



VEHICLE OWNERSHIP AMONG DRIVERS CONVICTED OF DRIVING WHILE SUSPENDED/REVOKED IN CALIFORNIA

October 2008

**Research and Development Branch
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PREFACE

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EXECUTIVE SUMMARY

Suspended and revoked (S/R) drivers who continue to drive during their period of disqualification are at increased risk of being involved in crashes, driving under the influence (DUI), and other driving violations. In a study of drivers involved in fatal crashes, DeYoung, Peck, and Helander (1997) reported that, compared to validly licensed drivers, S/R drivers were overrepresented in fatal crashes by a factor of 3.7:1. Studies of driving among S/R drivers show that up to 70% of drivers continue driving post-disqualification (Clark & Bobevski, 2008; Ferrante, 2003). Although license suspension is associated with reductions in fatal and injury crashes among S/R drivers (Ross & Gonzales, 1988; Sadler, 1986), their crash and conviction rates are still well above those of validly licensed drivers (Gebers & DeYoung, 2002).

Countermeasures designed to discourage and prevent driving among disqualified drivers fall into two categories: driver-based countermeasures and vehicle-based countermeasures. Driver-based countermeasures include driver license (DL) suspension or revocation, jail, probation, fines, warning letters, mailed educational materials, group counseling, alcohol treatment programs, and other sanctions designed to curtail driving by the S/R driver, and in some cases, to address the underlying problem behavior that led to the initial suspension (e.g. alcohol abuse). Vehicle-based countermeasures include vehicle impound/immobilization, ignition interlock, license plate confiscation, vehicle markings, and other tactics designed to limit driving by restricting vehicle access or by increasing the visibility of driving-while-suspended (DWS) drivers to law enforcement.

The high proportion of S/R drivers who continue to drive, despite the number and range of driver-based interventions that have been developed and implemented, indicates that driver-based sanctions have limited effectiveness, and that expanded application of vehicle-based countermeasures provides additional opportunities to reduce driving among disqualified drivers. More information is needed about the vehicles S/R drivers drive and how they access them to fill a crucial gap in the development and application of sanctions. This study is designed to obtain updated information about vehicle ownership among drivers convicted of DWS by accomplishing two specific goals:

1. To determine the proportion of S/R drivers who were apprehended driving a vehicle registered to them.
2. To describe the implications of vehicle ownership on sanctioning S/R drivers.

METHOD

This study is based on information obtained from the California Department of Motor Vehicles' (DMV) DL and vehicle registration (VR) databases, and input from traffic safety experts representing a variety of agencies and disciplines. The study design is descriptive in nature, with both quantitative and qualitative components.

Quantitative Analysis

The quantitative analysis was conducted in three phases. In the first phase, the characteristics of S/R drivers were examined. This analysis was based on a sample of 139,895 DL records representing drivers cited for DWS between January 2005 and September 2006. In the second phase, the registration status of the vehicles being driven by S/R drivers when they were cited for DWS was examined ($N = 122,115$). In the third phase, a subsample of the linked DL and VR records ($n = 2,005$) was analyzed to determine the relationship between the DWS drivers and the vehicle owners.

Qualitative Analysis

The qualitative portion of data collection and analysis was based on input from a focus group comprised of traffic safety experts from DMV and other agencies, including the Office of Traffic Safety, the California Highway Patrol, private insurance companies (State Farm and AAA), the Department of Alcohol and Drug Programs, alcohol and drug treatment providers, a private defense attorney, and traffic safety researchers. During the focus group, the quantitative analysis findings were presented and the panel was surveyed to provide insight into the procedural, policy, and enforcement-related implications, and to develop feasible recommendations to reduce driving among S/R drivers.

RESULTS

Part I: Quantitative Analysis

The entire sample of drivers convicted of DWS was analyzed to obtain information about driver characteristics. The DWS drivers were generally young (43.5% were 20-29 years old), male (76.5% of the sample), and resided in a large California county. An analysis of

the prior driving records of S/R and validly licensed drivers showed that the prior 3-year incident rates of crashes, total convictions, and alcohol/drug-related convictions were higher for all S/R subgroups, relative to validly licensed drivers.

Vehicle Registration Status

Vehicle Registration records representing the entire sample of vehicles driven by the S/R drivers convicted of DWS were analyzed. Within the sample of located VR records, 78.4% of the vehicles being driven by DWS drivers were owned by individuals or business, 6.3% were registered “dismantled,” less than 1.0% were registered “non-revivable junk,” less than 1.0% were registered “salvage,” and 13.6% contained out-of-date or untraceable information.

