdivision (a) of Section 12814.6,” at the beginning of subd (c).

1997 Amendment:

In addition to making technical changes, substituted (1) “paragraph (4) of subdivision (a) of Section 12814.6” for “Section 12507” in subds (a)(1), (a)(2), the first sentence of (c), and (d); and (2) “person” for “driver” after “to assist the” in the second sentence of subd (c).

2000 Amendment:

(1) Substituted “paragraph 3” for “paragraph 4” in subds (a)(1), (a)(2) and (c); (2) amended subd (c) by (a) deleting “Except as provided in paragraph (1) of subdivision (a) of Section 12814.6,” at the beginning of the subdivision; (b) adding “with a valid license of the appropriate class,”; (c) substituting “25 years” for “18 years”; and (d) adding the second sentence.

2001 Amendment:

(1) Added subd (b); (2) redesignated former subds (b)–(g) to be subds (c)–(h); (3) substituted “24 months from the date of application” for “12 months” in subd (c); (4) substituted “subdivision (e)” for “subdivision (d)” in the third sentence of subd (d); and (5) substituted “subd (d) for “subd (c)” in subd (e).

2002 Amendment:

(1) Added subd (a)(5); (2) amended subd (d) by (a) adding “Except as provided in Section 12814.6,” at the beginning; (b) adding “paragraphs (1) to (4), inclusive, of”; (c) deleting “either taking the driver training instruction of a kind referred to in paragraph (3) of subdivision (a) of Section 12814.6, or when practicing that instruction, and when” after “motorized bicycle, when”; (d) substituting “18 years” for “25 years”; and (e) deleting the second sentence which read: “The age requirement of this subdivision does not apply if the licensed driver is the parent, spouse, or guardian of the permitholder or is a licensed or certified driving instructor.”; (3) added “paragraphs (1) to (4), inclusive, of” in subd (e); and (4) substituted subd (f) for former subd (f) which read: “(f) No student shall take driver training instruction unless he or she is at the same time taking driver education instruction or has successfully completed driver education.”

2003 Amendment:

(1) Substituted “and 6 months and enrolled and participating in an integrated driver education program as provided in subparagraph (B) of paragraph (3) of subdivision (a) of Section 12814.6” for “or over and is enrolled in

an approved **driver education** course and is at the same time or during the same semester enrolled in an approved driver training course” in subd (a)(3); (2) redesignated former subds (a)(4) and (a)(5) to be subds (a)(5) and (a)(4); (3) substituted “paragraphs (1) to (3)” for “paragraphs (1) to (4)” in subds (d) and (e); and (4) substituted “paragraph (4)” for “paragraph (5)” in subd (f).

2004 Amendment:

(1) Added a comma after “over” in subds (a)(1) and (a)(2); (2) added a comma after “for” and “issued” in subd (b); (3) amended the first sentence of subd (d) by (a) substituting “a person” for “any person”; (b) substituting “motorcycle, motorized scooter,” for “motorcycle”; (4) amended subd (e) by (a) substituting “A person” for “Any person” in two places; (b) substituting “motorcycle, motorized scooter,” for “motorcycle” in two places; (5) amended subd (f) by (a) substituting “A person” for “Any person”; (b) substituting “motorcycle, motorized scooter,” for “motorcycle”; (c) substituting “a driver” for “the driver”; (d) deleting “as required by paragraph (2) of subdivision (a) of Section 21814.7”.

2005 Amendment:

Amended subd (e) by adding a comma after “A person” in two places, “subdivision (c)”, and “at grade”.

2006 Amendment:

(1) Substituted “older” for “over” after “6 months or” in subds (a)(1) and (a)(2); (2) added “and training” after “**driver education**” in subd (a)(3); and (3) amended subd (e) by substituting (a) “older” for “over” after “6 months or”; and (b) “Section 41907” for “Section 18252.2” after “as defined in”.

2010 Amendment:

(1) Substituted “a physically” for “any physically” in the introductory clause of subd (a); (2) added “automobile” in subd (a)(3); (3) deleted “Except as provided in subdivision (e),” at the beginning of the second sentence of subd (d); (4) deleted former subd (e) which read: “(e) A person, while having in his or her immediate possession a valid permit issued pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), who is **age** 15 years and 6 months or older and who has successfully completed approved courses in automobile education and driver training as provided in paragraph (3) of subdivision (a) of Section 12814.6, and a person, while having in his or her immediate possession a valid permit issued pursuant to subdivision (a), who is **age** 17 years and 6 months or older, may, in addition to operating a motor vehicle pursuant to subdivision (d), also operate a motorcycle, motorized scooter, or a motorized bicycle, except that the person shall not operate a motorcycle, motorized scooter, or a motorized bicycle during hours of darkness, shall stay off any freeways that have full control of access and no crossings at grade, and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 of this code or a qualified instructor as defined in Section 41907 of the Education Code.”; (5) redesignated former subds (f)–(h) to be subds (e)–(g); (6) deleted “a” before “driver training” in subd (e); and (7) substituted “ensure” for “assure” in subd (g).

