

AMENDED IN ASSEMBLY AUGUST 15, 2016

AMENDED IN ASSEMBLY JUNE 29, 2016

AMENDED IN SENATE MAY 2, 2016

AMENDED IN SENATE MARCH 17, 2016

SENATE BILL

No. 881

Introduced by Senator Hertzberg

**(Coauthors: ~~Senators Anderson, Beall, Galgiani, Hancock, Leno,~~
and ~~Wieckowski~~)**

(Coauthor: ~~Assembly Member Cristina Garcia~~)

January 15, 2016

An act to amend Sections 1214.1 and 1463.007 of the Penal Code, and to amend Sections 12807, 12808, 40508, 40509, and 40509.5 of, to add Section 13365.7 to, and to repeal Section 13365 of, *Section 42008.8 of the Vehicle Code*, relating to ~~vehicles~~: *vehicles, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 881, as amended, Hertzberg. ~~Vehicles: violations.~~ *violations: payment of fines and bail.*

Existing law requires a county to establish an amnesty program for fines and bail initially due on or before January 1, 2013, for Vehicle Code infractions to be conducted in accordance with guidelines adopted by the Judicial Council. Existing law requires the program to accept payments from October 1, 2015, to March 31, 2017, inclusive. Existing law requires the program to accept a reduced payment in full satisfaction of the fine or bail if the program participant certifies under penalty of perjury that he or she receives specified public benefits or his or her income is 125% or less of the current poverty guidelines.

Existing law requires certain funds collected under the amnesty program to be transferred, in specified percentages, to the Peace Officers' Training Fund and the Corrections Training Fund, which are continuously appropriated funds.

This bill would extend the period for acceptance of payments under the amnesty program to December 31, 2017. The bill also would extend the initial due date for payment of the fine or bail for an eligible violation, from on or before January 1, 2013, to on or before January 1, 2015, and would require a specified certificate issued by the court to be filed within 90 days after issuance.

Because this bill would extend the terms of the amnesty program and would expand the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill also would make an appropriation, by increasing the amount of money that would be deposited into continuously appropriated funds as a result of extending the program's duration.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law authorizes in addition to any other penalty in infraction, misdemeanor, or felony cases, the court to impose a civil assessment of up to \$300 against any defendant who fails, after notice and without good cause, to appear in court for any proceeding authorized by law or who fails to pay all or any portion of a fine ordered by the court or to pay an installment of bail, as specified. Existing law requires the court to vacate the civil assessment under these circumstances if the defendant appears within the time specified in the notice and shows good cause for the failure to appear or for the failure to pay a fine or installment of bail.~~

~~This bill would provide that the ability to pay the civil assessment shall not be a prerequisite to trial, arraignment, or other court proceedings. The bill would require the driver's failure to appear or pay to be willful in order to be subject to the civil assessment. Payment of~~

bail, fines, penalties, fees, or a civil assessment would not be required to schedule a court hearing on the pending underlying charge.

~~Existing law authorizes any county or court to implement a “comprehensive collection program” as a separate revenue collection activity, and requires the program to meet certain criteria, one of which is that the program engages in specified activities in collecting fines or penalties. One of those activities is initiating suspensions or holds for driver’s licenses, as specified.~~

~~This bill would delete initiating suspensions or holds for driver’s licenses from the list of activities the program may engage in. The bill would require the county’s or court’s program to provide payment plans, based on the debtor’s ability to pay.~~

~~Existing law authorizes the court to notify the Department of Motor Vehicles when a person has failed to appear, failed to pay a fine or bail, or failed to comply with a court order, with respect to various violations relating to vehicles. Existing law requires the department to suspend, and prohibits the department from issuing or renewing, a person’s driver’s license upon receipt of one of those notices, as specified.~~

~~This bill would delete the provisions requiring the court to notify the department of a failure to pay under the above circumstances and would require the court to notify the department only when the driver’s failure to appear is willful. The bill would require the department, upon receipt of the notice, to order the person’s privilege to operate a motor vehicle to be restricted for a period of 6 months, as specified, and the person’s driving privilege would be fully reinstated upon expiration of the 6-month period. If, prior to the expiration of the 6-month period, the case in which the promise was given is adjudicated or the person who has violated the court order appears in court or otherwise satisfies the order of the court, the department would be required to immediately reinstate the person’s full driving privilege. The bill also would revise certain court and department administrative procedures with respect to related certifications and records. The bill would repeal certain provisions requiring the department to suspend, or prohibiting the department from issuing or renewing, a person’s driver’s license upon receipt of one of those notices, with respect to designated violations. The bill would require the department to restore driving privileges that had been suspended pursuant to the deleted provisions, no later than July 1, 2017. The bill would specifically prohibit the department from using information reported pursuant to these provisions to suspend a driver’s license. The bill would declare that its provisions do not alter~~