Vehicle Ownership

A subsample of 2,005 records was randomly selected from the linked DL-VR sample described above to examine vehicle ownership in more detail. Vehicle ownership was defined as a match or near-match between the S/R driver name and address and the name and address of the registered owner of the vehicle being driven at the time of the DWS violation. Using these definitions, and excluding vehicles not registered to individuals (e.g. dismantled vehicles), 43% of S/R drivers convicted of DWS were driving a vehicle that they either owned personally or was owned by a person with whom they were associated by name or address. The remaining 56% were driving vehicles that were owned by a person with whom there was no identifiable association, indicating that S/R drivers have ready access to validly registered vehicles that they do not own.

PART II: Qualitative Analysis

The focus group discussion centered on two major findings identified in the quantitative analysis. The first is that a significant proportion, almost 7%, of DWS drivers were driving vehicles that were registered as either dismantled or junked. The second is that the majority of DWS drivers were operating legitimately registered vehicles that they frequently did not appear to own, even by “proxy,” such as between relatives, married people, or roommates.

The focus group identified barriers and procedural gaps that exist within DMV and law enforcement agencies that limit the detection, apprehension, and sanctioning of S/R drivers, and proposed new and enhanced countermeasures accordingly. The primary barriers and challenges are noted below, and are discussed in detail in the Discussion and Recommendations sections in the full report, along with proposed countermeasures.

- Detection of invalidly registered vehicles
- Assessment of driver license status during traffic stops
- Efficient access to complete DL and VR records in the field
- The practice of drivers purchasing dismantled vehicles for transportation purposes and simultaneously circumventing impound-related sanctions

DISCUSSION AND RECOMMENDATIONS

At a given point in time, by a conservative estimate, approximately 5.5% of all California drivers are suspended or revoked (California Department of Motor Vehicles, 2008a). In 2008, there were nearly 24 million licensed drivers in California (California Department of Motor Vehicles, 2008b). These two figures together indicate that there are approximately 1.3 million suspended and revoked drivers currently residing in California. As stated previously, studies have shown that up to 70% of S/R drivers continue to drive during their period of suspension/revocation (Clark & Bobevski, 2008; Ferrante, 2003). This means that, on average, over 900,000 S/R drivers are continuing to drive in California. This study shows that about 7% of drivers cited for DWS were driving vehicles registered as dismantled or junked, which translates into about 65,000 known “dismantled” vehicles being driven by high-risk S/R drivers. There is a traffic safety risk posed by both these drivers and potentially the vehicles themselves, and this warrants further study and intervention.

The recommendations proposed by the focus group, and additional recommendations based on the quantitative and qualitative analyses of this study, and findings from prior research in this area, are presented below:

1. The DMV should provide local law-enforcement agencies with a “hot list” of suspended and revoked drivers to assist with apprehension of high-risk disqualified drivers who continue to drive.

2. The DMV should conduct outreach and training with law-enforcement agencies to encourage more frequent checking of the driver's license and vehicle registration status during traffic stops, with the goal of checking license and registration status for all drivers involved in a traffic stop or crash.
3. Law enforcement agencies (e.g. CHP, police, sheriff) should provide field officers with electronic hardware and software, such as driver license scanners and in-car laptop computers and printers, to expedite driver license and vehicle registration record checks during traffic stops.
4. DMV should conduct a follow-up survey of DWS drivers apprehended while driving vehicles that they do not own to obtain detailed information about the relationship between the driver and vehicle owner (e.g. relative, roommate, coworker, etc.). The information would be used to develop sanctions for the driver and vehicle owner that would be imposed when DWS drivers are caught driving borrowed or invalidly registered vehicles.
5. The DMV should convene a task force to study the problem of S/R drivers obtaining access to dismantled and junked vehicles through lien sales and automobile dismantlers for transportation purposes. The task force would be charged with identifying potential points of intervention and developing recommendations to limit access to these types of vehicles for driving purposes.
6. The DMV should conduct a study of the crash and injury risk associated with dismantled vehicles among S/R, DUI, and validly licensed drivers. The goal of this study would be to isolate the independent crash and safety risk posed by dismantled vehicles. The inclusion of different subgroups of drivers (e.g. S/R drivers versus validly registered drivers) would make it possible to separate variations in crash risk due to driver behavior versus vehicle characteristics, two factors that are likely intertwined.

