

ASSEMBLY BILL

No. 529

Introduced by Assembly Member Jones-Sawyer

February 23, 2015

An act to amend Section 30000 of the Penal Code, and to amend Sections 4750 and 12805 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 529, as introduced, Jones-Sawyer. Armed prohibited persons: vehicle registration and driver's license prohibitions.

Existing law requires the Attorney General to establish and maintain an online database, the Prohibited Armed Persons File, to cross-reference persons who have ownership or possession of a firearm on or after January 1, 1996, and who, subsequent to the date of that ownership or possession, fall within a class of persons who are prohibited from owning or possessing a firearm. Existing law restricts the access of that database to specified entities, including, among others, the courts, and specified law enforcement and prosecutorial entities.

This bill would require the Department of Justice to allow the Department of Motor Vehicles to access the database in connection with the registration of vehicles and the issuance and renewal of driver's licenses.

Existing law prescribes certain instances when the Department of Motor Vehicles is required to refuse registration, or renewal or transfer of registration, of a vehicle, including, among others, when the application contains a false or fraudulent statement, or the required fee has not been paid.

This bill would additionally require the department to refuse registration, or renewal or transfer of registration, of a vehicle, when

the department determines that the person to whom the vehicle is, or will be, registered is listed as a prohibited person in the Prohibited Armed Persons File. The bill would require the department, before registering a vehicle, or renewing or transferring the registration of a vehicle, to access the Prohibited Armed Persons File to determine if the person to whom the vehicle is, or will be, registered is listed as a prohibited person.

Existing law prescribes certain instances when the Department of Motor Vehicles is required to refuse to issue or renew a driver’s license, including, among others, when the person seeking the license is not of legal age to receive a driver’s license.

This bill would additionally require the department to refuse to issue or renew the driver’s license of a person who the department determines is listed as a prohibited person in the Prohibited Armed Persons File. The bill would require the department, before issuing or renewing a driver’s license, to access the Prohibited Armed Persons File to determine if the person applying for, or renewing, the driver’s license is listed as a prohibited person.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 30000 of the Penal Code is amended to
 2 read:
 3 30000. (a) The Attorney General shall establish and maintain
 4 an online database to be known as the Prohibited Armed Persons
 5 File. The purpose of the file is to ~~cross-reference~~ *identify* persons
 6 who have ownership or possession of a firearm on or after January
 7 1, 1996, as indicated by a record in the Consolidated Firearms
 8 Information System, and who, subsequent to the date of that
 9 ownership or possession of a firearm, fall within a class of persons
 10 who are prohibited from owning or possessing a firearm.
 11 (b) ~~The~~ *Except as provided in subdivision (c), the* information
 12 contained in the Prohibited Armed Persons File shall ~~only~~ be
 13 available *only* to those entities specified in, and pursuant to,
 14 subdivision (b) or (c) of Section 11105, through the California
 15 Law Enforcement Telecommunications System, for the purpose
 16 of determining if persons are armed and prohibited from possessing
 17 firearms.

1 (c) *The Department of Justice shall provide access to the*
2 *Prohibited Armed Persons File to the Department of Motor*
3 *Vehicles for purposes of complying with Sections 4750 and 12805*
4 *of the Vehicle Code.*

5 SEC. 2. Section 4750 of the Vehicle Code is amended to read:
6 4750. The department shall refuse registration, or renewal or
7 transfer of registration, upon any of the following grounds:

8 (a) The application contains any false or fraudulent statement.

9 (b) The required fee has not been paid.

10 (c) The registration, or renewal or transfer of registration, is
11 prohibited by the requirements of Part 5 (commencing with Section
12 43000) of Division 26 of the Health and Safety Code.

13 (d) The owner of a heavy vehicle, which is subject to the heavy
14 vehicle use tax imposed pursuant to Section 4481 of Title 26 of
15 the United States Code, has not presented sufficient evidence, as
16 determined by the department, that the tax for the vehicle has been
17 paid pursuant to that section.

