Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
AB 256 (Dixon) – As Amended April 17, 2023

SUBJECT: Vehicles: registration

SUMMARY: Prohibits law enforcement from taking any enforcement action, including towing a vehicle, for expired vehicle registration before the second month after the month of expiration of the vehicle's registration, including lacking a registration tab, beginning July 1, 2024 until January 1, 2030.

EXISTING LAW:

1) Provides that a person shall not drive, move, or leave standing upon a highway, or in an off-street public parking facility, any motor vehicle unless it is registered with the DMV and the appropriate fees have been paid, with exceptions. (Vehicle Code section (VEH) 4000)

2) Establishes various requirements regarding the display of license plates and registration tabs and stickers. (VEH 5200-5206)

FISCAL EFFECT: Unknown

COMMENTS:

This bill eliminates the ability for law enforcement to take any enforcement action against a person for their registration being expired for only a month. This is in line with California Highway Patrol (CHP) policy to not stop and ticket someone the first month their registration is expired. This bill does not apply to fleet vehicles.

According to the author, **"**The average cost of registering a vehicle in California is $289, which is a 66% increase over the last six years. Vehicle registration fees and taxes increase yearly to reflect current inflation. With inflation at a 40-year high and the cost of living only increasing, it is vital that we provide Californians adequate time to deal with the sticker shock. Transportation is essential for many Californians and living in fear of losing their vehicle because of their inability to pay their vehicle registration is burdensome. AB 256 will delay enforcement for driving with an expired vehicle registration or 30 days after the registration becomes delinquent."

Stops for low-level offenses such a vehicle registration being expired have been criticized for being pretextual stops, or stops used as an investigative tool for something completely unrelated to the actual reason for the stop.

Criticism of pretext stops has increased in recent years. Many argue that pretext stops are a driver of racial bias in law enforcement (discussed further below), while others claim that they subvert the spirit, if not the letter, of the Fourth Amendment by giving officers carte blanche to stop a vehicle. Critics also point to the difficulty in contesting a pretext stop in court. That is, if an officer stops a driver based on an observed traffic violation – of which there are dozens – the driver bears the burden of producing evidence to refute the officer's testimony, that, for instance, the license plate was obscured or a taillight was not properly illuminated on a specific date and time. All of these issues, critics argue, lead to disparate outcomes, primarily based on race, and undermine police legitimacy in the eyes of the communities they serve.

Most of the criticism of pretext stops has centered around their disparate impact on communities of color. In 2020, the Stanford Open Policing Project published an analysis of almost 100 million police traffic stops conducted between 2011 and 2017 by 21 state patrol agencies (including the California Highway Patrol) and 29 municipal police departments nationwide. One of the study's central findings was that "police stopped and searched black and Hispanic drivers on the basis of less evidence used in stopping white drivers, who are searched less but are more likely to be found with illegal items." Moreover, these stops based on routine traffic violations often turn violent. A 2021 New York Times investigation found that in the preceding 5 years, police officers killed at least more than 400 unarmed drivers and passengers who were not under pursuit for a violent crime and about 60 officers died at the hands of motorists who had been pulled over.

In 2015, the Legislature passed AB 953 (Weber), Chapter 466, Statutes of 2015, also known as the Racial and Identity Profiling Act (RIPA) of 2015, which expressly prohibited racial and identity profiling by law enforcement and requires law enforcement agencies to report vehicle stop data to the Department of Justices. A 2022 analysis conducted by the Public Policy Institute of California of RIPA stop data collected in 2019 California found the following:

> [Our] research finds that Black Californians are more than twice as likely to be searched as white Californians, but searches of Black Californians are somewhat less likely to yield contraband or evidence. […] Black Californians are markedly overrepresented in traffic stops […] and white drivers are somewhat underrepresented. […]
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> The likelihood of being searched during a traffic stop varies across race and ethnicity as well as across agency type. Black drivers stopped by local police and sheriff departments are searched in 20% of traffic stops, while the search rates for Latino and white drivers are 13% and 6%, respectively. […]While roughly one in ten white drivers stopped by local law enforcement in the late evening are searched for contraband or evidence, about one in four Black drivers and one in five Latino drivers are searched. […] The higher search rates of Latino and Black drivers in traffic stops made by local law enforcement are not associated with higher rates of discovery of contraband or evidence.

In January, 2023, the RIPA Board released its sixth annual report on stop data collected in the 2021 calendar year, which showed that the most commonly reported reason for a stop (86.8%) across all racial/ethnic groups was a traffic violation, and that individuals perceived as Black or Hispanic comprised nearly 58% of the stops reported (against a total population share of 42%), while just under 31% of the stops involved individuals perceived as white (against a total population share of 35%). Additionally, the report found that officers used force against people perceived as Black at 2.2 times the rate of individuals perceived as white.

In addition to publishing compiled stop data, the RIPA board suggests best practices and provides recommendations to law enforcement agencies and policymakers. Regarding pretextual stops, the RIPA board, in its most recent report, recommended that the Legislature and local law enforcement should examine approaches to:

- Eliminate all pretextual stops and subsequent searches and ensure that a stop or search is based on reasonable suspicion or probable cause.

- Identify and take action to limit enforcement of traffic laws and minor offenses that pose a low public safety risk and show significant disparities in the rate of enforcement.

- Limit armed responses to traffic enforcement by allowing for stops only if there is a concern for public safety, and consider amending the Vehicle Code to more broadly move traffic enforcement out of law enforcement's purview (i.e. to a civilian traffic unit).

In December 2022, the Committee on the Revision of the Penal Code (CRPC) released its annual report, issuing a series of 10 recommendations spanning various topics in criminal law. Their fourth recommendation urged the Legislature to "prohibit police officers from stopping people for technical, non-safety-related traffic offenses, including at a minimum offenses related to vehicle or equipment registration, position or number of license plates, lighting equipment, window tints or obstructions, and bicycle equipment and operation. "This bill implements the one aspect of the recommendations of both the CRPC and the RIPA board described above.

The California Highway Patrolmen, writing in opposition, argue "Under current law, a vehicle that fails to display current month and year tabs or display expired tabs is in violation of law. AB 256 would, commencing July 1, 2024, until January 1, 2030, prohibit a violation of these provisions from being the basis for any enforcement action before the 2nd month after the month of expiration of the vehicle's registration.

The Motor Vehicle Account (MVA) is basically the sole source of funding for the CHP. They get zero revenue from any tickets they write, so the MVA is critically short of funding most of the time. We see this bill as a very serious drain of millions of dollars on that account."

Committee comments: DMV makes over $500 million in late fees on vehicle registration a year, and registration fees go up by 60% if the fee is late by more than a month. CHP policy is not to stop individuals the first month registration is due for late registration. It is unlikely that not being able to stop someone and issue a ticket for a late registration the first month will ultimately drain the MVA, because CHP current policy is not to stop these individuals.

Related Legislation:

AB 925 (Ta of 2023) requires a peace officer or employee to verify with the DMV that no current vehicle registration exists before towing a vehicle for having expired registration longer than six months and prohibits the vehicle from being towed if the officer or employee does not have immediate access to those records. That bill passed out of this committee and is pending before Assembly Appropriations Committee.

SB 50 (Bradford of 2023) prohibits peace officers from initiating a traffic stop for specified low-level infractions, including expired registration, unless a separate, independent basis for a stop exists, and to authorize local authorities to enforce traffic violations through the use of non-sworn government employees.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

California Association of Highway Patrolmen

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