

Assembly Bill No. 2347

Passed the Assembly May 21, 1998

Chief Clerk of the Assembly

Passed the Senate August 24, 1998

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend and repeal Section 13106 of, to add Section 1803.4 to, and to repeal Section 13106 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

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

(1) Under existing law, all records of the Department of Motor Vehicles are open to public inspection during office hours, except as provided.

This bill would specifically require certain records of notices regarding the suspension or revocation of a person's driving privileges to be provided, as specified and upon request, to defined peace officers while acting within the scope of their employment and to the courts of this state.

(2) Existing law requires the department to attempt to provide personal service by using a process server for service of certain persons whose driving privilege is suspended or revoked when certified mail is not delivered.

This bill would delete that requirement, but would allow the department to utilize alternative methods to determine the whereabouts of a person whose driving privilege has been suspended or revoked.

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

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

SECTION 1. Section 1803.4 is added to the Vehicle Code, to read:

1803.4. Any record regarding the providing of information pursuant to Section 13106, or record of persons personally given notice by the department or a court, by a peace officer pursuant to Section 23137 or 23158.5, or otherwise pursuant to this code regarding the



suspension or revocation of a person's privilege to operate a motor vehicle shall, upon request, be provided as follows:

(a) Immediately to any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, acting within the scope of his or her duties.

(b) Clearly stated on the record provided to any court of this state.

SEC. 2. Section 13106 of the Vehicle Code, as added by Section 5 of Chapter 1133 of the Statutes of 1994, is amended to read:

13106. (a) When the privilege of a person to operate a motor vehicle is suspended or revoked, the department shall notify the person by certified mail, return receipt requested, of the action taken and of the effective date thereof, except for those persons personally given notice by the department or a court, by a peace officer pursuant to Section 23137 or 23158.5, or otherwise pursuant to this code. It shall be conclusively presumed that a person has knowledge of the suspension or revocation if notice has been sent by certified mail by the department pursuant to this section to the most recent address reported by the person to the department pursuant to Section 14600, and the return receipt has been signed and returned to the department. It is the responsibility of every licenseholder to report changes of address to the department pursuant to Section 14600.

(b) The department may utilize alternative methods for determining the whereabouts of a driver, whose driving privilege has been suspended or revoked under this code, for the purpose of providing the driver with notice of suspension or revocation. Alternative methods may include, but are not limited to, cooperating with other state agencies that maintain more current address information than the department's drivers license files.

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



SEC. 3. Section 13106 of the Vehicle Code, as added by Section 8 of Chapter 1221 of the Statutes of 1994, is repealed.



Approved _____, 1998

Governor

