
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 1125 **Hearing Date:** June 6, 2023
Author: Hart
Version: March 2, 2023
Urgency: No **Fiscal:** No
Consultant: MK

Subject: *Vehicle Code: infractions*

HISTORY

Source: Prosecutors Alliance of California

Prior Legislation: AB 1746 (Friedman), Chapter 800, Statutes of 2022
SB 1055 (Kamlager), Chapter 830 Statutes of 2022
SB 485 (Beall), Chapter 505, Statutes of 2019
AB 2685 (Lackey), Chapter 717, Statutes of 2018
AB 103 (Committee on Budget), Chapter 17, Statutes of 2017

Support: ACLU California Action
California Public Defenders Association
Californians for Safety and Justice
Californians United for A Responsible Budget
Communities United for Restorative Youth Justice
Fair Chance Project
Initiate Justice
Lawyers' Committee for Civil Rights of The San Francisco Bay Area
Legal Services for Prisoners With Children
Sister Warriors Freedom Coalition

Opposition: None known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is eliminate the court's authority to suspend a person's driver's license 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 authorizes the clerk of the court to make an agreement with a defendant to pay a fine in installment payments. (Vehicle Code § 40510.5 (a).)

Existing law authorizes the court to charge a failure to appear or issue an arrest warrant for a failure to appear when the defendant fails to make an installment payment pursuant to an installment agreement. (Vehicle Code § 40510.5(e).)

Existing law provides that a person who willfully fails to pay bail or a fine in installments as agreed to, is guilty of a misdemeanor regardless of the full payment of the bail or fine after that time. (Vehicle Code § 40508 (b).)

Existing law authorizes a court to impound a person's driver's license 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. (Vehicle Code § 40508 (d).)

Existing law prohibits a person from driving a vehicle with a suspended license and punishes a violation as a misdemeanor with imprisonment in county jail for not more than six months, or by a fine ranging from \$300 to \$1000, or both. (Vehicle Code § 14601.1 (a) & (b).)

Existing law authorizes a peace officer to impound a vehicle for 30 days if a person was driving with a suspended license. (Vehicle Code § 14602.6 (a)(1).)

This bill eliminates the court's authority to suspend a person's driver's license 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.

COMMENTS

1. Need for This Bill

According to the author:

AB 1125 ends the practice of a court impounding the driver's licenses of low-income individuals who miss traffic ticket installment payments. The Legislature has already protected individuals with unpaid fines who are not on installment plans. AB 1125 ensures that all Californians are able to maintain their driver's license regardless of their ability to pay off money owed for traffic infractions. Correcting this inequity is necessary to mitigate the impact on marginalized communities.

2. Correlation Between Access to a Vehicle and Income Stability

In most cities in California it is difficult to live in without a car. Some urban areas are manageable without a car, but many of these areas also have some of the highest costs of living in the country. For example, while San Francisco and Los Angeles were recently named as the first and 14th best city in the country for people without cars, Los Angeles has also been identified as the country's most expensive place to live and San Francisco the 20th most expensive. (Bomey, USA Today, *No Car? San Francisco, Portland, Washington D.C., Boston, New York Among Best Cities to Live in Without a Vehicle* (2021), <https://www.usatoday.com/story/money/cars/2021/01/05/best-cities-live-without-car-san-francisco-portland-new-york/4125602001/>; U.S. News, *Most Expensive Places to Live in the U.S. in 2022-2023*, <https://realestate.usnews.com/places/rankings/most-expensive-places-to-live> [as of April 15, 2023].) In fact 13 of the top 20 most expensive cities in the country were in California. (*Ibid.*) In other parts of the state public transportation is sparse, unreliable, or nonexistent, requiring people without cars to take extraordinary measures to ensure they can get to work, school, or medical appointments. (See, e.g., Bergstrom, *Are Fresno's Car-Less Residents Being Left Behind? What it Means to Our Community*, Fresno Bee (Feb. 6, 2022),

<https://www.fresnobee.com/fresnoland/article255147402.html> [as of April 15, 2023].)

Lack of access to a car is not just an inconvenience. It can have a significant impact on a person's well-being. "[I]ndividuals without reliable access to automobiles can reach far fewer opportunities within a reasonable travel time compared with those who travel by automobile"—meaning fewer job opportunities, and fewer opportunities for economic advancement. (Pendall, *et al.*, *Driving to Opportunity: Understanding the Links among Transportation Access, Residential Outcomes, and Economic Opportunity for Housing Voucher Recipients*, Urban Institute (Mar. 2014), at p. 3, <https://www.urban.org/research/publication/driving-opportunity-understanding-links-among-transportation-access-residential-outcomes-and-economic-opportunity-housing-voucher-recipients> [as of April 15, 2023].) Moreover, "[c]ars facilitate searching for and commuting to jobs and therefore increase the likelihood of finding and retaining employment." (*Ibid.*) In other words, "it is unsurprising that private automobiles are positively associated with employment opportunities for low-income and minority adults." (*Ibid.*)

When a car is so vital to maintaining employment, the loss of a car—or a license—can have a huge impact on all aspects of a person's life. 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." (Committee on Revision of the Penal Code, Annual Report 2020, at p. 3, available at: http://www.clrc.ca.gov/CRPC/Reports/Annual_Reports.html [as of April 16, 2023].)

California has already recognized the problem of suspending a person's driver's license for failure to pay court fines and fees, in legislation enacted in 2017 to prohibit license suspensions for failure to pay traffic fines. (AB 103 (Public Safety), Chap. 17, Stats. 2017.) The purpose of that provision was to prevent people from losing their driver's license because of their inability to pay a traffic fine. As then-Governor Jerry Brown noted, the suspension did not help the state collect on unpaid fines, but could "send low-income people into a cycle of job losses and more poverty." (Los Angeles Times (Jun. 20, 2017), [California no longer will suspend driver's licenses for traffic fines - Los Angeles Times \(latimes.com\)](https://www.latimes.com/california/story/2017-06-20/california-no-longer-will-suspend-driver-s-licenses-for-traffic-fines) [as of April 15, 2023].)

Over the last five years, the Legislature has removed most suspensions of driver's licenses 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. In doing so, the Legislature has recognized the harm caused to a person by suspending their driver's license for reasons unrelated to dangerous driving.

While AB 103 (Committee on Budget), Chapter 17, Statutes of 2017 removed the license suspension for failure to pay a traffic fine; 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 for missing an installment payment.

3. Argument in Support

According to the Prosecutors Alliance of California:

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.

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