
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 2685 **Hearing Date:** June 19, 2018
Author: Lackey
Version: April 12, 2018
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Driving Privilege: Minors*

HISTORY

Source: Advancing Communities Together

Prior Legislation: SB 1728 (Hughes), Ch. 1023, Stats. of 1994

Support: ACLU of California; California Public Defenders Association

Opposition: None known

Assembly Floor Vote: 73 - 0

PURPOSE

The purpose of this bill is to repeal a provision of law allowing a juvenile court to suspend or delay the driver's license of a habitual truant for up to one year.

Existing law provides that a student subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district. (Ed. Code, § 48260, subd. (a).)

Existing law defines "habitual truant" as a student who has been reported as a truant three or more times per school year, provided that no student shall be deemed a habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the student as well as the student, after the filing of either of the reports required by law. Defines "conscientious effort" as attempting to communicate with the parents of the student at least once using the most cost-effective method possible, which may include e-mail or a phone call. (Ed. Code, § 48262.)

Existing law provides that if a minor has four or more truancies within one school year or a school attendance review board or probation officer determines that the available public and private services are insufficient or inappropriate to correct the habitual truancy of the minor, or to correct the minor's persistent or habitual refusal to obey the reasonable and proper orders or directions of school authorities, or if the minor fails to respond to directives of a school attendance review board or probation officer or to services provided, the minor is then within the

jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court. (Welf. & Inst. Code, § 601, subd. (b).)

Existing law allows a juvenile court to suspend the driver's license of a habitual truant or a ward of the state for up to one year. For minor's not yet eligible to drive, allows the court to order the California Department of Motor Vehicles (DMV) to delay issuing a driver's license for one year subsequent to the time the person becomes legally eligible to drive. Provides that if there is no further truancy in the 12-month period, the court, upon petition of the person affected, may modify the order imposing the delay of the driving privilege. (Veh. Code, § 13202.7, subd. (a).)

Existing law allows the court to suspend the minor's driving privilege for a minor possessing a driver's license, or delay the eligibility for the driving privilege for those not in possession of a driver's license, for one additional year, for each successive time the minor is found to be a habitual truant. (Veh. Code, § 13202.7, subd. (a).)

Existing law allows a juvenile court to order a minor to surrender his or her driver's license. (Veh. Code, § 13202.7, subd. (b).)

Existing law provides that when the juvenile court is considering suspending or delaying a minor's driving privilege, the court must consider whether a personal or family hardship exists that requires the minor to have a driver's license for his or her own, or a member of his or her family's, employment or for medically related purposes. (Veh. Code, § 13202.7, subd. (c).)

Existing law allows the juvenile court to suspend or delay the driving privilege of a minor who commits certain offenses, including those involving a concealable firearm, alcohol or controlled substances, and vandalism. (Veh. Code, §§ 13202.4-13202.6.)

This bill repeals the provisions of law that allow a juvenile court to suspend or delay the driver's license of a habitual truant for up to one year.

COMMENTS

1. Need for This Bill

According to the author:

AB 2685 acts to protect the hard working spirit of our youth while continuing to emphasize the importance of education. As truancy rates have been linked to lower income families, loss of access to the labor force disproportionately affects underprivileged families, and the students within them, who rely on the income provided. This bill would prevent low income families from losing much needed income without weakening the juvenile court's ability to affect a positive influence.

2. Background

Vehicle Code section 13202.7 authorizes a juvenile court to suspend or delay the driver's license of a habitual truant or ward of the state for up to one year. This code section was last amended in 1994 by the enactment of SB 1728 (Hughes, Chapter 1023, Statutes of 1994). SB 1728 amended

several other code sections pertaining to truancy, and the purpose of the bill was to “deter habitual truancy.” (Assem. Com. on Education, Analysis of Sen. Bill No. 1728 (1993-1994 Reg. Sess.) as amended Aug. 19, 1994.)

This bill would repeal Vehicle Code section 13202.7, eliminating the juvenile court’s authority to suspend or delay the driver’s license of a minor based on the minor’s status as a habitual truant.

3. Argument in Support

The ACLU writes:

California law provides for the suspension of driving privileges as a consequence for habitual truancy. As truancy rates have been linked to lower income families, this punishment has a disproportionate impact on lower income families who rely on youth family members’ economic earnings to pay for household necessities.

This punishment also hinders educational advancements for youth who do not have access to reliable public transportation or school bus options if their driver’s license is suspended. Unlike many other states, California does not guarantee school bus transportation to students who live beyond walking distance from school. Current funding for school buses is insufficient, and many districts have significantly reduced or eliminated busing except for special education students. .

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AB 2685 helps prevent low income families from being driven further into poverty and reduces barriers to getting to and from school and work.

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