

Date of Hearing: March 20, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 381 (Calderon) – As Introduced February 9, 2017

SUBJECT: Vehicle registration: Voluntary Deaf or Hard of Hearing Notification Program: establishment

SUMMARY: Establishes the Voluntary Deaf or Hard of Hearing Notification Program. Specifically, **this bill:**

- 1) Requires the Department of Motor Vehicles (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.
- 2) Requires 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.
- 3) Prohibits DMV from indicating that information on a driver's license, certificate of ownership, registration card, or license plate.

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 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 population, law enforcement officers are likely to encounter deaf individuals throughout the course of their work, including at traffic stops.

The author cites several incidents in which a peace officer, unaware of a motorist's hearing disability, have misinterpreted a motorist's inability to respond to verbal commands as a threat. In August 2016, a deaf man was fatally shot by a state trooper in Charlotte, North Carolina after a brief pursuit, and in March 2006, a deaf man was shot with rubber bullets in Modesto after failing to follow verbal commands from police officers to exit his vehicle. In both instances, law enforcement officers did not know the subject was deaf.

This bill would require DMV to establish a program through which a driver could voluntarily indicate on his or her vehicle registration that he or she is deaf or hard of hearing, allowing law enforcement to access this information when an officer runs a vehicle's plates. The author argues that this upfront notification will give the deaf or hard of hearing community peace of

mind knowing that law enforcement will have advance notice of their hearing ability, and give law enforcement more information about the potential occupants of a vehicle in a high-stress traffic stop situation.

In 2016, 35 million vehicles were registered with DMV. Ten million registration 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 DMV to give deaf or hard of hearing drivers an opportunity to opt into the Voluntary Deaf or Hard of Hearing Notification Program when obtaining either an original or renewal registration.

Writing in support, the Deaf and Hard of Hearing Service Center argues that this bill will remind law enforcement officers “not to rely on verbal instructions but to use gestures, write on a notepad, and/or find other visual ways of communicating” with a deaf driver, and will also remind officers “to not shine their flashlights on the faces of [deaf and hard of hearing] drivers because the blinding light prevents them from lip-reading or seeing that the officers are trying to communicate.”

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 1413 (Holden), which is currently awaiting a hearing by this Committee. AB 1413 would require DMV to issue a special license plate to a deaf or hard of hearing person, with a specific symbol on that plate. This visual indicator would directly conflict with this bill’s requirement that DMV not indicate information about a person’s hearing ability 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 1413 (Holden) would require DMV to issue a special license plate to a deaf or hard of hearing person, as specified, and would require the International Symbol of Access for Hearing Loss to be depicted on each deaf or hard of hearing license plate. AB 1413 is awaiting a hearing by this Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Association for Los Angeles Deputy Sheriffs
Association of Deputy District Attorneys
California Association of Code Enforcement Officers
California College and University Police Chiefs Association
California Narcotic Officers Association
Deaf and Hard of Hearing Service Center, Inc.
Los Angeles Police Protective League
Los Angeles County Professional Peace Officers Association

Riverside Sheriffs Association

Opposition

California New Car Dealers Association

Analysis Prepared by: Justin Behrens / TRANS. /