

Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2906 (Melendez) – As Amended April 16, 2018

SUBJECT: Vehicles: notice of suspension or revocation of driver's license

SUMMARY: Allows the Department of Motor Vehicles (DMV) to use alternative methods of contacting a person when their license is suspended or revoked. Specifically, **this bill:**

- 1) Allows DMV to contact an individual to alert them that their license has been revoked or suspended via fax machine, email or cell phone.
- 2) Specifies that these additional forms of contact shall have no effect on the rebuttable presumption that a person had knowledge of a suspension or revocation if the notice had been sent by first-class mail by DMV when the first-class mail was sent to the most recent address reported to DMV by the license holder.

EXISTING LAW:

- 1) Requires DMV to contact a person through first-class mail when his or her license has been suspended or revoked.
- 2) Requires individuals to update DMV when they change their address.
- 3) Creates a rebuttable presumption that a person has knowledge of the suspension or revocation if notice has been sent by first-class mail by DMV when the first-class mail has been sent to the most recent address reported to DMV by the license holder.

FISCAL EFFECT: Unknown

COMMENTS:

Author's Statement: According to the author, "Written notices for traffic fines and court dates often get lost in the mail or are sent to the wrong address. Californians that move or frequently travel for work cannot check their mail on a regular basis. And studies have shown millennials do not utilize snail mail and primarily rely on email."

License Suspensions: An individual can have their license suspended or revoked for multiple reasons in California. For example, license suspensions can occur for driving under the influence, negligent operator (points on your license for too many traffic violations), auto theft, speeding, reckless driving, or evading a peace officer. For many reasons, it is important that dangerous drivers are taken off the road.

DMV is currently required to notify individuals if their license has been suspended or revoked by sending a letter to the individual's last updated address. License holders are responsible for updating DMV when they move. In order to ensure a driver cannot evade a violation of driving without a license by claiming they never received notice, our laws create a rebuttable presumption that the person received proper notice of a suspension or revocation if DMV sent a letter via first-class mail to their last updated address.

Committee comments: DMV does not currently store additional contact information in their systems, including phone numbers, emails, and fax numbers. Further, it is unclear why this bill is necessary, as there is nothing prohibiting DMV from utilizing other methods of contacting individuals to notify them of a suspension or revocation, only a requirement that one of those methods must be first-class mail. While the bill specifies that the additional forms of contact will have no effect on the rebuttable presumption, it nonetheless may inspire individuals to challenge DMV for not attempting other methods to contact them which DMV was statutorily authorized to use.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Bus Association

Opposition

None on file

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