

AMENDED IN SENATE MAY 11, 2015

**SENATE BILL**

**No. 789**

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**Introduced by Senator Wieckowski**

February 27, 2015

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An act to ~~amend~~ *amend, repeal, and add* Section 16072 of the Vehicle Code, relating to ~~drivers' driver's~~ *driver's* licenses.

LEGISLATIVE COUNSEL'S DIGEST

SB 789, as amended, Wieckowski. Driver's license suspension: restricted privilege.

Existing law requires the Department of Motor Vehicles to suspend the driving privilege of a person who is involved in an accident and fails to provide evidence of financial responsibility, as specified, at the time of the accident. Under existing law, the suspension period is one year, as specified, except that the suspension must be reinstated if the person fails to maintain proof of financial responsibility for 3 years. However, upon application and if certain criteria ~~is~~ *are* met, the department may restrict the person's driving privilege, in lieu of suspending it pursuant to this provision, in specified situations.

This bill ~~would~~ *would, commencing July 1, 2016,* also authorize the department to restrict a person's driving privilege, in lieu of suspending it, in order to allow the person to drive to school. For purposes of this authorization, the bill would define "school" to mean a California community college campus, a California State University campus, a University of California campus, or a private postsecondary educational institution.

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

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

1     SECTION 1. Section 16072 of the Vehicle Code is amended to  
2 read:

3     16072. (a) The suspension of the driving privilege of a person  
4 as provided in Section 16070 shall not be terminated until one year  
5 has elapsed from the date of actual commencement of the  
6 suspension and until the person files proof of financial  
7 responsibility as provided in Chapter 3 (commencing with Section  
8 16430), except that the suspension shall be reinstated if the person  
9 fails to maintain proof of financial responsibility for three years.  
10 However, in lieu of suspending a person's driving privilege  
11 pursuant to this section, the department, upon application, if the  
12 person files and thereafter maintains proof of financial  
13 responsibility as provided in this section and pays a penalty fee to  
14 the department of two hundred fifty dollars (\$250), may restrict  
15 the person's driving privilege to any of the following situations:

16     (1) Necessary travel to and from that person's place of  
17 employment.

18     (2) Driving that is required in the person's course of  
19 employment, when driving a motor vehicle is necessary in order  
20 to perform the duties of the person's primary employment.

21     (3) Necessary travel to transport a minor dependent in that  
22 person's immediate family to and from an institute of primary or  
23 secondary instruction, if the chief administrative officer or principal  
24 of the educational institution certifies in writing to the department  
25 that the minor dependent is enrolled in the educational institution  
26 and no form of public transportation or schoolbus is available  
27 between the applicant's place of residence and the educational  
28 institution.

29     The restriction shall remain in effect for the period of suspension  
30 required by this section, so long as proof of financial responsibility  
31 is maintained.

32     (b) If a suspension has been imposed under Section 16070 and  
33 one year has elapsed from the date the suspension actually  
34 commenced, that suspension shall be terminated if the driving  
35 privilege is suspended under Section 16370 or 16381 as the result  
36 of a judgment arising out of the accident for which proof of  
37 financial responsibility was required to be established. The  
38 department may reimpose the suspension of the driving privilege

1 of a person under Section 16070 if the suspension under Section  
2 16370 or 16381 is later set aside for a reason other than that the  
3 person has satisfied the judgment in full or to the extent provided  
4 in Chapter 2 (commencing with Section 16250) and has given  
5 proof of ability to respond in damages as provided in Chapter 3  
6 (commencing with Section 16430).

7 (c) Notwithstanding Chapter 2 (commencing with Section  
8 42200) of Division 18, all revenues derived from the penalty fees  
9 provided in subdivision (a) shall, after deduction by the department  
10 of the costs incurred by the department in administering this  
11 section, be deposited in the Financial Responsibility Penalty  
12 Account in the General Fund. The balance in this fund on each  
13 July 1, which is not subject to appropriation as provided in Section  
14 12980 of the Insurance Code, shall revert to the General Fund.

15 (d) (1) Subdivision (a) does not apply to a commercial driver's  
16 license holder.