2011 Amendment:

(1) Deleted “**age**” after “If” at the beginning of subds (a)(1)–(a)(3); (2) added “of **age**” in subds (a)(1)–(a)(5); (3) deleted “the **age** of” after “Is over” in subds (a)(4) and (a)(5); and (4) amended the first sentence of subd (d) by (a) substituting “California-licensed” for “California licensed”; (b) substituting “who is” for the comma; (c) adding “and” after “**age** or over”; and (d) substituting “subject to” for “on”.

Note—

[Stats 2010 ch 586](#) provides:

SECTION 1. The Legislature finds and declares all of the following:

This act shall be known as Jarrad's Law.

- (a) Teenage drivers in California continue to die, suffer serious injuries, and cause accidents at a greater rate than any other **age** group despite a decade of increasingly stricter requirements for licensing young drivers.
- (b) According to the National Highway Traffic Safety Administration (NHTSA), motor vehicle crashes continue to be the leading cause of death for 15 to 20 year olds, accounting for 21 percent of California's traffic fatalities, even though this **age** group constitutes less than 6 percent of California's licensed drivers.
- (c) The NHTSA also reports that, nationally, 12.9 percent of all drivers involved in fatal crashes were between 15 to 20 years of **age**. In comparison, these young drivers represent 6.3 percent of all licensed drivers. In 2006, young drivers between 15 to 20 years of **age** had the highest fatal crash involvement rate of any **age** group with 59.5 fatal crashes per 100,000 licensed drivers. The involvement rate is highest, at 63.98 percent, for 16-year-old drivers whose **driving** experience is the most limited.
- (d) From a public health perspective, motor vehicle crashes are among the most serious problems facing teenagers. Studies by the American Automobile Association's Foundation for Traffic Safety indicate that first-year drivers have 10 times the crashes per mile as adults, and for every teen driver that crashes and dies, two other vehicle users or pedestrians are killed in that crash.
- (e) From an economic perspective, these crashes also impose an enormous cost to society. In its publication, The Economic Impact of Motor Vehicle Crashes, the NHTSA reported that, in 2002, the estimated economic cost of police-reported fatal and nonfatal crashes involving drivers 15 to 20 years of **age** was \$40.8 billion.

Notes to Decisions

Vehicle Act of 1923, § 59, providing for issuance of temporary permits was adjunctive to other provisions for licensing of operators by providing for legal authority to **drive** while learning to do so; it was not applicable to minors only, and was not separate from and unrelated to the licensing provisions. [*Pontius v. McLain* \(Cal. App. Apr. 15, 1931\), 113 Cal. App. 452, 298 P. 541, 1931 Cal. App. LEXIS 897.](#)

A minor with a temporary permit under Vehicle Act of 1923, § 59, to **drive** only when accompanied by a licensed operator or chauffeur, was in law **driving** under license though at the time of an accident he was accompanied only by an unlicensed youth. [*Pontius v. McLain* \(Cal. App. Apr. 15, 1931\), 113 Cal. App. 452, 298 P. 541, 1931 Cal. App. LEXIS 897.](#)

A temporary permit issued to a minor on the day he applied for a license according to Vehicle Act of 1923, § 59, was a form of license within the provisions of § 62 which made the adult signer of the application for license liable by imputable negligence of the minor in **driving** and injuring another. [*Pontius v. McLain* \(Cal. App. Apr. 15, 1931\), 113 Cal. App. 452, 298 P. 541, 1931 Cal. App. LEXIS 897.](#)

Where defendant at the time of the accident was an inexperienced minor with a limited type of driver's license and was not accompanied by a licensed driver as required by this section, such matters could be considered by the court in determining the question of negligence. [*Poe v. Lawrence* \(Cal. App. Aug. 5, 1943\), 60 Cal. App. 2d 125, 140 P.2d 136, 1943 Cal. App. LEXIS 496.](#)

This section does not grant to licensed operator physical control over permittee's vehicle. [*Roberts v. Craig* \(Cal. App. Mar. 29, 1954\), 124 Cal. App. 2d 202, 268 P.2d 500, 1954 Cal. App. LEXIS 1720.](#)

Negligence of a person holding a limited instruction permit under this section is not imputed as a matter of law to supervising licensee in licensee's action against permittee for injuries suffered while riding with permittee. [*Roberts v. Craig* \(Cal. App. Mar. 29, 1954\), 124 Cal. App. 2d 202, 268 P.2d 500, 1954 Cal. App. LEXIS 1720.](#)

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Though driver's operation of vehicle under instruction permit without required supervision of licensed driver 18 or over is not evidence of incompetence to **drive** or of negligence in so doing, such circumstances do bear on question of negligent entrustment of vehicle. [*Jones v. Ayers* \(Cal. App. 2d Dist. Feb. 5, 1963\), 212 Cal. App. 2d 646, 28 Cal. Rptr. 223, 1963 Cal. App. LEXIS 2893.](#)

