

## Seatbelt Laws

No single act can ensure your safety in a vehicle more than properly wearing your seatbelt. In California we have one of the highest seatbelt use rates in the country. However, teens still have a substantially lower seatbelt use rate than adults, both as drivers and as passengers.

Not only do teens have a lower seatbelt use rate than adults they also have the tendency to improperly wear the restraints. It is still a violation of law if the seatbelt is improperly worn (e.g. under the arm instead of over the shoulder). Teens that typically wear their belts when either driving themselves or riding as a passenger with their parents also have the tendency to not wear their seatbelts as frequently when riding with friends.

We know that teens are at a high risk of crashing, especially the first year. Because of this making sure every occupant in the vehicle is buckled up is vitally important. Remind your teens (both drivers and those who ride as passengers) that it is very easy for an officer to spot someone who is not wearing a seatbelt. And yes, they can pull them over (and adults for that matter) just for not wearing a seatbelt.

The basic seatbelt law (CVC 27315) requires driver and all passengers 16 years of age or older to wear a seatbelt. Both the driver and passengers can be cited. Drivers can also be cited for a passenger not wearing a seatbelt even if the driver is wearing one.

There is a special case when there is an unbelted passenger under the age of 16 (CVC 27360.5). This applies even if the driver is only 16 years old. A violation of this section results in a fine of over \$300 and counts a one point on the driver's DMV record.

One of the best ways that parents can encourage their teens (and all aged children for that matter) is by making sure that they always wear seatbelts themselves. Indications are seatbelt use rates are higher in teens when their parents are habitual restraint users.

### Improper Position

Another problem more common with teens and tweens is riding in an improper seat position. Some teens recline their seats while operating the vehicle in spite of the vehicle owner's manual requirement that the seat are placed in an upright position while the vehicle is in motion.

When the seat is reclined the occupant can "submarine" under the belt, causing severe injury. Teens sometime ride two-to-a-belt, another dangerous act that can result in serious internal injuries. With more vehicles being equipped with side-impact air bags riding in the proper position is becoming even more important.

### Cell Phone / Texting

This one is pretty simple...drivers under 18 years old can't do either. California law allows drivers 18 years and older to use a cell phone with a hands free device but prohibits any use by teens under 18. This includes hands free use as well.

Texting is prohibited for all drivers. Make it clear to your new driver that if they wish to keep their driving privilege then the cell phone is off limits when they are driving. Remember you can check cell records (and phones) to see what time calls are being placed.

## Orange County Sheriff's Department Traffic Safety Programs

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# VEHICLE CODE

Traffic  
Laws  
for  
Teens

Information  
for Parents  
of Teen Drivers

Presented  
by the  
Orange County  
Sheriff's Department



There are some traffic laws that are both unique and important for teen drivers and their parents to understand. Graduated licensing laws restrict when a new driver is allowed to drive and who may be a passenger in their vehicle. Driving under the influence regulations are far more restrictive for drivers under the age of 21 years old. Seatbelt violations can be expensive in both dollars and lives lost.

This brochure is meant to provide an overview of a few important and often violated laws related to teen drivers. We hope this information will help parents discuss these issues with their new teen drivers. For additional information please see the latest text contained in the California Vehicle Code.

For additional information and resources for teen driving related issues check out  
**[www.octrfficsafety.org](http://www.octrfficsafety.org)**

## **Graduated Driver Licenses**

There are many myths regarding California's Graduated Driver License (GDL) laws. Can my teen transport siblings or friends? What hours can they drive? How long do the restrictions last?

Why do we have Graduated Driver License Laws?

Research has identified situations that are particularly hazardous for new drivers. Two of these circumstances, distractions caused by youth passengers and nighttime driving, are being addressed through California's GDL laws. For full details see California Vehicle Code section 12814.6. Important highlights of this section can be found below.

### **Passenger Limitations**

For the first year drivers under provisional restrictions may not transport passengers under the age of 20 unless accompanied and supervised by a licensed driver 25 years of age or older. There are a few exceptions but only for "immediate family members". These exceptions include:

Medical necessity when reasonable transportation facilities are inadequate

Schooling or school-authorized activities (note required)

Employment necessity (note required)

Other necessity with note from parent or legal guardian (immediate family only)

### **Driving Time Restrictions**

Except under one of the above noted exceptions, teens driving under provisional license restrictions may not drive between the hours of 11:00 PM and 5:00 AM. The instance of fatal collisions involving teens is exceptionally high during this time period. Teens may drive during these restricted hours under the supervision of a licensed driver who is 25 years of age or older.

### **Who do these restrictions apply to?**

Provisional license restrictions apply to any driver who receives his or her driver license before their 18th birthday. The restrictions are in effect until either:

The driver's 18th birthday

One year from the date the driver license is issued

## **Driving Under the Influence for Under Aged Drivers**

Driving under the influence (DUI) laws for young drivers (anyone under the age of 21) greatly differ from the laws governing adults. Although the basic DUI laws for adults also apply to teens there are additional laws with more restrictive blood alcohol concentration (BAC) levels for drivers under 21.

Many people presume that you need to have a blood alcohol concentration (BAC) above .08% to be considered driving under the influence. This is not correct. This is the presumptive level (for drivers 21 years of age or older) where you are presumed impaired. If an officer can show that your driving was impaired at a lower BAC or that a driver is impaired by drugs then he or she can also be prosecuted for DUI.

For drivers under the age of 21 the presumptive level is now .01% to be in violation of CVC 23136a. For most teens this blood alcohol level will be equivalent to less than one half of a can of beer. Although this section is an infraction anytime an officer can show the driver was under the influence they can also be charged with more serious violation of CVC 23152a, a misdemeanor.

Drivers convicted of many alcohol related driving offences are likely to have their driver license suspended by the Department of Motor Vehicles. These suspensions can result regardless of the outcome of criminal proceedings.

Although violations of this section can result in fines, increased rates / cancelled insurance, alcohol education classes and other penalties, our primary concern is saving the lives of teens and other citizens on the roadway. A "worst case scenario" is not having to take the bus to school...it's someone not being alive to take the bus to school.

### **Open Container Laws**

There are several laws prohibiting anyone from having an open container of alcohol in a vehicle. There are also laws prohibiting people under the age of 21 from transporting alcoholic beverages. Minors transporting alcohol may also have their vehicles impounded for up to 30 days.