Date of Hearing:  March 27, 2023

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ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
AB 1125 (Hart) – As Amended March 2, 2023

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**SUBJECT**:  Vehicle Code:  infractions

**SUMMARY**:  Repeals existing law authorizing courts to impound a person's driver's license (DL) and order the person not to drive for 30 days if they fail to make an agreed upon installment payment for bail or a fine.

**EXISTING LAW**:

1) Authorizes the clerk of the court to make an agreement with a defendant to pay a fine in installment payments (Vehicle Code Section (VEH) 40510.5)

2) Authorizes a court to impound a person's DL and order the person not to drive for a period of 30 days if they fail to make an agreed upon installment payment for bail or a fine. (VEH 40508)

3) Prohibits a person from driving a motor vehicle with a suspended license, provides that it is a misdemeanor with imprisonment in county jail for not more than six months or by a fine of not less than $300 or more than $1000 or both (VEH 14601.1)

4) Authorizes a peace officer to impound a vehicle for 30 days if the person was driving with a suspended license (VEH 14602.6)

**FISCAL EFFECT**:  Unknown

**COMMENTS**:  Over the last five years the California Legislature has recognized the harm caused to a person by suspending their DL for reasons unrelated to dangerous driving. Individuals driving with a suspended license are subject to a misdemeanor that may result in jail time and they could have their vehicles impounded for 30 days. Many drivers with suspended licenses are likely to continue driving because of the necessity of a car to get to work, increasing the likelihood of committing a hit and run to avoid the compounding criminal and financial consequences of driving uninsured and without a valid license.

The California Legislature has removed most suspensions of DLs unrelated to driving behavior, including suspensions related to failure to pay traffic fines, failure to appear in court, vandalism, truancy, providing alcohol to a person under 21, purchasing, possessing or consuming alcohol under the age of 21, soliciting a prostitute, or a minor possessing a firearm.

According to the author, "AB 1125 will prohibit the suspension of a Californian's driver's license for failure to pay bail installments. This  measure aims to provide equality for low-income individuals and people of color. Valid Driver's licenses are critical in  obtaining employment, housing and social services in California and are therefore an essential need."

The Committee on Revision of the Penal Code has noted that "research shows that license suspensions have dramatic economic consequences. Data from New Jersey concludes that 42% of people surveyed lost a job while their license was suspended, 45% reported not finding another job, and 88% reported reduced income. Another study showed that women with young children receiving public assistance were twice as likely to find employment if they had a DL — a bigger impact than having graduated from high school."

The Prosecutors Alliance of California, who are in support of this bill, argue "Under current law, if a person has agreed to pay a traffic ticket in installments and fails to keep up with the payments, the court may impound their driver's license and order the person not to drive for up to 30 days. This penalty disproportionately impacts low-income people of color, impeding their ability to take their children to school, buy groceries, and access healthcare and employment – making it even less likely they will be able to make their payments.  Many people may have no choice but to continue driving without a valid license, risking more fines, fees and other penalties and making the streets less safe for all.

AB 1125 will simply repeal the authorization for courts to impound a person's driver's license or limit their driving simply because they are behind on their payments for traffic tickets. This is consistent with steps the Legislature has taken over the last several years to limit suspension of driver's licenses to safety related matters."

*Committee comments:* AB 103 (Committee on Budget), Chapter 17, Statutes of 2017 removed the DL suspension for failure to pay a traffic fine. The purpose of that provision was to prevent people from losing their DL because of their inability to pay a traffic fine. However, that measure may have inadvertently left out the provision this bill seeks to remove. Individuals that are seeking installment payments are likely the low income populations AB 103 intended to protect from license suspensions. This bill furthers the goals of the Legislature by removing the authority for courts to suspend a license.

*Related Legislation:*

AB 1266 (Kalra of 2023) makes it an infraction instead of a misdemeanor to for failure to appear in court when the underlining offense was an infraction. This bill also removes the misdemeanor charge for failing to make an installment payment authorized by the court.

*Previous Legislation:*

AB 2746 (Friedman), Chapter 800, Statutes of 2022 removed the DL suspension for failure to appear in court.

SB 485 (Beall), Chapter 505, Statutes of 2019 repealed various DL suspensions for reasons unrelated to unsafe driving, including vandalism, controlled substance of alcohol use, firearm use, soliciting or engaging in prostitution.

AB 2685 (Lackey), Chapter 717, Statutes of 2018 eliminated license suspensions for minors who are found to be habitually truant.

 AB 103 (Committee on Budget), Chapter 17, Statutes of 2017 removed the DL suspension for failure to pay a traffic fine.

**REGISTERED SUPPORT / OPPOSITION**:

**Support**

ACLU California Action
Californians for Safety and Justice
Californians United for A Responsible Budget
Communities United for Restorative Youth Justice (CURYJ)
Fair Chance Project
Initiate Justice
Lawyers' Committee for Civil Rights of The San Francisco Bay Area
Legal Services for Prisoners With Children
Prosecutors Alliance California
Sister Warriors Freedom Coalition

**Opposition**

None on file

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