~~existing law related to suspension of the privilege to operate a motor vehicle in connection with violations relating to reckless driving or driving under the influence of alcohol or drugs, as specified.~~

~~Existing law requires the department to check the record of an applicant for driver's license issuance or renewal for notices of failure to appear in court that have been filed with the department, and to take specified actions with respect to the issuance or renewal of the license.~~

~~This bill would limit the above requirement to notices of failure to appear for specified offenses involving driving under the influence of drugs or alcohol, or vehicular manslaughter.~~

~~Existing law provides that if a person convicted of an infraction fails to pay bail in installments as agreed to or a fine or an installment of a fine within the time authorized by the court, the court may impound the person's driver's license and order the person not to drive for a period not to exceed 30 days. Existing law also provides that if a defendant with a class C or M driver's license satisfies the court that impounding his or her driver's license and ordering the defendant not to drive will affect his or her livelihood, the court shall order that the person limit his or her driving for a period not to exceed 30 days to driving that is essential in the court's determination to the person's employment, including the person's driving to and from his or her place of employment if other means of transportation are not reasonably available.~~

~~This bill would delete the class C and M license restrictions for that exemption, thereby permitting the holder of any driver's license to utilize that exemption.~~

~~Vote: majority ²/₃. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: ~~no~~yes.~~

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

- 1 SECTION 1. Section 42008.8 of the Vehicle Code is amended
- 2 to read:
- 3 42008.8. (a) The Legislature finds and declares that a one-time
- 4 infraction amnesty program would do all of the following:
- 5 (1) Provide relief to individuals who have found themselves in
- 6 violation of a court-ordered obligation because they have unpaid
- 7 traffic bail or fines.

1 (2) Provide relief to individuals who have found themselves in
2 violation of a court-ordered obligation or who have had their
3 driving privileges suspended pursuant to Section 13365.

4 (3) Provide increased revenue at a time when revenue is scarce
5 by encouraging payment of old fines that have remained unpaid.

6 (4) Allow courts and counties to resolve older delinquent cases
7 and focus limited resources on collections for more recent cases.

8 (b) A one-time amnesty program for fines and bail meeting the
9 eligibility requirements set forth in subdivision (g) shall be
10 established in each ~~county~~: *county through December 31, 2017.*

11 Unless agreed otherwise by the court and the county in writing,
12 the government entities that are responsible for the collection of
13 delinquent court-ordered debt shall be responsible for
14 implementation of the amnesty program as to that debt, maintaining
15 the same division of responsibility in place with respect to the
16 collection of court-ordered debt under subdivision (b) of Section
17 1463.010 of the Penal Code.

18 (c) As used in this section, the term “fine” or “bail” refers to
19 the total amounts due in connection with a specific violation, which
20 include, but are not limited to, all of the following:

21 (1) Base fine or bail, as established by court order, by statute,
22 or by the court’s bail schedule.

23 (2) Penalty assessments imposed pursuant to Section 1464 of
24 the Penal Code, and Sections 70372, 76000, 76000.5, 76104.6,
25 and 76104.7 of, and paragraph (1) of subdivision (c) of Section
26 76000.10 of, the Government Code, and Section 42006 of this
27 code.

28 (3) State surcharges imposed pursuant to Section 1465.7 of the
29 Penal Code.

30 (4) Court operations assessments imposed pursuant to Section
31 1465.8 of the Penal Code.

32 (5) Criminal conviction assessments pursuant to Section 70373
33 of the Government Code.

34 (d) Notwithstanding subdivision (c), any civil assessment
35 imposed pursuant to Section 1214.1 of the Penal Code shall not
36 be collected, nor shall the payment of that assessment be a
37 requirement of participation in the amnesty program.

38 (e) Concurrent with the amnesty program established pursuant
39 to subdivision (b), between October 1, 2015, to ~~March~~ *December*
40 31, 2017, inclusive, the following shall apply:

1 (1) The court shall ~~issue and~~ *issue, and* file with the Department
2 of Motor Vehicles *within 90 days*, the appropriate certificate
3 pursuant to subdivisions (a) and (b) of Section 40509 for any
4 participant of the one-time amnesty program established pursuant
5 to subdivision (b) demonstrating that the participant has appeared
6 in court, paid the fine, or otherwise satisfied the court, if the driving
7 privilege of that participant was suspended pursuant to Section
8 13365 in connection with a specific violation described in
9 paragraph (1), (2), or (3) of subdivision (g).

10 (2) The court shall ~~issue and~~ *issue, and* file with the department
11 *within 90 days*, the appropriate certificate pursuant to subdivisions
12 (a) and (b) of Section 40509 for any person in good standing in a
13 comprehensive collection program pursuant to subdivision (c) of
14 Section 1463.007 of the Penal Code demonstrating that the person
15 has appeared in court, paid the fine, or otherwise satisfied the court,
16 if the driving privilege was suspended pursuant to Section 13365
17 in connection with a specific violation described in paragraph (1),
18 (2), or (3) of subdivision (g).