7. The DMV should evaluate the effectiveness of sending a follow-up letter to recently suspended and revoked drivers. The letter would follow the original order of suspension and would contain the following components:
 - a) Terms of the suspension or revocation.
 - b) A reminder to the driver not to drive and a brief description of the elevated crash and injury risk posed by suspended and revoked drivers.
 - c) A list of applicable sanctions in the event the driver is arrested for DWS.
 - d) A “transportation management plan” to assist the driver in anticipating their transportation needs and identifying alternatives during the period of disqualification.
8. The DMV and other law enforcement agencies should conduct a collaborative media campaign to inform and warn validly licensed drivers of the risks and consequences of loaning their vehicle to drivers without a valid license.
9. The DMV should propose legislation to add language into California Vehicle Code (CVC) §14602.6 (see Appendix for full text) that would permit early release of an impounded vehicle to a person with a community interest in the vehicle provided they sign a “stipulated vehicle release agreement,” which allows future forfeiture of the vehicle if it is again operated by an S/R driver. This could be modeled after existing language in CVC §14607.6 (see Appendix for full text).
10. The DMV should conduct studies to better distinguish suspended and revoked drivers who are amenable to improving their driving behavior from “hard-core” offenders who are highly resistant to change. This type of information would enable traffic safety professionals to develop targeted interventions that would be more cost-effective in reducing DWS within offender sub-types with differing driving histories, challenges, and transportation needs.
11. The State of California should increase the availability and efficiency of public transportation to reduce the need for driving among suspended and revoked drivers.

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INTRODUCTION

Suspended and revoked (S/R) drivers who continue to drive during their period of disqualification are at increased risk of being involved in crashes, driving under the influence (DUI), and other driving violations. In a study of drivers involved in fatal crashes, DeYoung, Peck, and Helander (1997) reported that, compared to validly licensed drivers, S/R drivers were overrepresented in fatal crashes by a factor of 3.7:1. In another study, Gebers and DeYoung (2002) compared the 3-year prior crash and conviction rates of California drivers suspended or revoked for different reasons to those of validly-licensed drivers and found that all S/R groups had elevated crash and traffic conviction rates compared to validly licensed drivers.

Studies of driving among S/R drivers show that up to 70% continue driving post-disqualification (Clark & Bobevski, 2008; Ferrante, 2003). A study by Hagen, McConnell, and Williams (1980) used both driver record and self-report data to estimate the proportion of California S/R drivers who continue to drive. The authors estimated that 65% of suspended drivers and 75% of those with 36-month license revocations drove at least once. Although license suspension is associated with reductions in fatal and injury crashes among S/R drivers (Ross & Gonzales, 1988; Sadler, 1986), their crash and conviction rates are still well above those of validly licensed drivers (Gebers & DeYoung, 2002).

In 1982, the “Habitual Traffic Offender” (HTO) law was implemented in California to increase the use and effectiveness of administrative S/R license actions. Under the HTO law, S/R drivers convicted of specified numbers of crashes, traffic violations, or failure to appear (in court) incidents while disqualified were reported to local district attorneys for prosecution, who were then required to notify the Department of Motor Vehicles of their intent to prosecute the HTO. An evaluation of the HTO law was conducted by identifying and following a sample of HTO drivers who had been arrested under the new law (Helander, 1986). The author reported that, although all of the drivers under study were, by definition, suspended or revoked, only 39% had at least one driving-while-suspended (DWS) conviction on their record, indicating that DWS convictions alone underestimate the incidence of driving among S/R drivers. HTO drivers were also found to have higher levels of traffic-related incidents, including negligent operator points, total crashes, and total incidents, relative to non-HTO drivers; The risk level among HTO

drivers was found to be further elevated among those with California Vehicle Code (CVC) §14601 convictions. CVC §14601 addresses driving when the privilege is suspended or revoked. The full text of CVC §14601 as it appears in the California Vehicle Code is reproduced in the Appendix. The author concluded that the law, as implemented, was ineffective in that district attorneys were only willing to prosecute 4% of the referred HTOs, primarily due to legal concerns about “double jeopardy” and limited investigative and case development assistance. A modified version of the law was later implemented but was not evaluated. More than 20 years later the problem of DWS remains.

Countermeasures designed to discourage and prevent driving among disqualified drivers fall into two broad categories: driver-based countermeasures and vehicle-based countermeasures. Driver-based countermeasures include driver license (DL) suspension or revocation, jail, probation, fines, warning letters, mailed educational materials, group counseling, alcohol treatment programs, and other sanctions designed to curtail driving by the S/R driver and, in some cases, to address the underlying problem behavior that led to the initial suspension (e.g. alcohol abuse). Vehicle-based countermeasures include vehicle impound/immobilization, ignition interlock, license plate confiscation, vehicle markings, and other tactics designed to limit driving by restricting vehicle access or by increasing the visibility of DWS drivers to law enforcement.