18 (e) Evidence of financial responsibility, ~~that~~ *which* is required
19 for a vehicle registration renewal ~~where~~ *when* there is no change
20 in registered owner, has not been provided to the department
21 pursuant to Section 4000.37 or electronically. This subdivision
22 does not apply to any of the following:

23 (1) A vehicle for which a certification has been filed pursuant
24 to Section 4604, until the vehicle is registered for operation upon
25 the highway.

26 (2) A vehicle owned or leased by, or under the direction of, the
27 United States or any public entity that is included in Section 811.2
28 of the Government Code.

29 (3) A vehicle registration renewal application ~~where~~ *when* there
30 is a change of registered owner.

31 (f) (1) *The department determines that the person to whom the*
32 *vehicle is, or will be, registered is listed as a prohibited person in*
33 *the Prohibited Armed Persons File, pursuant to Section 30000 of*
34 *the Penal Code.*

35 (2) *The department shall, before registering a vehicle, or*
36 *renewing or transferring the registration of a vehicle, access the*
37 *Prohibited Armed Persons File to determine if the person to whom*
38 *the vehicle is, or will be, registered is listed as a prohibited person.*

39 SEC. 3. Section 12805 of the Vehicle Code is amended to read:

1 12805. The department shall not issue a driver’s license to, or
 2 renew ~~a~~ *the* driver’s license of, any person:

3 (a) Who is not of legal age to receive a driver’s license.

4 (b) Whose best corrected visual acuity is 20/200 or worse in
 5 that person’s better eye, as verified by an optometrist or
 6 ophthalmologist. No person may use a bioptic telescopic or similar
 7 lens to meet the 20/200 visual acuity standards.

8 (c) Who is unable, as shown by examination, to understand
 9 traffic signs or signals or who does not have a reasonable
 10 knowledge of the provisions of this code governing the operations
 11 of vehicles upon the highways.

12 (d) When it is determined, by examination or other evidence,
 13 that the person is unable to safely operate a motor vehicle upon a
 14 highway.

15 (e) Who is unable to read and understand simple English used
 16 in highway traffic and directional signs. This subdivision does not
 17 apply to any person holding an operator’s or chauffeur’s license
 18 issued by this state and valid on September 11, 1957.

19 (f) Who holds a valid driver’s license issued by a foreign
 20 jurisdiction unless the license has been surrendered to the
 21 department, or is lost or destroyed.

22 (g) Who has ever held, or is the holder of, a license to drive
 23 issued by another state, territory, or possession of the United States,
 24 the District of Columbia, or the Commonwealth of Puerto Rico,
 25 and that license has been suspended by reason, in whole or in part,
 26 of a conviction of a traffic violation until the suspension period
 27 ~~has terminated, except that the~~ *terminated. The* department may
 28 issue a license to the applicant if, in the opinion of the department,
 29 it will be safe to issue a license to a person whose license to drive
 30 was suspended by a state that is not a party to the Driver License
 31 Compact provided for in Chapter 6 (commencing with Section
 32 15000) of Division 6.

33 (h) Who has ever held, or is the holder of, a license to drive
 34 issued by another state, territory, or possession of the United States,
 35 the District of Columbia or the Commonwealth of Puerto Rico,
 36 and that license has been revoked by reason, in whole or in part,
 37 of a conviction of a traffic violation, until the revocation has been
 38 terminated or after the expiration of one year from the date the
 39 license was revoked, ~~whichever occurs first, except that the~~ *first.*
 40 *The* department may issue a license to the applicant if, in the

1 opinion of the department, it will be safe to issue a license to a
2 person whose license to drive was revoked by a state that is not a
3 party to the Driver License Compact provided for in Chapter 6
4 (commencing with Section 15000) of Division 6.

5 *(i) (1) Who the department determines is listed as a prohibited*
6 *person in the Prohibited Armed Persons File, pursuant to Section*
7 *30000 of the Penal Code.*

8 *(2) The department shall, before issuing or renewing a driver's*
9 *license, access the Prohibited Armed Persons File to determine if*
10 *the person applying for, or renewing, the driver's license is listed*
11 *as a prohibited person.*

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