

ASSEMBLY BILL

No. 2347

Introduced by Assembly Members House and Baugh

February 20, 1998

An act to amend and repeal Section 13106 of, and to repeal Section 13106 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2347, as introduced, House. Department of Motor Vehicles: personal service.

Existing law requires the Department of Motor Vehicles to attempt to provide personal service by using a process server for service of certain persons when certified mail is not delivered. This provision includes a statement that the only purpose of this provision is to provide an additional deterrent to unlawful driving.

This bill would delete that statement.

This bill would also make a technical change by deleting a duplicate provision.

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. Section 13106 of the Vehicle Code, as
2 added by Section 5 of Chapter 1133 of the Statutes of 1994,
3 is amended to read:
4 13106. (a) When the privilege of a person to operate
5 a motor vehicle is suspended or revoked, the department

1 shall notify the person by certified mail, return receipt
 2 requested, of the action taken and of the effective date
 3 thereof, except for those persons personally given notice
 4 by the department or a court, by a peace officer pursuant
 5 to Section 23137 or 23158.5, or otherwise pursuant to this
 6 code. It shall be conclusively presumed that a person has
 7 knowledge of the suspension or revocation if notice has
 8 been sent by certified mail by the department pursuant
 9 to this section to the most recent address reported by the
 10 person to the department pursuant to Section 14600, and
 11 the return receipt has been signed and returned to the
 12 department. It is the responsibility of every licenseholder
 13 to report changes of address to the department pursuant
 14 to Section 14600.

15 (b) ~~(1)~~ In the event the certified mail is not delivered,
 16 the department shall attempt to provide personal service
 17 by using a process server for service of any person whose
 18 driving privilege was suspended or revoked for a
 19 conviction of a violation of Section 23103, 23104, 23152, or
 20 23153, or for any reason listed in subdivision (a) or (c) of
 21 Section 12806, or for negligent or incompetent operation
 22 of a vehicle pursuant to subdivision (e) of Section 12809
 23 or Section 12810.

24 ~~(2) The only purpose of this subdivision is to provide~~
 25 ~~an additional deterrent to unlawful driving.~~

26 (c) At the time of license reinstatement, the
 27 department shall recover, through fees authorized
 28 pursuant to Section 14906, an amount equal to its total
 29 costs of providing notices pursuant to this section.

30 SEC. 2. Section 13106 of the Vehicle Code, as added
 31 by Section 8 of Chapter 1221 of the Statutes of 1994, is
 32 repealed:

33 ~~13106. (a) When the privilege of a person to operate~~
 34 ~~a motor vehicle is suspended or revoked, the department~~
 35 ~~shall notify the person by certified mail, return receipt~~
 36 ~~requested, of the action taken and of the effective date~~
 37 ~~thereof, except for those persons personally given notice~~
 38 ~~by the department or a court, by a peace officer pursuant~~
 39 ~~to Section 23137 or 23158.5, or otherwise pursuant to this~~
 40 ~~code. It shall be conclusively presumed that a person has~~



1 ~~knowledge of the suspension or revocation if notice has~~
2 ~~been sent by certified mail by the department pursuant~~
3 ~~to this section to the most recent address reported by the~~
4 ~~person to the department pursuant to Section 14600, and~~
5 ~~the return receipt has been signed and returned to the~~
6 ~~department. It is the responsibility of every license holder~~
7 ~~to report changes of address to the department pursuant~~
8 ~~to Section 14600.~~

9 ~~(b) (1) In the event the certified mail is not delivered,~~
10 ~~the department shall attempt to provide personal service~~
11 ~~by using a process server for service of any person whose~~
12 ~~driving privilege was suspended or revoked for a~~
13 ~~conviction of a violation of Section 23103, 23104, 23152, or~~
14 ~~23153, or for any reason listed in subdivision (a) or (c) of~~
15 ~~Section 12806, or for negligent or incompetent operation~~
16 ~~of a vehicle pursuant to subdivision (c) of Section 12809~~
17 ~~or Section 12810.~~

18 ~~(2) The only purpose of this subdivision is to provide~~
19 ~~an additional deterrent to unlawful driving.~~

20 ~~(c) At the time of license reinstatement, the~~
21 ~~department shall recover, through fees authorized~~
22 ~~pursuant to Section 14906, an amount equal to its total~~
23 ~~costs of providing notices pursuant to this section.~~