19 (3) Any person who is eligible for a driver's license pursuant
20 to Section 12801, 12801.5, or 12801.9 shall be eligible for the
21 amnesty program established pursuant to subdivision (b) for any
22 specific violation described in subdivision (g). The department
23 shall issue a driver's license to any person who is eligible pursuant
24 to Section 12801, 12801.5, or 12801.9 if the person is participating
25 in the amnesty program and is otherwise eligible for the driver's
26 license but for the fines or bail to be collected through the program.

27 (4) The Department of Motor Vehicles shall not deny reinstating
28 the driving privilege of any person who participates in the amnesty
29 program established pursuant to subdivision (b) for any fines or
30 bail in connection with the specific violation that is the basis for
31 participation in the amnesty program.

32 (f) In addition to, and at the same time as, the mandatory
33 one-time amnesty program is established pursuant to subdivision
34 (b), the court and the county may jointly agree to extend that
35 amnesty program to fines and bail imposed for a misdemeanor
36 violation of this code and a violation of Section 853.7 of the Penal
37 Code that was added to the misdemeanor case otherwise subject
38 to the amnesty. The amnesty program authorized pursuant to this
39 subdivision shall not apply to parking violations and violations of
40 Sections 23103, 23104, 23105, 23152, and 23153.

1 (g) A violation is only eligible for amnesty if paragraph (1), (2),
2 or (3) applies, and the requirements of paragraphs (4) to (7),
3 inclusive, are met:

4 (1) The violation is an infraction violation filed with the court.

5 (2) It is a violation of subdivision (a) or (b) of Section 40508,
6 or a violation of Section 853.7 of the Penal Code that was added
7 to the case subject to paragraph (1).

8 (3) The violation is a misdemeanor violation filed with the court
9 to which subdivision (f) applies.

10 (4) The initial due date for payment of the fine or bail was on
11 or before January 1, ~~2013~~ 2015.

12 (5) There are no outstanding misdemeanor or felony warrants
13 for the defendant within the county, except for misdemeanor
14 warrants for misdemeanor violations subject to this section.

15 (6) The person does not owe victim restitution on any case
16 within the county.

17 (7) The person has not made any payments for the violation
18 after September 30, 2015, to a comprehensive collection program
19 in the county pursuant to subdivision (c) of Section 1463.007 of
20 the Penal Code.

21 (h) (1) Except as provided in paragraph (2), each amnesty
22 program shall accept, in full satisfaction of any eligible fine or
23 bail, 50 percent of the fine or bail amount, as defined in subdivision
24 (c).

25 (2) If the participant certifies under penalty of perjury that he
26 or she receives any of the public benefits listed in subdivision (a)
27 of Section 68632 of the Government Code or is within the
28 conditions described in subdivision (b) of Section 68632 of the
29 Government Code, the amnesty program shall accept, in full
30 satisfaction of any eligible fine or bail, 20 percent of the fine or
31 bail amount, as defined in subdivision (c).

32 (i) The Judicial Council, in consultation with the California
33 State Association of Counties, shall adopt guidelines for the
34 amnesty program no later than October 1, 2015, and each program
35 shall be conducted in accordance with the Judicial Council's
36 guidelines. As part of its guidelines, the Judicial Council shall
37 include all of the following:

38 (1) Each court or county responsible for implementation of the
39 amnesty program pursuant to subdivision (b) shall recover costs
40 pursuant to subdivision (a) of Section 1463.007 of the Penal Code

1 and may charge an amnesty program fee of fifty dollars (\$50) that
2 may be collected with the receipt of the first payment of a
3 participant.

4 (2) A payment plan option created pursuant to Judicial Council
5 guidelines in which a monthly payment is equal to the amount that
6 an eligible participant can afford to pay per month consistent with
7 Sections 68633 and 68634 of the Government Code. If a participant
8 chooses the payment plan option, the county or court shall collect
9 all relevant information to allow for collection by the Franchise
10 Tax Board pursuant to existing protocols prescribed by the
11 Franchise Tax Board to collect delinquent debts of any amount in
12 which a participant is delinquent or otherwise in default under his
13 or her amnesty payment plan.

14 (3) If a participant does not comply with the terms of his or her
15 payment plan under the amnesty program, including failing to
16 make one or more payments, the appropriate agency shall send a
17 notice to the participant that he or she has failed to make one or
18 more payments and that the participant has 30 days to either resume
19 making payments or to request that the agency change the payment
20 amount. If the participant fails to respond to the notice within 30
21 days, the appropriate agency may refer the participant to the
22 Franchise Tax Board for collection of any remaining balance owed,
23 including an amount equal to the reasonable administrative costs
24 incurred by the Franchise Tax Board to collect the delinquent
25 amount owed. The Franchise Tax Board shall collect any
26 delinquent amounts owed pursuant to existing protocols prescribed
27 by the Franchise Tax Board. The comprehensive collection
28 program may also utilize additional collection efforts pursuant to
29 Section 1463.007 of the Penal Code, except for subparagraph (C)
30 of paragraph (4) of subdivision (c) of that section.

