

Date of Hearing: April 16, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2918 (Holden) – As Amended April 9, 2018

SUBJECT: Vehicles: driver's handbook

SUMMARY: Requires the Department of Motor Vehicles (DMV) to include within the California Driver's Handbook (Handbook) a section on a person's civil rights during a traffic stop.

Specifically, **this bill:**

- 1) Requires DMV to include within the Handbook a section on a person's civil rights during a traffic stop, including:
 - a) The limitations of a peace officer's authority during a traffic stop.
 - b) The legal rights of drivers and passengers.
 - c) Details on the process for filing complaints against a peace officer.
- 3) Requires DMV to develop this section in consultation with the civil rights section of the Department of Justice (DOJ), California Highway Patrol (CHP), California Commission on Peace Officer Standards and Training (POST) and civil rights organizations, including community-based organizations.
- 4) Allows DMV to include the information at the earliest opportunity when the handbook is otherwise revised or reprinted.

EXISTING LAW:

- 1) Requires DMV to publish a synopsis or summary of the laws regulating the operation of vehicles and the use of highways and to deliver a copy without charge with each original vehicle registration and with each original driver's license. This summary is referred to as the California Driver's Handbook.
- 2) Requires the Handbook to include:
 - a) A section on a driver's responsibility to carry valid evidence of automobile liability insurance and the consequences of failing to do so.
 - b) A section on a driver's responsibility to file a report of an accident with DMV within 10 days of an accident if there were damages over \$1,000 and the consequences of failing to do so.
 - c) A section on rail transit safety.
 - d) A section on dumping of any animal on a highway.
 - e) A section on respecting the right-of-way of others, particularly pedestrians, bicycle riders, and motorcycle riders.

FISCAL EFFECT: Unknown

COMMENTS: DMV publishes the Handbook annually which provides a synopsis of existing law and rules of the road. The Handbook provides a more accessible means for potential and current drivers to understand the rules of the road, and is used as the basis for a written exam when an applicant applies for a driver's license. DMV, puts this document together on its own, and has few statutory requirements on particular sections of the Handbook. The Handbook published in 2018 is 117 pages long.

The current Handbook does contain a section on interactions with peace officers. The section mostly deals with what a driver should do during an enforcement stop. It includes advice, including turning on your right turn signal, moving all the way to the right shoulder of the road (including highways), ending your cell phone conversation and turning off your radio, to remain inside your vehicle, and to place your hands in clear view.

The last section in particular focuses on taking steps to make an officer feel less threatened:

During an enforcement stop, an officer's inability to see the hands of the driver and all occupants in the vehicle increases the officer's level of feeling threatened. Most violent criminal acts against a law enforcement officer occur through the use of a person's hands, such as the use of a firearm, sharp object, etc. If your windows are tinted, it is recommended that you roll down your windows after you have stopped your vehicle on the right shoulder of the roadway and before the officer makes contact with you.

While the Handbook provides a section to advise you on how to interact with the police, nowhere does the handbook provide information on a driver's rights when being pulled over. This bill requires DMV to work with the DOJ's civil rights section, law enforcement, and with civil rights organizations to also include a section on an individual's personal rights.

Committee comments: For the most part, the Handbook focuses on the rules of the road and is meant to make new drivers aware of our traffic laws and existing drivers aware of any changes to the law. Adding a section as described in this bill may be useful to motorists, but it goes beyond the scope or the purpose of the Handbook, and makes a long read even longer.

Logistically, there are other problems with the provisions required by the language in this bill. For example, the bill requires a section on how to file a complaint against a peace officer, except the complaint process varies from jurisdiction to jurisdiction and agency to agency. Some agencies allow you to file a complaint online, in person, over the phone, or by email and clearly have the information available on their websites. Others, however, do not make their complaint process accessible online.

REGISTERED SUPPORT / OPPOSITION:

Support

National Association of Social Workers, California Chapter

Opposition

None on file

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