17 (2) A commercial driver's ~~license holder~~ *licenseholder* whose  
18 driving privilege is otherwise suspended under this chapter is not  
19 entitled to a restricted license, unless that person surrenders his or  
20 her commercial driver's license and is issued a noncommercial  
21 class C or M driver's license.

22 (e) *This section shall become inoperative on July 1, 2016, and,*  
23 *as of January 1, 2017, is repealed, unless a later enacted statute,*  
24 *that becomes operative on or before January 1, 2017, deletes or*  
25 *extends the dates on which it becomes inoperative and is repealed.*

26 ~~SECTION 1. Section 16072 of the Vehicle Code is amended~~  
27 ~~to read:~~

28 *SEC. 2. Section 16072 is added to the Vehicle Code, to read:*

29 16072. (a) The suspension of the driving privilege of a person  
30 as provided in Section 16070 shall not be terminated until one year  
31 has elapsed from the date of actual commencement of the  
32 suspension and until the person files proof of financial  
33 responsibility as provided in Chapter 3 (commencing with Section  
34 16430), except that the suspension shall be reinstated if the person  
35 fails to maintain proof of financial responsibility for three years.  
36 However, in lieu of suspending a person's driving privilege  
37 pursuant to this section, the department, upon application, if the  
38 person files and thereafter maintains proof of financial  
39 responsibility as provided in this section and pays a penalty fee to

1 the department of two hundred fifty dollars (\$250), may restrict  
2 the person's driving privilege to any of the following situations:

3 (1) Necessary travel to and from that person's place of  
4 employment.

5 (2) Driving that is required in the person's course of  
6 employment, when driving a motor vehicle is necessary in order  
7 to perform the duties of the person's primary employment.

8 (3) Driving himself or herself to or from school. For purposes  
9 of this paragraph, "school" means a California community college  
10 campus, a California State University campus, a University of  
11 California campus, or a private postsecondary educational  
12 institution.

13 (4) Necessary travel to transport a minor dependent in that  
14 person's immediate family to and from an institute of primary or  
15 secondary educational instruction, if the chief administrative officer  
16 or principal of the educational institution certifies in writing to the  
17 department that the minor dependent is enrolled in the educational  
18 institution and no form of public transportation or schoolbus is  
19 available between the applicant's place of residence and the  
20 educational institution.

21 (b) The restriction shall remain in effect for the period of  
22 suspension required by this section, so long as proof of financial  
23 responsibility is maintained.

24 (c) If a suspension has been imposed under Section 16070 and  
25 one year has elapsed from the date the suspension actually  
26 commenced, that suspension shall be terminated if the driving  
27 privilege is suspended under Section 16370 or 16381 as the result  
28 of a judgment arising out of the accident for which proof of  
29 financial responsibility was required to be established. The  
30 department may reimpose the suspension of the driving privilege  
31 of a person under Section 16070 if the suspension under Section  
32 16370 or 16381 is later set aside for a reason other than that the  
33 person has satisfied the judgment in full or to the extent provided  
34 in Chapter 2 (commencing with Section 16250) and has given  
35 proof of ability to respond in damages as provided in Chapter 3  
36 (commencing with Section 16430).

37 (d) Notwithstanding Chapter 2 (commencing with Section  
38 42200) of Division 18, all revenues derived from the penalty fees  
39 provided in subdivision (a) shall, after deduction by the department  
40 of the costs incurred by the department in administering this

1 section, be deposited in the Financial Responsibility Penalty  
2 Account in the General Fund. The balance in this fund on each  
3 July 1, which is not subject to appropriation as provided in Section  
4 12980 of the Insurance Code, shall revert to the General Fund.

5 (e) (1) Subdivision (a) does not apply to a commercial driver's  
6 license holder.

7 (2) A commercial driver's ~~license holder~~ *licenseholder* whose  
8 driving privilege is otherwise suspended under this chapter is not  
9 entitled to a restricted license, unless that person surrenders his or  
10 her commercial driver's license and is issued a noncommercial  
11 class C or M driver's license.

12 (f) *This section shall become operative on July 1, 2016.*