There was substantial evidence that permittee of owner of vehicle was negligent in permitting subpermittee who had only instruction permit to **drive** where it was shown that permittee had seen subpermittee **drive** car only twice at which times subpermittee was accompanied by one of his parents, and that permittee had refused subpermittee permission to **drive** several times on evening of accident because it was getting dark and he was afraid subpermittee would get into accident and was afraid to let him **drive** in traffic. [*Jones v. Ayers* \(Cal. App. 2d Dist. Feb. 5, 1963\), 212 Cal. App. 2d 646, 28 Cal. Rptr. 223, 1963 Cal. App. LEXIS 2893.](#)

In a personal injury action involving an automobile collision, the judgment against the father of an unlicensed minor driver of one of the automobiles who at the time of the accident was **driving** under a learner's permit and subject to his accompanying father's supervision was not subject to the \$15,000 limitation on liability provided for under Veh. Code, § [17709](#) with respect to the liability for a minor's negligence of one signing and verifying the minor's application for a driver's license (Veh. Code, § [17707](#)) and with respect to the liability of a parent for his child's negligence in operating a motor vehicle with the parent's permission (Veh. Code, § [17708](#)), where special findings by the jury disclosed that the father's liability was based on his negligent supervision of the unlicensed driver (Veh. Code, § [12509](#)). While the father's vicarious liability was limited by Veh. Code, § [17709](#), that section was not a limitation on liability for his own negligence. [*Kostecky v. Henry* \(Cal. App. 4th Dist. Dec. 16, 1980\), 113 Cal. App. 3d 362, 170 Cal. Rptr. 197, 1980 Cal. App. LEXIS 2656.](#)

In a personal injury action arising from an automobile accident, the trial court's submissions to the jury of an instruction and special verdict forms involving the issue of potential liability of a licensed driver for negligent supervision of an unlicensed driver operating an automobile under a learner's permit constituted error, where they were based on an amendment, not yet in effect, to Veh. Code, § [12509](#). However, the error was harmless, where the instruction and verdict forms could reasonably be interpreted to mean the licensed driver's duty was to exercise reasonable care, and that was the standard of care required in the statute as it existed when the accident occurred, and where the record on which the appeal from the judgment against the unlicensed driver was prosecuted failed to demonstrate there was a reasonable probability of a finding in his favor had the instruction and verdict forms been based on the statute as it existed at the time of the accident. Although the amendment did impose as an additional duty on a licensed driver the requirement that he should occupy the front seat of an automobile in supervising the **driving** thereof by an unlicensed driver **driving** under a learner's permit, the evidence was uncontradicted that the licensed driver was in fact in the front seat when the accident giving rise to the personal injury action occurred. [*Kostecky v. Henry* \(Cal. App. 4th Dist. Dec. 16, 1980\), 113 Cal. App. 3d 362, 170 Cal. Rptr. 197, 1980 Cal. App. LEXIS 2656.](#)

A licensed driver teaching another to **drive** must exercise reasonable care in supervising and advising the student. The statute relating to the liability of a licensed driver for the negligent supervision of a driver operating an automobile under a learner's permit (Veh. Code, § [12509](#)) leaves the extended nature of the supervision and guidance to be provided in a given situation to the common law standard of due care, namely what a reasonably prudent licensed driver having supervision over a learner's operation of a vehicle would have done under the same or similar circumstances. [*Kostecky v. Henry* \(Cal. App. 4th Dist. Dec. 16, 1980\), 113 Cal. App. 3d 362, 170 Cal. Rptr. 197, 1980 Cal. App. LEXIS 2656.](#)

Research References & Practice Aids

Cross References:

"Highway": Veh C § [360](#).

“Motorcycle”: Veh C § [400](#).

“Motorized bicycle”: Veh C § [406](#).

“Motor vehicle”: Veh C § [415](#).

“Vehicle”: Veh C § [670](#).

Student licenses: Veh C §§ [12650](#) et seq.

Driver training: Ed C §§ [51850](#) et seq.

Administrative Code and Agency References

Regulations concerning **driving** schools and instructors: 13 Cal Code Reg §§ [340.00](#) et seq.

Treatises:

Cal. Torts (Matthew Bender), § 20.51.

6 Witkin Summary (10th ed) Torts §§ 1258, 1325.

Annotations:

Liability under statute, for personal injury or property damage, for negligence in teaching or supervision of learning driver. 5 ALR3d 271.

Student–driver’s negligence as imputable to teacher–passenger. 90 ALR3d 1329.

Hierarchy Notes:

[Cal Veh Code Div. 6, Ch. 1](#)

[Cal Veh Code Div. 6, Ch. 1, Art. 1](#)

Deering's California Codes Annotated
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