

Date of Hearing: April 1, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 259 (Calderon) –Amended March 4, 2019

SUBJECT: Vehicle registration: Voluntary Deaf or Hard of Hearing Notification Program

SUMMARY: Allows an individual to indicate on their original or renewal vehicle registration if the driver of the vehicle may be deaf or hard of hearing beginning on July 1, 2022. Specifically, **this bill:**

- 1) Creates the Voluntary Deaf or Hard of Hearing Notification Program within the Department of Motor Vehicles (DMV).
- 2) Requires DMV to allow an individual to indicate on their original or renewal vehicle registration if the driver of the vehicle may be deaf or hard of hearing.
- 3) Requires this information to be available to peace officers when accessing the vehicle registration file in the California Law Enforcement Telecommunications System (CLETS).
- 4) Specifies that DMV shall not provide this information on a driver's license, certificate of ownership, registration card, or license plate.
- 5) Specifies this article should not be interpreted to impose a duty on a person or business other than DMV to assist a person in enrolling in the program.
- 6) Makes this bill operative on July 1, 2022.

EXISTING LAW:

- 1) Prohibits a person from driving, moving, or leaving upon a highway or in an off street public parking facility a vehicle, unless it is registered with DMV and the appropriate fees have been paid.
- 2) Requires a motor vehicle sold or leased by a new motor vehicle dealer to be registered by the dealer using electronic programs provided by a qualified private industry partner, as specified.

FISCAL EFFECT: Unknown

COMMENTS: According to the Author, "AB 259 intends to help both law enforcement and the deaf and hard of hearing community during traffic stops. The Voluntary Deaf or Hard of Hearing Notification Program will provide law enforcement with helpful information that will contribute to a more successful interaction with deaf motorists, as well as afford that community more confidence when being pulled over for a routine traffic stop. The deaf or hard of hearing community deserves the peace of mind that comes with knowing that law enforcement will have advance notice of their hearing ability, and thus will not be relying on verbal commands. A misunderstanding during a routine traffic stop can escalate when the driver is unable to heed those verbal commands. The more information officers have before approaching a vehicle, the better they can protect and serve as intended."

When an officer stops a vehicle, they have the ability to check CLETS. According to the California Highway Patrol (CHP), CLETS is the communications network law enforcement queries to obtain license plate and/or driver license information. Officers obtain CLETS data via computer in a patrol vehicle, through a verbal request to police dispatch, or by use of a terminal located at the officer's respective station. CLETS license plate data is almost identical to what you see on a vehicle registration card (name of registered owner, address of registered owner, year, make, model of vehicle). CLETS also provides administrative information such as registration fees paid and whether or not the registered owner's insurance carrier has transmitted proof of insurance electronically to the DMV.

Law enforcement may check this information before or after they have approached an individual in a traffic stop, though it is more common practice for CHP to check after having already made contact with the driver, as the person driving the vehicle may not be the person to whom the vehicle is registered.

According to the National Institute on Deafness and Other Communication Disorders, approximately 15% of American adults aged 18 and over report some hearing trouble. Deaf and hard of hearing individuals are permitted to drive, and being deaf is not considered a disability for the purpose of receiving disabled plates from DMV.

Law enforcement often have to interact with individuals who are deaf or hard of hearing. The author has cited several instances where these interactions have led to harm as a result of an officer not recognizing the fact that the person they are speaking with cannot hear their verbal commands. For example, in March of 2006, a deaf man from Modesto was fired upon with beanbags when he did not respond to verbal requests to exit his vehicle. The police at the time were looking for someone driving a pickup similar to the one the man was driving. That case was ultimately settled for \$40,000.

However, the actual number of individuals who are deaf and hard of hearing who may have been seriously injured or killed by law enforcement in California is unknown. It was only recently that statewide data was made available on the number of individuals who were seriously injured or killed by law enforcement. AB 71 (Rodriguez), Chapter 462, statutes of 2015, required each law enforcement agency in the state to provide such information to the Attorney General, and then for the Attorney General to publish an annual report on that data. This report requires the gender, race, and age of the individuals shot, injured or killed. However it does not include data on whether or not the individual had any disabilities.

Disability Rights California, arguing in support, states "Some people who are deaf fear being targeted if everyone knows they are deaf. However, some people who are deaf or hard of hearing want a peace officer to know they are deaf. This bill will provide the information to peace officers without displaying the information to the public. This program is also voluntary, allowing people the choice of providing the information."

Governor Brown vetoed a nearly identical bill, AB 381 (Calderon) in 2017. The veto message stated, "This bill allows drivers to voluntarily indicate on their vehicle registration that they are deaf or hard of hearing. I believe this approach falls short of achieving the author's intent. Law enforcement officers typically make contact with drivers prior to receiving their vehicle registration. I encourage the author to work with the California Highway Patrol and Department of Motor Vehicles on a more effective administrative solution."

Committee Comments: Last year, Governor Brown vetoed almost every bill that would have resulted in increased operational costs to DMV. The Legislative Analyst Office predicts the Motor Vehicle Account (MVA), which accounts for 95% of DMV funding, will become insolvent by 2021-2022.

Last year there was a noticeable uptick in wait times at DMV. As a result, DMV began reporting monthly numbers on wait times to the Joint Legislative Budget Committee. In the last week of July of 2018, DMV reported that the average wait time for non-appointment customers was two hours and ten minutes. The top 20 most impacted DMV field offices saw average wait times of three hours and 21 minutes.

DMV attributes much of the increase in wait times to compliance with the Federal REAL ID Act of 2005, which requires in-person verification for a state issued driver's license or identification cards in order for a person to fly domestically or enter a federal building. While individuals traditionally only have to renew their state issued driver's license in person once every 15 years, individuals who wish to fly domestically have between January 2018 and October 2020 to renew in person, regardless of when their driver's licenses expire.

DMV began to hire significantly more staff as a result of the increase in wait times. Between July 1, 2018 and December 31, 2018, DMV made 946 civil service appointments, 680 emergency hires, and hired 141 retired annuitants. DMV made several technological changes as well, including allowing individuals to electronically fill out their information either online or while waiting for their appointment. These actions have sped up transactions.

By January, the statewide average wait time for those without an appointment dropped to 57 minutes and the top 20 offices saw an average wait time of 95 minutes. DMV has set a goal of reducing their average wait times to 45 minutes for those without an appointment, and 15 minutes for those with an appointment. So far DMV has not met that goal.

In addition, Governor Brown initiated an audit of DMV currently being conducted by the Department of Finance. Governor Newsom has indicated he will continue the audit, and announced on January 10, 2019 that a DMV Strike Team would be formed to look at reforms to DMV. These reforms are aimed at making DMV more customer friendly while also reducing wait times.

In light of Governor Newsom's reform efforts of DMV, the impending insolvency of the MVA, and the fact that law enforcement does not necessarily run someone's plates before a stop is made, the Legislature may want to consider if now a good time to increase the operational costs to DMV.

Previous legislation:

AB 381 (Calderon) of 2017 was nearly identical to this bill. That bill was vetoed by Governor Brown.

AB 1413 (Holden) of 2017 would have required DMV to issue a special license plate to a deaf or hard of hearing person, as specified, and would require the International Symbol of Access for Hearing Loss to be depicted on each deaf or hard of hearing license plate. AB 1413 was held in the Assembly Appropriations Committee on the suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

Association for Los Angeles Deputy Sheriffs
Disability Rights California
Los Angeles Police Protective League

Opposition

None on file.

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