

Introduced by Senator Hertzberg

February 25, 2015

An act relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 405, as introduced, Hertzberg. Vehicles: failure to appear or pay fine: suspension of driving privilege.

Existing law authorizes the magistrate or clerk of a court to notify the Department of Motor Vehicles if any person has violated a written promise to appear or an order to appear, or willfully fails to pay a fine for a violation of specified provisions of the Vehicle Code. Existing law requires the department to suspend the driver's license of a person upon receipt of the above-described notice from the court that the person has violated a written promise to appear or willfully failed to pay a fine, if there are prior violations, as specified.

This bill would declare the intent of the Legislature to enact legislation to significantly reduce the number of persons who have their driver's license suspended and to establish a process for persons with a current suspension to get their driving privileges restored without first having to pay all court-ordered debt.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Driving in California is often described as a privilege, but
- 4 for millions of Californians it is an economic necessity. Each day

1 millions of Californians take to the road to go to work, drop off
2 their children at school and activities, go shopping, and visit family.
3 Without the ability to drive, millions of families cannot afford to
4 pay the cost of housing, pay utilities, put food on the table, afford
5 clothing for their children, or be able to save for retirement. In
6 short, driving is a fundamental need of virtually every person in
7 the state.

8 (2) Unfortunately, millions of Californians have lost the ability
9 to drive legally. Their driver's licenses have been suspended, not
10 because they are a danger to public safety, but because they could
11 not pay fines associated with minor traffic tickets and other related
12 fees and assessments. In the past five years, the Department of
13 Motor Vehicles has suspended more than 2.7 million driver's
14 licenses for drivers' failure to appear in court or failure to make
15 payments ordered by a court. The Legislative Analyst's Office
16 reports that there is currently more than \$10 billion in
17 court-ordered, uncollected debt in California and \$8 billion of this
18 amount is for unpaid traffic violations.

19 (3) For many families, a driver's license suspension is the
20 beginning of a descent into abject poverty for which there is no
21 escape. Legal services advocates report that once a person gets his
22 or her driver's license suspended in California, it is virtually
23 impossible for the driver's license to be restored until all the unpaid
24 fees, fines and assessments are completely paid. Many people with
25 a suspended driver's license are low income and can only pay the
26 debt off a little at a time. Others are unemployed or on public
27 assistance and cannot afford to make any payments. The state of
28 New Jersey did a study of persons with suspended driver's licenses
29 and found that 42 percent lost their jobs after their driver's licenses
30 were suspended and less than half of them were able to find new
31 jobs; 88 percent experienced a loss of income.

32 (4) The original rationale for suspending driver's licenses was
33 to compel persons who had committed a serious public safety
34 violation to correct his or her behavior. This rationale over time
35 has been extended to hundreds of nonpublic safety violations. As
36 a report by the American Association of Motor Vehicle
37 Administrators (AAMVA), "Best Practices Guide to Reducing
38 Suspended Drivers" notes, all 50 states now suspend driver's
39 licenses for nonhighway safety reasons. The AAMVA report
40 recommends that states repeal laws that lead to driver's license

1 suspensions for nonpublic safety reasons and replace those
2 suspensions with payment plans and wage garnishments to collect
3 court-ordered debt.

4 (b) It is the intent of the Legislature to enact legislation to
5 significantly reduce the number of persons who have their driver's
6 licenses suspended and to establish a process for persons with
7 current suspensions to get their driving privileges restored without
8 first having to pay all court-ordered debt.

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