The high proportion of S/R drivers who continue to drive, despite the number and range of driver-based interventions that have been developed and implemented to curtail DWS, indicates that driver-based sanctions have limited effectiveness. Expanded application of vehicle-based countermeasures provides additional opportunities to reduce driving among disqualified drivers. A number of vehicle-based countermeasures have been implemented and evaluated. Voas, Tippetts, and Lange, (1997) evaluated the general and specific deterrent effects of two laws passed in Oregon and Washington. The laws were designed to reduce DWS by allowing arresting officers to seize the vehicle registration card from drivers cited for DWS and place a striped “zebra” sticker over the annual renewal sticker on the vehicle license plate. The evaluation showed significant general deterrent effects in Oregon, but not in Washington. In Oregon, where the specific deterrent effect was also examined, the law was found to be effective in deterring offenders who were apprehended and sanctioned. Another vehicle-based sanction was implemented in Minnesota that allowed judges to confiscate the license plates of third-time DUI offenders. The law was enhanced in 1991 following an evaluation published in

1995 (Ross, Simon, & Cleary, 1995) that reported that very few judges were applying the sanction. The revised version of the law allowed administrative confiscation of license plates at the time of arrest. A second evaluation of the law by Rodgers (1994) reported increased application of the administrative sanction, and a 50% reduction in the 2-year DUI conviction rate among violators whose license plates were confiscated, relative to eligible drivers whose license plates were not confiscated.

Vehicle impoundment is another vehicle-based sanction that has been evaluated in numerous settings. In California, DeYoung (1997, 1998) evaluated both the specific and general deterrent effects of two laws that were passed in California in 1995 that prescribed the use of vehicle impound and forfeiture to reduce driving among suspended and revoked drivers. DeYoung reported reductions in 1-year subsequent crashes, DWS convictions, and total convictions among offenders whose vehicles were impounded (i.e., specific deterrence), and that vehicle impound appeared to be more effective among repeat DWS offenders than first offenders. A subsequent evaluation of the general deterrent effect of the law did not find that it was associated with reductions in crashes among S/R drivers who were not personally subjected to the sanction.

The effectiveness of these and other vehicle-based sanctions are largely dependent on vehicle ownership. Disqualified drivers who own the cars they drive are directly subject to the costs and burdens of vehicle-based countermeasures. Drivers who operate borrowed or invalidly registered vehicles largely circumvent vehicle-based countermeasures, and are thus more difficult to detect and influence through such sanctions.

The HTO study conducted by Helander (1986), discussed previously, included a secondary analysis of the driver license and vehicle registration records of a subsample of 125 HTO drivers to examine vehicle ownership patterns. Helander reported that 70% of HTO drivers owned a vehicle, but that only a third were driving a vehicle registered in their name at the time of their most recent citation or accident. Helander concluded that:

The habitual traffic offender has already surpassed the administrative bounds of license disqualification and frequently escaped prosecution under the CVC §14601 statute. It is, in fact, the failure of the arrest, prosecution, and conviction processes under CVC §14601 that led to the original habitual traffic offender law. To the extent that suspended/revoked drivers

continue to drive to avoid punishment for the offense, the integrity and effectiveness of license disqualification is being undermined.

Helander's findings pertaining to vehicle ownership among HTO drivers are based on a small sample of high-risk drivers, and are more than two decades old. The problem of DWS in California has continued unabated. More information is needed about the vehicles S/R drivers operate and how they access them to fill a crucial gap in the development and application of sanctions. This study is designed to obtain detailed information about vehicle ownership among drivers convicted of DWS by accomplishing two specific goals:

1. To determine the proportion of S/R drivers who were apprehended driving a vehicle registered to them.
2. To describe the implications of vehicle ownership in sanctioning S/R drivers.

METHODS

This study is based on information obtained from the California Department of Motor Vehicles' (DMV) DL and vehicle registration (VR) databases, and input from traffic safety experts representing a variety of agencies and disciplines. The study design is descriptive in nature, with both quantitative and qualitative components.

Quantitative Analysis

Driver license records of drivers convicted of DWS between January 2005 and September 2006 were extracted from the DMV DL database, which resulted in a sample of 139,895 records. Within the sample, a few drivers had more than one DWS violation on or after January 1, 2005; in these cases only the first conviction was selected.

Vehicle Registration records corresponding to the vehicles being driven by the S/R drivers were also extracted and analyzed ($N = 122,115$). This was accomplished by obtaining the vehicle license plate number and violation date recorded on the S/R conviction abstract that was accessed to identify the original sample of S/R drivers, and then linking the DL record to the corresponding record in the VR database. It was not possible to locate vehicle registration records for the remaining 17,780 records because one or both files were missing key data values needed for record linkage.

