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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair

2021 - 2022 Regular

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**Bill No:** AB 2537                      **Hearing Date:** June 28, 2022  
**Author:** Gipson  
**Version:** April 7, 2022  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** AB

**Subject:** *Vehicles: driver education*

### HISTORY

Source: Author

Prior Legislation: AB 2918 (Holden), Ch. 723 Statutes of 2018

Support: Unknown

Opposition: None known

Assembly Floor Vote: 74 - 0

### PURPOSE

*The purpose of this bill is to require the Department of Justice (DOJ), in conjunction with the Department of Motor Vehicles (DMV) and the Commission on Peace Officer Standards and Training (POST), to develop a video demonstrating the proper conduct by a peace officer and an individual during a traffic stop, for the purposes of including that video in required driver education.*

*Existing law* establishes the requirements for applications for an original or a renewal of a driver's license. (Veh. Code, §§ 12800, *et. seq.*)

*Existing law* defines a "driving school" as a business which, for compensation, conducts instruction in the operation of motor vehicles. (Veh. Code, § 310.6.)

*Existing law* establishes requirements for driving schools. (Veh. Code, §§ 11110, *et seq.*)

*Existing law* authorizes the Director of the DMV to prescribe rules and regulations for driving schools regarding the conduct of courses of driver education and driver training, including curriculums, facilities and equipment. (Veh. Code, § 11113(a).)

*Existing law* requires a driving school's curriculum to include a component relating the dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle. (Veh. Code, § 11113(a)(1).)

*Existing law* requires a driving school's curriculum to include and a component examining driver attitude and motivation that focuses on the reduction of aggressive driving behavior and "road rage." (Veh. Code, § 11113(a)(2).)

*Existing law* provides that the Director of the DMV may also prescribe rules and regulations for the conduct of driving instructor training courses required pursuant to existing law, including facilities, curriculum and equipment. (Veh. Code, § 11113(b).)

*Existing law* requires a driving school's curriculum to include the rights and duties of a motorist as they relate to traffic laws and traffic safety. (Veh. Code, § 11113.3.)

*Existing law* provides that the adopted course of study for grades 7 to 12 shall offer courses in specified areas of study, including automobile driver education designed to develop, among other things, a knowledge of the Vehicle Code and other laws of this state relating to the operation of motor vehicles and proper acceptance of personal responsibility in traffic. (Ed. Code, § 51220, subd. (j).)

*Existing law* requires a course in automobile driver education to include education regarding the rights and duties of a motorist as those rights and duties pertain to pedestrians and the rights and duties of pedestrians as those rights and duties pertain to traffic laws and traffic safety. (Ed. Code, § 51220.4.)

*Existing law* requires DMV to publish a synopsis or summary of the laws regulating the operation of vehicles and the use of highways. This summary is referred to as the California Driver's Handbook. (Veh. Code, § 1656.)

*Existing law* requires the DMV to include within the California Driver's Handbook information regarding a person's civil rights during a traffic stop, including the information addressing the extent and limitations of a peace officer's authority during a traffic stop and the legal rights of drivers and passengers, including, but not limited to, the right to file complaints against a peace officer. (Veh. Code, § 1656.3, subd. (a)(4).)

*Existing law* provides that the information included in the California Driver's Handbook regarding peace officer's authority during a traffic stop shall be developed by the civil rights section of the DOJ in consultation with the DMV, the California Highway Patrol (CHP), POST and civil rights organizations. (Veh. Code, § 1656.3, subd. (a)(4).)

*This bill* requires the DOJ, in conjunction with POST and the DMV, to develop and create a video demonstrating the proper conduct by a peace officer and an individual during a traffic stop.

*This bill* requires the DMV to post this video on its internet website.

*This bill* requires the video to be viewed during driver school courses and during automobile driver education courses offered in grades 7 through 12.

*This bill* requires the DMV to inform applicants for an original, renewal or duplicate driver's license about the video

*This bill* requires the rules and regulations regarding the curriculum for drivers' education and driver training courses, as prescribed by the DMV Director, to include viewing the video.

