

Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2685 (Lackey) – As Amended April 12, 2018

SUBJECT: Driving privilege: minors

SUMMARY: Repeals a provision of law allowing a juvenile court to suspend or delay the driver's license of a habitual truant or ward of the state for up to one year.

EXISTING LAW:

- 1) Allows a juvenile court to suspend or delay the driver's license of a habitual truant or a ward of the state for up to one year and modify the suspension or delay by either reducing the one year period or by imposing an additional year of suspension or delay.
- 2) Allows a juvenile court to order a minor to surrender his or her driver's license.
- 3) Requires a juvenile court to consider personal or family hardship due to medical needs when deciding whether to suspend or delay the minor's driving privilege.
- 4) Allows the juvenile court to suspend or delay the driving privilege of a minor who commits certain offenses, including those involving a concealed firearm, alcohol or controlled substances, and vandalism.

FISCAL EFFECT: Unknown

COMMENTS: Last year, 380 students had their license suspended for being habitually truant. That is a small fraction of the hundreds of thousands of students that are truant every year. More than 744,000 students, or one in five, were truant in the 2013-14 school year.

Suspending a student's driver's license is generally one of the last steps taken for a student who is habitually truant. Prior to getting to that point, the student must have gotten warnings from law enforcement, and be required to take makeup classes on the weekend or after school. The third time a truancy report is required, the student is classified as habitually truant, and will have to partake in a truancy mediation program. The fourth time a truancy report is required and the student is placed within the jurisdiction of a juvenile court. A court can require the student to participate in at least 20 hours, but not more than 40 hours, of community service. The court may also assess a \$100 fine to the student in which the parents are jointly liable, and could require the student to attend a court approved truancy prevention program. The court can also suspend the student's driver's license.

The American Civil Liberties Union of California, writing in support of the bill, notes that, "As truancy rates have been linked to lower income families, this punishment has a disproportionate impact on lower income families who rely on youth family members' economic earnings to pay for household necessities. This punishment also hinders educational advancements for youth who do not have access to reliable public transportation or school bus options if their driver's license is suspended. Unlike many other states, California does not guarantee school bus transportation to students who live beyond walking distance from school. Current funding for

school buses is insufficient, and many districts have significantly reduced or eliminated busing except for special education students. A survey of Oakland youth, for example, found that 61% of students reported that they sometimes use their lunch money to ride the bus.”

In fact a report issued by the state Attorney General’s office found that around 90% of the students with severe attendance problems were from low income households.

Double Referral: This bill passed out of the Assembly Public Safety Committee on April 10, 2018, with a 7-0 vote.

Committee Comments: While the state grant’s courts the ability to suspend licenses for something completely unrelated to driving, last year it removed the authority for the judiciary to suspend driver’s licenses for failing to pay traffic tickets out of recognition of the harm it may cause for low income families. The legislature may want to consider whether it should continue to allow for the suspension of driver’s licenses for issues unrelated to public safety.

REGISTERED SUPPORT / OPPOSITION:

Support

Advancing Communities Together-Antelope Valley (Sponsor)
American Civil Liberties Union of California

Opposition

None on file

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