A subsample of 2,005 linked DL-VR records was randomly selected from the larger linked sample, and the subsample was analyzed to determine vehicle ownership. The subsample was restricted to 2,005 records due to the complexity and labor-intensive process of assessing the relationship between DWS drivers and vehicle owners. There is no person-based unique identifier or linkage variable that is shared between the DL and VR databases, and thus, the only way to determine whether a driver owns a given vehicle is to compare the name and address information recorded in one database to that in the other.

Vehicle ownership was defined as a match or near-match between the S/R driver name and address and the name and address of the registered owner of the vehicle being driven at the time of the DWS violation. Name and address match status was determined using a combination of automated record linkage procedures and manual comparisons of

the DL and VR records. The automated portion of the matching process was carried out using a computerized matching algorithm called SOUNDEX that is contained in the SAS statistical software package (SAS Institute, 1990) and described in Knuth (1997). The SOUNDEX procedure is used to determine the match status between two values that may vary in spelling or configuration. For example, the SOUNDEX procedure could be used to determine that “John Doe” in one data source is a near match to “Jon Doe” in another data source. The manual portion of the matching process was completed by visually comparing the name and address status of the driver to that of owner of the vehicle being driven at the time of the DWS violation.

It was anticipated that some “true” matches would be missed since DL and VR information is not always current, and name and address may be recorded differently in the two systems. This could occur if an individual changed their name and only updated one of the two systems (i.e., DL or VR, but not both), or as the result of substantial spelling variations in name or address between the two systems. “False” matches could also occur, but were deemed unlikely since every record in the linked file was manually reviewed to ensure accuracy.

The quantitative analysis was conducted in three phases. In the first phase, the characteristics of S/R drivers were examined. This analysis was based on the DL records contained in the sample of S/R drivers cited for DWS. In the second phase, the registration status of the vehicles being driven by S/R drivers when they were cited for DWS was examined. In the third phase, the linked DL and VR subsample was analyzed to determine the relationships between the DWS drivers and the vehicle owners.

Qualitative Analysis

The qualitative portion of data collection and analysis was based on input from a focus group comprised of traffic safety experts from DMV and other agencies, including representatives from the Office of Traffic Safety, the California Highway Patrol, private insurance companies (State Farm and AAA), the Department of Alcohol and Drug Programs, alcohol and drug treatment providers, a private defense attorney, and traffic safety researchers. The focus group was extremely informative in that virtually all of the participants were highly experienced and most had been working in their respective professions for 10 years or more. During the focus group, the quantitative analysis

findings were presented and the panel was surveyed to provide insight into the procedural, policy, and enforcement-related implications, and to develop feasible recommendations to reduce driving among S/R drivers. The all-day focus group meeting was voice-recorded and the recording was subsequently reviewed to assist in summarizing the core issues and solutions that were proposed. This information was then combined with the quantitative results to describe the driving and vehicle ownership patterns of S/R drivers and develop recommendations.

RESULTS

Part I: Quantitative Analysis

Driver Characteristics

The entire sample of drivers convicted of DWS was analyzed to obtain information about driver characteristics. The DWS drivers were generally young (43.5% were 20-29 years old), male (76.5% of the sample), and resided in a large California county. The age distribution of drivers in the DWS sample is shown in Figure 1 below.

