

SENATE THIRD READING
 SB 881 (Hertzberg)
 As Amended August 24, 2016
 2/3 vote

SENATE VOTE: 32-7

Committee	Votes	Ayes	Noes
Transportation		(vote not relevant)	>
Public Safety	>	(vote not relevant)	>
Appropriations	13-1	Gonzalez, Bonilla, Bonta, Calderon, Daly, Eggman, Eduardo Garcia, Holden, Quirk, Santiago, Weber, Wood, McCarty	Bloom

SUMMARY: Modifies the traffic amnesty program established for individuals who have had their driver's license suspended due to failure to pay (FTP) traffic fines. Specifically, **this bill:**

- 1) Requires the court, where applicable, to file the appropriate documents certifying that a person with a suspended license has fulfilled the amnesty program requirements within 90 days.
- 2) Requires the court to issue and file the required certificates to reinstate suspended driver's license for amnesty program participants no later than March 31, 2017, for applications submitted before January 1, 2017.
- 3) Clarifies that amnesty program eligibility requirements, among other things, that applications be received by the court on or before the program expiration date of March 31, 2017.
- 4) Clarifies that the court must process all applications received on or before the program's expiration date of March 31, 2017, and that all program terms and procedures related to a participant's payment plan shall remain in effect after the March 31, 2017, program expiration date.
- 5) Makes related, clarifying and conforming amendments to existing law.

EXISTING LAW:

- 1) Authorizes, pursuant to the 2015-16 Budget Act, [SB 85 (Committee on Budget and Fiscal Review), Chapter 26, Statutes of 2015], a one-time, 18-month traffic infraction amnesty program running from October 1, 2015, until March 31, 2017, that reduced the total amount of outstanding court-ordered debt owed for traffic infractions and certain traffic misdemeanors by 50%, provided specified criteria are met, and allowed driving privileges to be reinstated for individuals who have had their driving privileges revoked as a result of a failure to appear (FTA) or FTP.

- 2) Required courts pursuant to SB 405 (Hertzberg), Chapter 385, Statutes of 2015, to allow individuals to schedule court proceedings, even if bail or civil assessment had been imposed, and further clarified the traffic amnesty program.

FISCAL EFFECT: According to the Assembly Appropriations Committee, unknown one-time net revenue gain during extended amnesty period and longer term loss of revenue from reduced collections.

COMMENTS: In June 2015, the Governor signed into law an amnesty program for unpaid tickets issued for certain traffic infractions. The amnesty program began on October 1, 2015, and is set to expire on March 31, 2017. The program is designed to help two groups of individuals. The first group includes individuals with unpaid tickets whose fines were originally due to be paid on or before January 1, 2013, and who had not made a payment after September 30, 2015. These persons are eligible to have their debt reduced by 50% or 80%, depending on their income and to have their driver's license reinstated if they meet certain requirements. The second group of individuals affected by the amnesty program includes those who made payments on fines after September 30, 2015. While this group is not eligible for a reduction of that particular ticket, they are eligible to have their driver's license reinstated if they are in good standing on a payment plan with a comprehensive collection program.

The Department of Motor Vehicles (DMV) reports that over 600,000 Californians currently have suspended driver's license for failure FTA for or FTP traffic tickets. The courts estimate that approximately 4.9 million people are eligible for the amnesty program, which represents approximately \$4 billion in uncollected debt. To date, a total of 132,879 delinquent infraction and misdemeanor accounts have been resolved through the amnesty program resulting in nearly \$19 million in gross revenues collected. With regard to driver's license reinstatement, the Judicial Council reports that over 104,000 requests have been made of the DMV to reinstate driving privileges through the amnesty program.

The author notes that despite the overall success of the amnesty program, he remains concerned that courts in some jurisdictions are significantly delayed in processing the certificates needed to allow DMV to reinstate the driving privilege for program participants. Furthermore, he contends that these delays unfairly harm program participants who need to drive, if for no other reason, than as a means to pay their debt. To address this issue, the author proposes to amend the amnesty program to require that courts process the necessary paperwork with the DMV within specified timeframes. The author has also suggested program amendments that would remove ambiguity with respect to other program requirements.

By specifying clear timeframes by which courts must process documents needed by DMV to reinstate driving privileges, this bill will help to ensure that the amnesty program benefits are fully realized by program participants. Additionally, the amendments clarifying, what some believe, are ambiguities with respect to overall program requirements will help to ensure the program operates as intended.