31 (4) A plan for outreach that will, at a minimum, make available
32 via an Internet Web site relevant information regarding the amnesty
33 program, including how an individual may participate in the
34 amnesty program.

35 (5) The Judicial Council shall reimburse costs incurred by the
36 Department of Motor Vehicles up to an amount not to exceed two
37 hundred fifty thousand dollars (\$250,000), including all of the
38 following:

39 (A) Providing on a separate insert with each motor vehicle
40 registration renewal notice a summary of the amnesty program

1 established pursuant to this section that is compliant with Section
2 7292 of the Government Code.

3 (B) Posting on the department’s Internet Web site information
4 regarding the amnesty program.

5 (C) Personnel costs associated with the amnesty program.

6 (j) The Judicial Council, in consultation with the department,
7 may, within its existing resources, consider, adopt, or develop
8 recommendations for an appropriate mechanism or mechanisms
9 to allow reinstatement of the driving privilege of any person who
10 otherwise meets the criteria for amnesty but who has violations in
11 more than one county.

12 (k) No criminal action shall be brought against a person for a
13 delinquent fine or bail paid under the amnesty program.

14 (l) (1) The total amount of funds collected under the amnesty
15 program shall, as soon as practical after receipt thereof, be
16 deposited in the county treasury or the account established under
17 Section 77009 of the Government Code. After acceptance of the
18 amount specified in subdivision (h), notwithstanding Section
19 1203.1d of the Penal Code, the remaining revenues collected under
20 the amnesty program shall be distributed on a pro rata basis in the
21 same manner as a partial payment distributed pursuant to Section
22 1462.5 of the Penal Code.

23 (2) Notwithstanding Section 1464 of the Penal Code, the amount
24 of funds collected pursuant to this section that would be available
25 for distribution pursuant to subdivision (f) of Section 1464 of the
26 Penal Code shall instead be distributed as follows:

27 (A) The first two hundred fifty thousand dollars (\$250,000)
28 received shall be transferred to the Judicial Council.

29 (B) Following the transfer of the funds described in
30 subparagraph (A), once a month, both of the following transfers
31 shall occur:

32 (i) An amount equal to 82.20 percent of the amount of funds
33 collected pursuant to this section during the preceding month shall
34 be transferred into the Peace Officers’ Training Fund.

35 (ii) An amount equal to 17.80 percent of the amount of funds
36 collected pursuant to this section during the preceding month shall
37 be transferred into the Corrections Training Fund.

38 (m) Each court or county implementing an amnesty program
39 shall file, not later than May 31, 2017, a written report with the
40 Judicial Council, on a form approved by the Judicial Council. The

1 report shall include information about the number of cases resolved,
2 the amount of money collected, and the operating costs of the
3 amnesty program. Notwithstanding Section 10231.5 of the
4 Government Code, on or before August 31, 2017, the Judicial
5 Council shall submit a report to the Legislature summarizing the
6 information provided by each court or county.

7 *SEC. 2. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution for certain*
9 *costs that may be incurred by a local agency or school district*
10 *because, in that regard, this act creates a new crime or infraction,*
11 *eliminates a crime or infraction, or changes the penalty for a crime*
12 *or infraction, within the meaning of Section 17556 of the*
13 *Government Code, or changes the definition of a crime within the*
14 *meaning of Section 6 of Article XIII B of the California*
15 *Constitution.*

16 *However, if the Commission on State Mandates determines that*
17 *this act contains other costs mandated by the state, reimbursement*
18 *to local agencies and school districts for those costs shall be made*
19 *pursuant to Part 7 (commencing with Section 17500) of Division*
20 *4 of Title 2 of the Government Code.*

21 ~~SECTION 1. The Legislature finds and declares that this act~~
22 ~~shall not be interpreted to alter existing law regarding suspension~~
23 ~~of the privilege to operate a motor vehicle in connection with any~~
24 ~~of the following violations:~~

25 ~~(a) Reckless driving, pursuant to Section 23103 of the Vehicle~~
26 ~~Code.~~

27 ~~(b) Reckless driving proximately causing bodily injury to a~~
28 ~~person, pursuant to Sections 23104 and 23105 of the Vehicle Code.~~

29 ~~(c) Driving under the influence of alcohol, drugs, or both,~~
30 ~~pursuant to Section 23152 of the Vehicle Code.~~