## COMMENTS

### 1. Need for This Bill

According to the Author:

Racial profiling has long been and is still is a pervasive issue. Specifically, Black people in California are pulled over for traffic stops most frequently, are most likely to have a gun pointed at them, and are most likely to be detained, handcuffed, and searched. On the issue of “Driving While Black”, there have been efforts to address this bias. California’s Driver’s Handbook, as of January 2021, is approximately 116 pages long. And more specifically, how to conduct one’s self during a traffic stop tediously appears in small font on just a two-page spread on page #45 (from pages #45-#46). In practice, it is highly unlikely that, in writing, this would benefit drivers. While the inclusion of this information is with great intent and appreciated, we need to ensure that we are not just including this information to check off a box – if the goal is for drivers to model the stated conduct, a physical display/example is critical.

### 2. DMV Driver’s Handbook

Existing law requires the DMV to publish the California Driver’s Handbook (hereinafter, “Handbook”), which provides a synopsis of existing law and rules of the road, as well as an overview of how to navigate various DMV processes.<sup>1</sup> The DMV is permitted to provide a copy of the Handbook without charge with each original vehicle registration and each original driver’s license. The Handbook provides a more accessible means for prospective and current drivers to understand the rules of the road, and is used as the basis for a written exam when an applicant applies for a driver’s license. The DMV is responsible for creating the Handbook and there are minimal statutory requirements for the contents of the Handbook. In 2018, the Legislature adopted AB 2918 (Holden, Ch. 723, Stats. of 2018), which required the DMV to include in the Handbook a section regarding a person’s civil rights during a law enforcement traffic stop. The section includes the following guidance, and related information:

- “If an officer asks your permission to do something, you have a right to say no.”
- “The driver of a stopped vehicle must produce a driver’s license, proof of insurance, and vehicle registration when stopped by law enforcement.”
- “In California, only federal law enforcement officers can ask you about your immigration status.”
- “In general, the First Amendment protects the right of drivers and passengers to record interactions with law enforcement in public spaces.”
- “Even if you believe your rights were violated, you should not engage in physical resistance or violence against the officer.”<sup>2</sup>

### 3. Driver Education in California

California has a comprehensive and well-established system of driver education for individuals wishing to obtain an instruction permit (learner’s permit) or driver’s license and pass related

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<sup>1</sup> The Handbook is available here: [https://driving-tests.org/wp-content/uploads/2021/04/CA\\_dl600\\_2021-1.pdf](https://driving-tests.org/wp-content/uploads/2021/04/CA_dl600_2021-1.pdf)

<sup>2</sup> *Id.* at 45-46.

examinations. The requirements for obtaining an instruction permit or driver's license vary depending on whether the applicant is over 18 years of age. Individuals under 18 must complete classroom driver education and behind-the-wheel driver training at a licensed driver training school, which are businesses regulated by DMV that offer instruction in the operation of motor vehicles. Under existing law, the Director of the DMV is authorized to prescribe rules and regulations regarding the conduct of driver training schools and their curricula. Driver training school curriculum must include components relating the dangers involved in consuming alcohol or drugs while driving, aggressive driving behavior and road rage, and the rights and duties of motorist as they relate to traffic laws and traffic safety.

Additionally, existing law requires that an adopted course of study for grades 7 through 12 must offer specified courses in various areas of study, including automobile driver education. An automobile driver education course must be designed to develop students' knowledge of the Vehicle Code and other laws relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness, and consequences of traffic accidents, and the knowledge and attitudes necessary for the safe operation of motor vehicles.

This bill requires the DOJ, in conjunction with the DMV and POST, to develop a training video demonstrating the proper conduct by a peace officer and an individual during a traffic stop, and requires the DMV to post the video on its website and inform applicants for a driver's license of its existence. Additionally, this bill requires the video to be included as mandatory viewing in driver training school curriculum and as part of the driver training course students must take in grades 7-12. Thus, all prospective drivers under the age of 18 would be required to view the video under this bill.

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