

Date of Hearing: April 18, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 2537 (Gipson) – As Amended March 24, 2022

SUBJECT: Vehicles: driver education

SUMMARY: Requires the Department of Justice (DOJ), in conjunction with the Department of Motor Vehicles (DMV) and the Commission on Peace Officer Standards and Training (POST), to develop and create a video demonstrating the proper conduct by a peace officer and an individual during a traffic stop. Specifically, **this bill:**

- 1) Requires DMV to post this video on their website, and to inform an applicant of an original, renewal or duplicate driver's license (DL) of the video's existence.
- 2) Requires automobile driver education in schools to include a viewing of the video.

EXISTING LAW:

- 1) Requires DMV to publish a synopsis or summary of the laws regulating the operation of vehicles and the use of highways. This summary is referred to as the California Driver's Handbook (Handbook).
- 2) Requires DMV to include within the Handbook a section on a person's civil rights during a traffic stop, including:
 - a) The limitations on a peace officer's authority during a traffic stop; and
 - b) The legal rights of drivers and passengers, including, but not limited to, the right to file complaints against a peace officer.
- 3) Requires the civil rights section of DOJ to develop this section in consultation with DMV, California Highway Patrol (CHP), POST, and civil rights organizations, including community-based organizations.

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 state statute has a few requirements for particular sections of the Handbook.

In 2018 the Legislature passed AB 2918 (Holden), Chapter 723, which required DMV to include in the Handbook a section written by the civil rights section of DOJ about a person's civil rights during a traffic stop and the legal rights of the drivers and passengers. The 2021 Handbook includes two pages on the subject.

According to the author, “Racial profiling has long been and is still is a pervasive issue. Specifically, Black people in California are pulled over for traffic stops most frequently, are most likely to have a gun pointed at them, and are most likely to be detained, handcuffed, and searched. On the issue of “Driving While Black”, there have been efforts to address this bias. California’s Driver’s Handbook, as of January 2021, is approximately 116 pages long. And more specifically, how to conduct one’s self during a traffic stop tediously appears on a two-page spread on page #45 (from pages #45-#46). In practice, it is highly unlikely that, in writing, this would benefit drivers. While the inclusion of this information is with great intent and appreciated, we need to ensure that we are not just including this information to check off a box – if the goal is for drivers to model the stated conduct, a physical display/example is critical.”

This bill requires DOJ to create a video in line with the Section in the Handbook, and requires DMV to post that video on their website, inform an applicant for an original, renewal or duplicate DL of the video’s existence, and incorporates the video into driver’s education curriculum.

Double referral: Should this bill pass this committee it will be referred to the Committee on Public Safety.

Committee Comments: DMV will likely have to promulgate regulations to update the DL form to include information about the video, as well as promulgate regulations to update the driver’s education program and to include additional information on DL renewal forms.

The Motor Vehicle Account (MVA), the primary funding source for DMV, remains structurally imbalanced. Although the MVA is projected to have a positive fund balance through the next five fiscal years, in 2023-24, 2024-25, 2025-26, and 2027-27, expenditures are anticipated to outpace revenues, reducing the fund balance from \$693 million in 2022-23 to \$120 million in 2026-27. The structural imbalance remains even though all future DMV and CHP capital outlay costs are being shifted away from the MVA to the General Fund in an attempt to keep the fund solvent.

Previous legislation:

AB 1918 (Holden), Chapter 723, Statutes of 2018 required DMV to include a section of the Handbook written by the civil rights section of DOJ about a person’s civil rights during a traffic stop and the legal rights of the drivers and passengers.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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