31 ~~(d) Driving under the influence of alcohol, drugs, or both, and~~
32 ~~causing bodily injury to another person, pursuant to Section 23153~~
33 ~~of the Vehicle Code.~~

34 ~~SEC. 2. Section 1214.1 of the Penal Code is amended to read:~~

35 ~~1214.1. (a) In addition to any other penalty in infraction,~~
36 ~~misdemeanor, or felony cases, the court may impose a civil~~
37 ~~assessment of up to three hundred dollars (\$300) against a~~
38 ~~defendant who willfully fails, after notice and without good cause,~~
39 ~~to appear in court for a proceeding authorized by law or who~~
40 ~~willfully fails to pay all or any portion of a fine ordered by the~~

1 court or to pay an installment of bail as agreed to under Section
2 40510.5 of the Vehicle Code. This assessment shall be deposited
3 in the Trial Court Trust Fund, as provided in Section 68085.1 of
4 the Government Code.

5 (b) (1) The assessment imposed pursuant to subdivision (a)
6 shall not become effective until at least 20 calendar days after the
7 court mails a warning notice to the defendant by first-class mail
8 to the address shown on the notice to appear or to the defendant's
9 last known address. Payment of bail, fines, penalties, fees, or a
10 civil assessment shall not be required to schedule a court hearing
11 on the pending underlying charge.

12 (2) Payment of bail, fines, penalties, fees, or a civil assessment
13 shall not be required in order for the court to vacate the assessment
14 at the time of appearance pursuant to paragraph (1). Payment of a
15 civil assessment shall not be required to schedule a court hearing
16 on a pending underlying charge.

17 (c) If a civil assessment is imposed pursuant to subdivision (a),
18 no bench warrant or warrant of arrest shall be issued with respect
19 to the failure to appear at the proceeding for which the assessment
20 is imposed or the failure to pay the fine or installment of bail. An
21 outstanding, unserved bench warrant or warrant of arrest for a
22 failure to appear or for a failure to pay a fine or installment of bail
23 shall be recalled prior to the subsequent imposition of a civil
24 assessment.

25 (d) The assessment imposed pursuant to subdivision (a) shall
26 be subject to the due process requirements governing defense and
27 collection of civil money judgments generally. The ability to pay
28 the assessment shall not be a prerequisite to arraignment, trial, or
29 other court proceedings.

30 (e) Each court and county shall maintain the collection program
31 that was in effect on July 1, 2005, unless otherwise agreed to by
32 the court and county. If a court and a county do not agree on a plan
33 for the collection of civil assessments imposed pursuant to this
34 section, or any other collections under Section 1463.010, after the
35 implementation of Sections 68085.6 and 68085.7 of the
36 Government Code, the court or the county may request arbitration
37 by a third party mutually agreed upon by the Administrative
38 Director of the Courts and the California State Association of
39 Counties.

1 ~~SEC. 3. Section 1463.007 of the Penal Code is amended to~~
2 ~~read:~~

3 ~~1463.007. (a) Notwithstanding any other law, any county or~~
4 ~~court that operates a comprehensive collection program may deduct~~
5 ~~the costs of operating that program, excluding capital expenditures,~~
6 ~~from any revenues collected under that program. The costs shall~~
7 ~~be deducted before any distribution of revenues to other~~
8 ~~governmental entities required by any other law. Any county or~~
9 ~~court operating a comprehensive collection program may establish~~
10 ~~a minimum base fee, fine, forfeiture, penalty, or assessment amount~~
11 ~~for inclusion in the program.~~

12 ~~(b) Once debt becomes delinquent, it continues to be delinquent~~
13 ~~and may be subject to collection by a comprehensive collection~~
14 ~~program. Debt is delinquent and subject to collection by a~~
15 ~~comprehensive collection program if any of the following~~
16 ~~conditions is met:~~

17 ~~(1) A defendant does not post bail or appear on or before the~~
18 ~~date on which he or she promised to appear, or any lawful~~
19 ~~continuance of that date, if that defendant was eligible to post and~~
20 ~~forfeit bail.~~

21 ~~(2) A defendant does not pay the amount imposed by the court~~
22 ~~on or before the date ordered by the court, or any lawful~~
23 ~~continuance of that date.~~

24 ~~(3) A defendant has failed to make an installment payment on~~
25 ~~the date specified by the court.~~

26 ~~(c) For the purposes of this section, a “comprehensive collection~~
27 ~~program” is a separate and distinct revenue collection activity that~~
28 ~~meets each of the following criteria:~~

29 ~~(1) The program identifies and collects amounts arising from~~
30 ~~delinquent court-ordered debt, whether or not a warrant has been~~
31 ~~issued against the alleged violator.~~

32 ~~(2) The program provides payment plans based on the debtor’s~~
33 ~~ability to pay, pursuant to Section 68632 of the Government Code.~~

