

Date of Hearing: May 12, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 907 (Santiago) – As Amended April 19, 2021

Policy Committee: Transportation

Vote: 11 - 4

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill lowers the penalties for driving without a license and prohibits a court from suspending a driver's license for failure to appear for an infraction resulting from violation of the Vehicle Code.

Specifically, this bill:

- 1) Provides that the first and second offense for driving without a license shall be an infraction with a \$100 fine unless the person has prior, safety-related suspensions or revocations on their license.
- 2) Specifies the \$100 fine is not subject to any additional penalty assessments, surcharges or penalties.
- 3) Provides that the Department of Motor Vehicles (DMV) shall not suspend a driver's license because a person failed to appear for an infraction violation or for a misdemeanor violation of failure to appear.

FISCAL EFFECT:

- 1) This bill will require DMV to make changes to its administrative processes and computer systems to enable courts to indicate whether an alleged violation is an infraction or misdemeanor, and limit suspension for a failures to appear associated with a misdemeanor violation. The DMV estimates programming costs to be in the low millions of dollars, one time (Motor Vehicle Account (MVA)). DMV contends it could not implement these changes by the bill's operative date, January 1, 2022.

(The MVA—the main funding sources for the DMV and the California Highway Patrol—faces a structural deficit and the Department of Finance warns the MVA will be insolvent in fiscal year 2024-25.)

- 2) Cost to the courts of an unknown, but potentially significant amount. Judicial Council cautions it does not yet have an estimate of potential revenue loss associated with this bill because it lacks an estimate of the number of fines, and associated revenue, that is collected for convictions of driving without a valid driver license. Judicial Council notes, however, the

bill eliminates the assessment of penalties that support trial court construction (Government Code sections 70372 and 70373) and trial court operations (Penal Code section 1465.8) and that, over the past three pre-pandemic fiscal years, courts collected an annual average of \$280.7 million in revenues pursuant to these three code sections.

COMMENTS:

- 1) **Purpose.** This bill lowers the burden faced by someone who drives without a license or who fails to appear in court because, the author contends, such violations are not related to public safety. According to the author:

We have a duty to ensure individuals are not overburdened by fines and fees that make it harder to stay afloat during these unprecedented times. COVID-19 has exposed deep inequities, including economic inequities, within our state. This bill will drastically reduce the fines and fees individuals could face for two non-public safety traffic related offenses. As thousands remain unemployed throughout California, now is the time to make it easier to get around, not harder.

- 2) **Background.** According to the policy committee analysis of this bill, research is mixed on the question of whether a person who drives without a license does so more dangerously than does a properly licensed driver. What is more clear, however, is that suspension or loss of a driver license can cause a driver significant economic harm. Currently, the total fine for driving without a license is \$400, and DMV can suspend the license of a person who fails to appear in court for an infraction. This combination of loss of license and burdensome fines can compound, becoming increasingly costly.

In recent years, the state has limited the seriousness of penalties for driving without a license and, generally, decoupled driver license suspension from punishment for offenses not related to driving. Governor Newsom established the Committee on Revision of the Penal Code to thoroughly examine California's criminal laws. In its first report to the Legislature, the committee recommended making driving without a license an infraction and lowering the fine. Similarly, statute has lifted DL suspensions for reasons unrelated to bad driving, including unpaid traffic fines, high school truancy, vandalism, firearm use and controlled substance or alcohol use unrelated to driving.

The author contends California has "a duty to ensure individuals are not overburdened by fines and fees that make it harder to stay afloat during these unprecedented times." Writing in support of the bill, the organization Californians for Safety and Justice asserts:

Driving without a license, or driving with a license suspended for failure to appear in court or pay a fine can lead to exorbitant fines and fees, and even incarceration. These penalties disproportionately impact low-income communities and communities of color. One study found that Black and Latino motorists were overly represented among those who are arrested for driving with a suspended license or for failure to appear in court or pay a fine. Importantly, a suspended license may

lead to the loss of transportation and a job, educational opportunities,
and bring severe financial burdens onto an individual.

Analysis Prepared by: Jay Dickenson / APPR. / (916) 319-2081