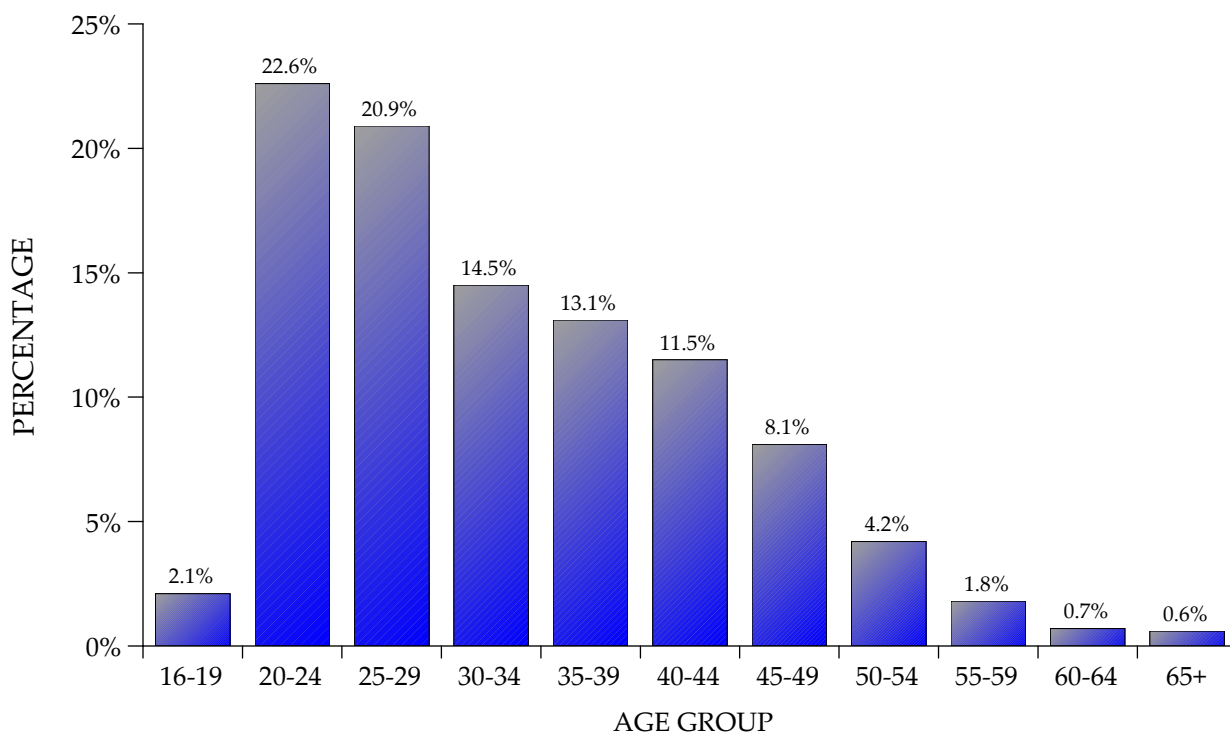


Figure 1. Age of Drivers in the DWS Driver Sample.

Driver Record

Table 1 shows the number of alcohol/drug convictions, countable convictions, total crashes, and fatal/injury crashes, per 100 drivers, in the three-year period prior to the referent DWS violation. The three columns listed under “Reference CVC §14601 Conviction” represent sub-groups of DWS drivers, including the general DWS category (CVC §14601.1, see Appendix), DWS following an alcohol-related offense (CVC §14601.2/5, see Appendix), and DWS following reckless, negligent, or incompetent driving acts (CVC §14601, see Appendix). The column to the far-right shows the prior 3-year rate of the corresponding incidents among a comparison group of validly licensed drivers (Gebers & DeYoung, 2002). The data show that the prior 3-year incident rates are higher for all S/R subgroups, relative to validly licensed drivers. In some cases, the elevation is dramatic, confirming that S/R drivers who continue to drive pose a significant risk to both themselves and other road users.

Table 1
3-Year Prior Convictions and Crashes Per 100 DWS and
Validly Licensed Drivers

	Reference CVC §14601 Conviction			Validly licensed drivers (N = 200,737)
	General DWS; CVC §14601.1 (N = 97,137)	Alcohol-related offenses; CVC §14601.2/.5 (N = 37,296)	Negligent driving offenses; CVC §14601 (N = 5,389)	
Alcohol/drug convictions	22.2	186.0	32.2	NA
Countable convictions	247.1	508.5	326.8	37.3
All crashes	36.3	73.2	48.3	14.8
Fatal/injury crashes	12.3	24.6	16.4	3.6

Vehicle Registration Status

Vehicle Registration records representing the entire sample of vehicles driven by the S/R drivers convicted of DWS were analyzed. The numbers of drivers in each registration status category are shown in Table 2 below. Vehicle registration status categories are defined as follows:

- **Named Owner:** The VR record contains owner name and address information (may or may not be current).
- **Multiple Transfers:** The vehicle is sold more than once and one or more subsequent buyers do not register the vehicle in his or her name.
- **Vehicle Dismantled or Vehicle Junked:** Any vehicle that is partially or wholly disassembled.
- **No History Available/Missing Information:** Unable to locate a VR record corresponding to the license plate and violation date.
- **Non-Revivable Junk/Non-Repairable:** The status placed on a vehicle record when it is no longer going to be operated on the road and the license plates and titling documents are surrendered to the department.
- **Prior Lessee:** A vehicle that was previously leased by an individual for a term exceeding four months.
- **Salvage Certificate Issued:** The vehicle title was released and a Salvage Certificate issued. The “salvage” title status is placed on a vehicle when a total loss is declared by the registered owner or an insurance company and the vehicle has been revived and reregistered.
- **Title Surrendered:** A California title was surrendered to another state.
- **Other:** Includes disabled person placard, Department of Justice stop, and other uncommon registration status categories.