34 ~~(3) The program complies with the requirements of subdivision~~
35 ~~(b) of Section 1463.010.~~

36 ~~(4) The program engages in each of the following activities:~~

37 ~~(A) Attempts telephone contact with delinquent debtors for~~
38 ~~whom the program has a telephone number to inform them of their~~
39 ~~delinquent status and payment options.~~

- 1 ~~(B) Notifies delinquent debtors for whom the program has an~~
2 ~~address in writing of their outstanding obligation within 95 days~~
3 ~~of delinquency.~~
- 4 ~~(C) Generates internal monthly reports to track collections data,~~
5 ~~such as age of debt and delinquent amounts outstanding.~~
- 6 ~~(D) Uses Department of Motor Vehicles information to locate~~
7 ~~delinquent debtors.~~
- 8 ~~(E) Accepts payment of delinquent debt by credit card.~~
- 9 ~~(5) The program engages in at least five of the following~~
10 ~~activities:~~
 - 11 ~~(A) Sends delinquent debt to the Franchise Tax Board's~~
12 ~~Court-Ordered Debt Collections Program.~~
 - 13 ~~(B) Sends delinquent debt to the Franchise Tax Board's~~
14 ~~Interagency Intercept Collections Program.~~
 - 15 ~~(C) Contracts with one or more private debt collectors to collect~~
16 ~~delinquent debt.~~
 - 17 ~~(D) Sends monthly bills or account statements to all delinquent~~
18 ~~debtors.~~
 - 19 ~~(E) Contracts with local, regional, state, or national skip tracing~~
20 ~~or locator resources or services to locate delinquent debtors.~~
 - 21 ~~(F) Coordinates with the probation department to locate debtors~~
22 ~~who may be on formal or informal probation.~~
 - 23 ~~(G) Uses Employment Development Department employment~~
24 ~~and wage information to collect delinquent debt.~~
 - 25 ~~(H) Establishes wage and bank account garnishments where~~
26 ~~appropriate.~~
 - 27 ~~(I) Places liens on real property owned by delinquent debtors~~
28 ~~when appropriate.~~
 - 29 ~~(J) Uses an automated dialer or automatic call distribution~~
30 ~~system to manage telephone calls.~~
- 31 ~~SEC. 4. Section 12807 of the Vehicle Code is amended to read:~~
32 ~~12807. The department shall not issue or renew a driver's~~
33 ~~license to any person under either of the following circumstances:~~
 - 34 ~~(a) When a license previously issued to the person under this~~
35 ~~code has been suspended until the expiration of the period of the~~
36 ~~suspension, unless cause for suspension has been removed.~~
 - 37 ~~(b) When a license previously issued to the person under this~~
38 ~~code has been revoked until the expiration of one year after the~~
39 ~~date of the revocation, except where a different period of revocation~~

1 is prescribed by this code, or unless the cause for revocation has
2 been removed.

3 ~~SEC. 5. Section 12808 of the Vehicle Code is amended to read:~~
4 ~~12808. (a) Before issuing or renewing any license, the~~
5 ~~department shall check the record of the applicant for conviction~~
6 ~~of traffic violations and traffic accidents.~~

7 ~~(b) Before issuing or renewing any license, the department shall~~
8 ~~check the record of the applicant for notices of failure to appear~~
9 ~~in court filed with the department pursuant to subdivision (b) of~~
10 ~~Section 40509.5 and shall withhold or shall not issue a license to~~
11 ~~any applicant who has violated his or her written promise to appear~~
12 ~~in court unless the department has received a certificate issued by~~
13 ~~the magistrate or clerk of the court hearing the case in which the~~
14 ~~promise was given showing that the case has been adjudicated or~~
15 ~~unless the applicant's record is cleared as provided in Chapter 6~~
16 ~~(commencing with Section 41500) of Division 17. In lieu of the~~
17 ~~certificate of adjudication, a notice from the court stating that the~~
18 ~~original records have been lost or destroyed shall permit the~~
19 ~~department to issue a license.~~

20 ~~(c) (1) Any notice received by the department pursuant to~~
21 ~~Section 40509, 40509.1, or 40509.5, except subdivision (b) of~~
22 ~~Section 40509.5, that has been on file five years may be removed~~
23 ~~from the department records and destroyed at the discretion of the~~
24 ~~department.~~

25 ~~(2) Any notice received by the department under subdivision~~
26 ~~(b) of Section 40509.5 that has been on file 10 years may be~~
27 ~~removed from the department records and destroyed at the~~
28 ~~discretion of the department.~~

29 ~~SEC. 6. Section 13365 of the Vehicle Code is repealed.~~

30 ~~SEC. 7. Section 13365.7 is added to the Vehicle Code, to read:~~
31 ~~13365.7. The department shall restore all driving privileges~~
32 ~~suspended pursuant to former Section 13365, no later than July 1,~~
33 ~~2017.~~

