

Date of Hearing: March 13, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Laura Friedman, Chair  
AB 466 (Gipson) – As Introduced February 6, 2023

**SUBJECT:** Vehicles: violations

**SUMMARY:** Removes the ability to charge an individual with a misdemeanor if a person fails to attend traffic violator school (TVS) and provides that failing to attend TVS is not a punishable offense.

**EXISTING LAW:**

- 1) Provides that the failure to attend TVS is a misdemeanor. (Vehicle Code (VEH) 40000.25)
- 2) Allows a court to permit a person holding a driver's license who pleads guilty or no contest or is convicted of certain traffic offenses to complete a course of instruction at a licensed TVS if the person was operating a vehicle requiring only a class C or class M license and provides that a person who completes the course may avoid having a negligent operator point accessed on their driver's license. (VEH 42005)
- 3) Unless otherwise specified, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding six months, or a fine not exceeding \$1000, or by both. (Penal Code 19)

**FISCAL EFFECT:** Unknown

**COMMENTS:** Negligent operator points are often assessed against drivers convicted of a moving violation. If a person is found to be a negligent operator after receiving four or more points on their driver's license, they may have their license restricted or suspended. In order to mitigate the potential for accumulating too many points, persons are authorized to attend TVS once every 18 months to avoid receiving a point on their license for most offenses. Certain offenses, like driving under the influence, are not eligible for TVS.

Existing law provides that if a person decides to take TVS, but fails to do so, they may be convicted of a misdemeanor and subject to imprisonment in county jail up to six months or by a fine not exceeding \$1,000, or by both.

According to the author, "This punishment is excessive and could lead to additional hardships, particularly on low income communities. AB 466 seeks to eliminate this penalty by striking the provision out of law that allows a misdemeanor conviction for not completing traffic school. This bill would have no impact on the overall safety of the roads".

The California Public Defenders Association, writing in support of this bill, argues "It makes no sense that current law threatens misdemeanor punishment for failing to complete traffic school. In addition, this "threat" seems idle. We are unaware of any prosecution in California for failing to complete traffic school. Because the law creates a misdemeanor, a prosecutor would have to file and prosecute the charge and the accused would be entitled to a jury trial and the services of appointed counsel if indigent. Courts and prosecutors recognize that additional prosecution

would be a waste of resources when the failure to complete traffic school already results in the conviction being reported to the individual's insurance company and the attendant insurance rate increase. AB 466 is a commonsense, fiscally sound proposal to clarify and modernize existing law so that it is consistent with current practice”.

*Related legislation:*

AB 1266 (Kalra) of the current legislative session makes it an infraction instead of a misdemeanor if a person fails to appear in court and the underlying charge was an infraction. That bill is pending before Assembly Public Safety Committee.

*Previous Legislation:*

SB 185 (Hertzberg) of 2017 would have made it an infraction instead of a misdemeanor if a person fails to appear in court. That bill was held in Assembly Appropriations Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Public Defenders Association  
Conference of California BAR Associations

**Opposition**

None on file

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