Table 2 shows the distribution of vehicle registration status among the vehicles being driven by DWS drivers at the time of arrest. Of the 139,895 DL records sampled, 12.7% of the corresponding VR records were not located, and thus are not included in the table. This occurred because key identifying information such as the license plate number or the violation date was missing in the DL or VR database, there was a transposition or other error in the license plate number recorded in the conviction record, or there was a processing error in extracting the record from the VR database. Within the sample of VR records, 13.6% contained out-of-date or untraceable information; this category includes multiple transfers, no history available, missing information, prior lessee, and the remaining “other” registration category. Overall, 78.4% of the vehicles being driven by DWS drivers were owned by an individual or a business, 6.3% were registered “dismantled,” less than 1.0% were registered “non-revivable junk,” and less than 1.0% were registered “salvage.” Within the subgroups of dismantled, non-revivable junk, and salvage vehicles, only vehicles with a registration status of “salvage” or “revived junk” can be legally driven. The category “revived junk” is not shown in Table 2 because there were no cases sampled with this registration status.

Table 2
Vehicle Registration Status of Vehicles
Driven by DWS Driver Sample

Registration status	Frequency	Percent
Named owner	95,777	78.4
Multiple transfers	8,491	6.9
Vehicle dismantled	7,692	6.3
No history available/missing information	6,461	4.8
Prior lessee	1,613	1.3
Non-revivable junk	965	0.8
Salvage certificate issued	614	0.5
Title surrendered	458	0.4
Other	44	< 0.01
Total	122,115*	100.0**

*12.7% VR records corresponding to the license plate number recorded in the DWS conviction record were not located due to missing information or data extraction errors; therefore, there are fewer VR records than there are DL records in the respective samples.

**Adjusted for rounding.

Vehicle Ownership

A subsample of 2,005 records was randomly selected from the linked DL-VR sample described above in order to examine vehicle ownership in more detail. Complete DL and VR name and address information was present for 1,577 of the linked records in the subsample; the remaining 428 records were missing name or address information in either the DL or the VR file. Table 3 shows the combined match outcomes for DL and VR name and address for the 1,577 records with complete information. The cells with lighter highlighting denote name-address match combinations that are defined as *vehicle owners*. These combinations include cases where the full name or last name matched or nearly matched, and combinations where the address matched or nearly matched. This definition of *vehicle owner* is somewhat liberal in that cases where only the last name matched and the address did not match, and cases where the address matched or nearly matched and the name did not match, are included. Although it is probable that some proportion of these drivers designated as “owners” did not actually own the vehicle they were driving, they shared either a last name or an address with the owner, which suggests a close familial, marital, or other personal connection, and possibly a financial interest in the vehicle. The remaining cases in Table 3, shown in darker highlighting, include drivers and vehicle owners with different last names and different addresses. These types of non-matches were defined as *non-owners*. Using these definitions, and restricting the analysis to cases with valid name and address information in both the DL and VR databases, 43% of S/R drivers convicted of DWS were driving a vehicle that they either owned personally, or was owned by a person with whom they were associated by name or address. The remaining 56% were driving vehicles that were owned by a person with whom they did not share a name or address, indicating that these drivers have ready access to validly registered vehicles that they do not own.

Table 3

Name and Address Match Status between the Driver License and Vehicle
Registration Databases for Drivers in the Linked Subsample

	Address match	Address near match	Address non-match
Full name match	299 (18.96%)	9 (0.57%)	100 (6.34%)
Last name only match	96 (6.09%)	2 (0.13%)	52 (3.30%)
Name does not match	117 (7.42%)	14 (0.89%)	888 (56.31%)

Note: “Name missing” and “Address missing” categories are not shown in this table and were not used to calculate the percentages.

PART II: Qualitative Analysis

The focus group discussion centered on two major findings identified in the quantitative analysis. The first is that a significant proportion, almost 7%, of DWS drivers were driving vehicles that were registered as either dismantled or junked. The second is that the majority of DWS drivers were operating legitimately registered vehicles that they frequently did not appear to own, even by “proxy,” such as between relatives, married people, or roommates.

Dismantled Vehicles

The focus group provided a detailed description of the registration procedures for dismantled and junked vehicles, and discussed the importance of developing countermeasures that would limit access to these vehicles in particular. Dismantled and junked vehicles are designated for use only as a source of parts. They can be re-registered as revived junk and can be legally driven if they are rebuilt or repaired and pass a safety inspection. The difference between a dismantled and junked a vehicle is that a dismantled vehicle is one that is sold by a licensed dismantler to be disassembled and sold for parts, whereas a junked vehicle is retained by the owner, but registered as “junked” to indicate that the vehicle will be used only as a source of parts. These categories, and two related categories, are defined below:

Dismantled/junked vehicles: A dismantled or junked vehicle is a low-value vehicle that has been dismantled because it was wrecked, abandoned, or impounded and acquired from an enforcement agency, and is no longer operable. Vehicles that have been dismantled or junked and, when rebuilt, resemble the make of the vehicle originally dismantled, are called “revived junk” and can be legally driven following a safety inspection.