34 ~~SEC. 8. Section 40508 of the Vehicle Code is amended to read:~~
35 ~~40508. (a) A person willfully violating his or her written~~
36 ~~promise to appear or a lawfully granted continuance of his or her~~
37 ~~promise to appear in court or before a person authorized to receive~~
38 ~~a deposit of bail is guilty of a misdemeanor regardless of the~~
39 ~~disposition of the charge upon which he or she was originally~~
40 ~~arrested.~~

1 ~~(b) A person willfully failing to pay bail in installments as~~
2 ~~agreed to under Section 40510.5 or a lawfully imposed fine for a~~
3 ~~violation of a provision of this code or a local ordinance adopted~~
4 ~~pursuant to this code within the time authorized by the court and~~
5 ~~without lawful excuse having been presented to the court on or~~
6 ~~before the date the bail or fine is due is guilty of a misdemeanor~~
7 ~~regardless of the full payment of the bail or fine after that time.~~

8 ~~(c) A person willfully failing to comply with a condition of a~~
9 ~~court order for a violation of this code, other than for failure to~~
10 ~~appear or failure to pay a fine, is guilty of a misdemeanor,~~
11 ~~regardless of his or her subsequent compliance with the order.~~

12 ~~(d) If a person convicted of an infraction fails to pay bail in~~
13 ~~installments as agreed to under Section 40510.5, or a fine or an~~
14 ~~installment thereof, within the time authorized by the court, the~~
15 ~~court may, except as otherwise provided in this subdivision,~~
16 ~~impound the person's driver's license and order the person not to~~
17 ~~drive for a period not to exceed 30 days. Before returning the~~
18 ~~license to the person, the court shall endorse on the reverse side~~
19 ~~of the license that the person was ordered not to drive, the period~~
20 ~~for which that order was made, and the name of the court making~~
21 ~~the order. If a defendant satisfies the court that impounding his or~~
22 ~~her driver's license and ordering the defendant not to drive will~~
23 ~~affect his or her livelihood, the court shall order that the person~~
24 ~~limit his or her driving for a period not to exceed 30 days to driving~~
25 ~~that is essential in the court's determination to the person's~~
26 ~~employment, including the person's driving to and from his or her~~
27 ~~place of employment if other means of transportation are not~~
28 ~~reasonably available. The court shall provide for the endorsement~~
29 ~~of the limitation on the person's license. The impounding of the~~
30 ~~license and ordering the person not to drive or the order limiting~~
31 ~~the person's driving does not constitute a suspension of the license,~~
32 ~~but a violation of the order constitutes contempt of court.~~

33 ~~SEC. 9. Section 40509 of the Vehicle Code is amended to read:~~

34 ~~40509. (a) Except as required under subdivision (b) of Section~~
35 ~~40509.5, if any person has willfully violated a written promise to~~
36 ~~appear or a lawfully granted continuance of his or her promise to~~
37 ~~appear in court or before the person authorized to receive a deposit~~
38 ~~of bail, or violated an order to appear in court, including, but not~~
39 ~~limited to, a written notice to appear issued in accordance with~~
40 ~~Section 40518, the magistrate or clerk of the court may give notice~~

1 of the failure to appear to the department for any violation of this
2 code, or any violation that can be heard by a juvenile traffic hearing
3 referee pursuant to Section 256 of the Welfare and Institutions
4 Code, or any violation of any other statute relating to the safe
5 operation of a vehicle, except violations not required to be reported
6 pursuant to paragraphs (1), (2), (3), (6), and (7) of subdivision (b)
7 of Section 1803. Upon receipt of the notice, the department shall
8 order the person's privilege to operate a motor vehicle restricted
9 to employment-related or medically related purposes, including
10 job training, for the person or a member of his or her family. The
11 restriction shall be effective immediately and shall continue for a
12 period of six months. Upon expiration of the six-month period of
13 restriction, the person's driving privileges shall be fully reinstated.
14 If, during the six-month period of restriction, the case in which
15 the promise was given is adjudicated or the person who has violated
16 the court order appears in court or otherwise satisfies the order of
17 the court, the magistrate or clerk of the court hearing the case shall
18 sign a certificate to that effect, and the department shall
19 immediately reinstate the person's full driving privilege.

20 (b) (1) Notwithstanding subdivision (a), the court may notify
21 the department of the total amount of bail, fines, assessments, and
22 fees authorized or required by this code, including Section 40508.5,
23 which are unpaid by any person.

24 (2) Once a court has established the amount of bail, fines,
25 assessments, and fees, and notified the department, the court shall
26 not further enhance or modify that amount.

27 (3) This subdivision applies only to violations of this code that
28 do not require a mandatory court appearance, are not contested by
29 the defendant, and do not require proof of correction certified by
30 the court.

