

Date of Hearing: April 24, 2017

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 1413 (Holden) – As Amended March 28, 2017

**SUBJECT:** Vehicles: deaf or hard of hearing persons

**SUMMARY:** Requires an application for an original or renewal vehicle registration to additionally include an option for a deaf or hard of hearing person to include a decal depicting the International Symbol of Access for Hearing Loss, commonly known as the “ear symbol” on the registration card for his or her vehicle, and requires that decal to appear on the registration card issued by the Department of Motor Vehicles (DMV), if the person opts to include it.

**EXISTING LAW:**

- 1) Prohibits a person from driving, moving, or leaving upon a highway or in an offstreet public parking facility a vehicle, unless it is registered with DMV and the appropriate fees have been paid.
- 2) Requires an application for an original or renewal vehicle registration to include information including, the vehicle owner’s true, full name, address, driver’s license number, county of residence, the vehicle’s make, model, type, vehicle identification number, and date first sold to a consumer, and any other information reasonably required by DMV.
- 3) Requires a registration card issued by DMV to contain on its face, the date issued, the name and address of the owner, the vehicle’s registration number, and the description of the vehicle, as provided in the registration application.
- 4) Requires a vehicle registration card to identify if the vehicle registered is a rebuilt salvage vehicle, a vehicle previously registered to a law enforcement agency, a vehicle previously operated as a taxicab, a vehicle manufactured outside the United States and not intended for sale in the United States, a park trailer, or a vehicle requiring a warranty return title notation, as specified.
- 5) Requires a motor vehicle sold or leased by a new motor vehicle dealer to be registered by the dealer using electronic programs provided by a qualified private industry partner, as specified.

**FISCAL EFFECT:** Unknown

**COMMENTS:** According to the National Institute on Deafness and Other Communication Disorders, approximately 15% of American adults aged 18 and over report some hearing trouble. Given the size of the deaf and hard of hearing population, law enforcement officers are likely to encounter individuals with communication disorders throughout the course of their work, including at traffic stops.

The author cites an incident in August 2016, during which a deaf man was fatally shot by a state trooper in Charlotte, North Carolina after a brief pursuit because the peace officer, unaware of a

motorist's hearing disability, misinterpreted a motorist's inability to respond to verbal commands as a threat.

In 2016, 35 million vehicles were registered with DMV. Ten million registration renewal transactions were performed online. Currently, most original vehicle registrations take place at the time of purchase through a car dealer electronically transmitting information to DMV. This bill would require that, when making an original or renewal registration, DMV provide an applicant an option to mark on his or her registration card that they are deaf or hard of hearing.

The author states that this option would alert law enforcement, emergency services, and others that the registered vehicle owner may be hearing impaired, reducing the chance of an altercation or miscommunication.

Writing in opposition, the California New Car Dealers Association argues that this bill "establishes an unworkable point-of-vehicle-sale voluntary designation that targets vehicles rather than drivers, needlessly involving dealers in acquiring, verifying and maintaining this personal driver's information that is not directly relevant to the purchase or lease. Additionally, this bill runs the considerable risk of creating new liability allegations for dealers regarding the vehicle transaction."

This bill directly conflicts with AB 381 (Calderon), which passed out of this Committee on March 20, 2017, with a 14-0 vote. AB 381 would require DMV to allow a person to voluntarily indicate that the driver of a vehicle may be deaf or hard of hearing at the time of the original or renewal registration of the vehicle, require DMV to place a notification to that effect in the record of the vehicle registration and provide a peace officer with that information when accessing other information about the vehicle, and prohibit DMV from indicating that information on a driver's license, certificate of ownership, registration card, or license plate. Both bills raise important policy questions that merit legislative attention. The differences in the proposed solutions should be reconciled before the bills are considered by the full Assembly.

*Related legislation:* AB 381 (Calderon) would require DMV to establish the Voluntary Deaf or Hard of Hearing Notification Program. AB 381 passed out of this Committee on March 20, 2017, with a 14-0 vote, and is awaiting a hearing in the Assembly Appropriations Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

NorCal Services for Deaf and Hard of Hearing

### **Opposition**

California New Car Dealers Association

**Analysis Prepared by:** Justin Behrens / TRANS. / (916) 319-2093