
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: SB 485 **Hearing Date:** April 2, 2019
Author: Beall
Version: March 25, 2019
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Driving Privilege: Suspension: Offenses Involving Vehicle Use*

HISTORY

Source: Conference of California Bar Associations

Prior Legislation: None

Support: ACLU of California; California Bus Association; California Public Defenders Association; Courage Campaign; Freedom 4 Youth; Initiate Justice; National Association of Social Workers; Pacific Juvenile Defender Center; Youth Justice Coalition;

Opposition: None known

PURPOSE

The purpose of this bill is remove driver's license suspension as a penalty for offenses that are not related to driving.

Existing law provides that a court may suspend for 30 days the driver's license of a person convicted of solicitation for prostitution that occurs when the violation was committed within 1,000 feet of a residence and with a vehicle. (Vehicle Code § 13201.5; Penal Code § 647)

This bill repeals the Vehicle Code Section and deletes the license suspension penalty from the Penal Code.

Existing law provides that a minor who is convicted of any offense involving a firearm that is capable of being concealed, the court may suspend or delay the minor's driving privilege for 5 years. (Vehicle Code § 13202.4)

This bill repeals that section.

Existing law provides that if a person under 21 years of age is convicted of an alcohol related offense, that person's driver's license shall be suspended or delayed for one year. Or, the court may instead restrict the person's license for up to 6 months and the restriction may include the requirement that an ignition interlock be installed. (Vehicle Code §§ 13202.5; 13202.8)

This bill repeals those sections.

This bill makes a number of related changes to the deletion of the requirement that a driver's license be suspended for various alcohol related violations by a person under 21.

Existing law provides that every person over the age of 13 who is convicted of vandalism shall have their driver's license suspended or delayed for two years. (Vehicle Code § 13202.6)

This bill repeals that section.

Existing law provides that the Department of Motor Vehicles (DMV) shall suspend the driver's license of an individual if that licensee's name is included on a list of the 500 largest tax delinquencies in excess of \$100,000. (Business and Professions Code § 494.5)

This bill removes the requirement that a person's driver's license be suspended.

This bill provides that notwithstanding any other law, and to the extent permitted by federal law, and to the extent federal funding is not jeopardized, the court and DMV shall not suspend or delay a person's driving privilege based on that person's conviction of a criminal offense not involving a violation of this code, unless the offense involved the use, or attempted use, of a vehicle and the suspension and delay is otherwise authorized by law.

COMMENTS

1. Need for This Bill

According to the author:

Suspending an individual's driver's license became a popular method of punishment in the 90s, whether or not the crime had anything to do with operating a vehicle. This approach does not increase public safety. It adds an unnecessary workload to the Department of Motor Vehicles (DMV), and financial burden on low-income families and people of color. SB 485 prohibits suspending a driver's license for non-vehicle related crimes.

A driver's license is essential for people's everyday lives. Suspending licenses for non-vehicle related crimes does not prevent individuals from committing those crimes. Such suspensions deter a person's ability to care for their children, work, maintain employment and, importantly, pay restitution.

In fact, financial burden may be the leading factor individuals drive with a suspended license. Because most people's livelihoods depend on having a valid driver's license, it increases the likelihood individuals will violate the law by driving with a suspended license. This leads to incarceration, fines and fees, and impounding vehicles, which all disproportionately affect low-income families and communities of color. 78% of Californians drive to work, and over five million jobs in California require a valid driver's license.¹ Due to lack of jobs in low-income neighborhoods, a suspended license causes a decline in access to jobs in cities and suburbs where there are available jobs, which then creates significant financial burden.

In 2018, Chicago Jobs Council released a report, “Living in Suspension” highlighting the negative impacts of unnecessary driver’s license suspensions on people’s lives in Illinois. Their survey found that 52% of their respondents who had their licenses suspended because of non-driving violations missed an employment opportunity due to the suspension, 72% had to pay more than \$500 to re-obtain a valid license and 31% had to pay more than \$3000 to re-obtain a valid license.² In Florida, Senators Jeff Brandes (R-St. Petersburg) and Darryl Rousen (D-St. Petersburg) filed Senate Bill 302 (2017) to end the suspension of non-driving related offenses. This was a bipartisan effort to significantly reduce the large number of suspensions each year.

California’s laws suspending driver’s licenses for non-vehicle related crimes are outdated and ineffective. The punitive action of suspending a driver’s license for acts unrelated to driving oversteps the DMV’s authority. At a time when California is dedicated to improving service at the DMV, eliminating workload that does not serve a public purpose is a benefit for DMV workers as well as customers. SB 485 prohibits suspending driver’s licenses for non-vehicle related crimes. This bill eliminates an inefficient DMV process, while increasing the likelihood that those convicted will be able to maintain employment and pay restitution.

2. Driver’s license suspension as a penalty

Over the years, suspension of a driver’s license as a penalty was added to a number of provisions that are unrelated to driving. These include prostitution, vandalism and various alcohol related violations committed by a minor. This bill would delete driver’s license suspension as a penalty from these offenses.

3. Argument in Support

In general supporters of the bill point out that suspending a driver’s license for an offense unrelated to driving unnecessarily creates economic barriers for people.

The ACLU states:

A driver’s license is essential for most people’s everyday lives. Suspending licenses for non-vehicle related crimes does not prevent individuals from committing those crimes. Such suspensions merely hinder a person’s ability to care for their children, work, maintain employment, and pay restitution. More than 78% of Californians drive to work, and over five million jobs in California require a valid driver’s license. At a time when there are fewer jobs in low-income neighborhoods, forcing low-income workers to look for employment farther from home, a suspended license can limit access to jobs in cities and suburbs where there are available jobs. This in turn, further widens the income gap and forces more individuals and families into poverty.