31 (e) Any violation subject to Section 40001, which is the
32 responsibility of the owner of the vehicle, shall not be reported
33 under this section.

34 (d) The department shall not suspend a driver's license on the
35 basis of information reported to the department pursuant to this
36 section.

37 SEC. 10. Section 40509.5 of the Vehicle Code is amended to
38 read:

39 40509.5. (a) Except as required under subdivision (b), if, with
40 respect to an offense described in subdivision (d), a person has

1 willfully violated his or her written promise to appear or a lawfully
2 granted continuance of his or her promise to appear in court or
3 before the person authorized to receive a deposit of bail, or violated
4 an order to appear in court, including, but not limited to, a written
5 notice to appear issued in accordance with Section 40518, the
6 magistrate or clerk of the court may give notice of the failure to
7 appear to the department for a violation of this code, a violation
8 that can be heard by a juvenile traffic hearing referee pursuant to
9 Section 256 of the Welfare and Institutions Code, or a violation
10 of any other statute relating to the safe operation of a vehicle,
11 except violations not required to be reported pursuant to paragraphs
12 (1), (2), (3), (6), and (7) of subdivision (b) of Section 1803. Upon
13 receipt of the notice, the department shall order the person's
14 privilege to operate a motor vehicle restricted to
15 employment-related or medically related purposes, including job
16 training, for the person or a member of his or her family. The
17 restriction shall be effective immediately and shall continue for a
18 period of six months. Upon expiration of the six-month period of
19 restriction, the person's driving privileges shall be fully reinstated.
20 If, during the six-month period of restriction, the case in which
21 the promise was given is adjudicated or the person who has violated
22 the court order appears in court and satisfies the order of the court,
23 the magistrate or clerk of the court hearing the case shall sign a
24 certificate to that effect, and the department shall immediately
25 reinstate the person's full driving privilege.

26 (b) If a person charged with a violation of Section 23152 or
27 23153, or Section 191.5 of the Penal Code, or subdivision (a) of
28 Section 192.5 of that code has violated a lawfully granted
29 continuance of his or her promise to appear in court or is released
30 from custody on his or her own recognizance and willfully fails
31 to appear in court or before the person authorized to receive a
32 deposit of bail, or violated an order to appear in court, the
33 magistrate or clerk of the court shall give notice to the department
34 of the failure to appear. If thereafter the case in which the notice
35 was given is adjudicated or the person who has violated the court
36 order appears in court or otherwise satisfies the order of the court,
37 the magistrate or clerk of the court hearing the case shall prepare
38 a certificate to that effect. If the court provided the department
39 with notice of the initial failure to appear, the certificate also shall
40 be filed with the department.

- 1 ~~(e) Except as required under subdivision (b), the court shall mail~~
2 ~~a courtesy warning notice to the defendant by first-class mail at~~
3 ~~the address shown on the notice to appear, at least 10 days before~~
4 ~~sending a notice to the department under this section.~~
- 5 ~~(d) If the court notifies the department of a failure to appear~~
6 ~~pursuant to subdivision (a), no arrest warrant shall be issued for~~
7 ~~an alleged violation of subdivision (a) of Section 40508, unless~~
8 ~~one of the following criteria is met:~~
- 9 ~~(1) The alleged underlying offense is a misdemeanor or felony.~~
10 ~~(2) The alleged underlying offense is a violation of any provision~~
11 ~~of Division 12 (commencing with Section 24000), Division 13~~
12 ~~(commencing with Section 29000), or Division 15 (commencing~~
13 ~~with Section 35000), required to be reported pursuant to Section~~
14 ~~1803.~~
- 15 ~~(3) The driver's record does not show that the defendant has a~~
16 ~~valid California driver's license.~~
- 17 ~~(4) The driver's record shows an unresolved charge that the~~
18 ~~defendant is in violation of his or her written promise to appear~~
19 ~~for one or more other alleged violations of the law.~~
- 20 ~~(e) Except as required under subdivision (b), in addition to the~~
21 ~~proceedings described in this section, the court may elect to notify~~
22 ~~the department pursuant to subdivision (b) of Section 40509.~~
- 23 ~~(f) This section is applicable to courts that have elected to~~
24 ~~provide notice pursuant to subdivision (a). The method of~~
25 ~~commencing or terminating an election to proceed under this~~
26 ~~section shall be prescribed by the department.~~
- 27 ~~(g) A violation subject to Section 40001, that is the responsibility~~
28 ~~of the owner of the vehicle, shall not be reported under this section.~~
- 29 ~~(h) (1) The department shall not suspend a driver's license on~~
30 ~~the basis of information reported to the department pursuant to~~
31 ~~this section.~~
- 32 ~~(2) This subdivision does not apply to a suspension pursuant to~~
33 ~~Section 13365.2 as a result of information provided under~~
34 ~~subdivision (b).~~