Salvage vehicles: A salvage vehicle is one that was reported to the DMV by the owner or insurance company as a total loss. A salvage vehicle can be legally driven following repair and a safety inspection.

Non-repairable and non-revivable junk vehicles: A vehicle that has no resale value except as a source of scrap metal due to being surgically stripped or completely burned, or by owner declaration. Vehicles designated nonrepairable or nonrevivable cannot be legally driven or re-registered.

Vehicle Ownership

The quantitative analysis showed that nearly 80% of S/R drivers sampled in this study were driving validly registered vehicles, but that among these, less than half were driving a vehicle where the vehicle registration name or address matched the name and/or address recorded on the driver license. The focus group proposed a series of recommendations in light of the fact that existing vehicle-based countermeasures in California (e.g., vehicle impound, ignition interlock) are largely based on the premise that DWS drivers drive vehicles that they also own.

Countermeasures for DWS

The focus group identified barriers and gaps that exist within DMV and law enforcement procedures that limit the detection, apprehension, and sanctioning of S/R drivers, and proposed new and enhanced countermeasures to address these challenges. The specific barriers and challenges are noted below, and are discussed further in the Discussion and Recommendations sections, along with proposed countermeasures:

- Detection of invalidly registered vehicles.
- Assessment of driver license status during traffic stops.

- Efficient access to complete driver license and vehicle registration records by law enforcement officers in the field.
- The practice of drivers purchasing dismantled vehicles for transportation purposes and simultaneously circumventing impound-related sanctions.

DISCUSSION

At a given point in time, by a conservative estimate, approximately 5.5% of all California drivers are suspended or revoked (California Department of Motor Vehicles, 2008a). In 2008, there were nearly 24 million licensed drivers in California (California Department of Motor Vehicles, 2008b). These two figures together indicate that there are currently approximately 1.3 million suspended and revoked drivers residing in California. As stated previously, studies have shown that up to 70% of S/R drivers continue to drive during their period of suspension/revocation (Clark & Bobevski, 2008; Ferrante, 2003). This means that, on average, over 900,000 S/R drivers are continuing to drive in California. This study shows that about 7% of drivers cited for DWS were driving vehicles registered as dismantled or junked, which translates into about 65,000 known “dismantled” vehicles being driven by drivers already known to be high-risk. Although this figure is based on a series of estimates that would need to be validated to more precisely estimate the prevalence of this subgroup of drivers, it is evident that the total numbers are considerable. There is a traffic safety risk posed by both these drivers and potentially the vehicles themselves, and this warrants further investigation.

Access to Dismantled and Junked Vehicles

Drivers who obtain and drive dismantled and junked vehicles are difficult to impact through sanctions, as this method for obtaining vehicles is largely anonymous. Dismantlers are not required to sell “dismantled” vehicles *in* parts; a dismantler can sell a vehicle *for* parts, regardless of whether the vehicle is operable. This practice is legal in all respects except driving the dismantled vehicle. The cost of purchasing a “junk” vehicle can be much lower than the relative costs of retrieving a low-value vehicle from impound, with the added “advantage” of eliminating all registration fees that were due prior to the vehicle being junked. While all drivers who are subjected to vehicle impound experience at least a temporary loss of transportation, those drivers who obtain and drive dismantled vehicles circumvent core S/R sanctions in a manner that is inexpensive, convenient, and often anonymous. The ultimate result is that the salutary traffic effects of vehicle impound are mitigated. S/R drivers in particular have economic and transportation-related incentives for obtaining and driving low-cost vehicles, and this must be considered in the development and enforcement of sanctions.

Access to Validly Registered Vehicles

There are two primary avenues for reducing S/R driver access to legitimately registered vehicles: 1) through S/R drivers who own and drive their own vehicles, and 2) through family and friends who loan their vehicles to S/R drivers. The former group is perhaps the most straightforward because they directly bear the costs and burdens associated with vehicle-based sanctions such as impound, and thus, they have strong incentives to comply with S/R restrictions and sanctions. S/R drivers who drive borrowed vehicles are more difficult to detect and sanction. Although these drivers are sanctioned, sometimes severely, for DWS, the vehicle-based portion of the sanction is often wholly or partially shifted to the vehicle owner. Limiting access to borrowed vehicles would reduce DWS because S/R drivers would have a reduced supply of potential vehicles to drive.

Detection and Enforcement

The risk of being stopped and cited for DWS or revoked is small. Law enforcement officers must have probable cause to stop a driver, and most of the time, S/R drivers, like most validly-licensed drivers, obey traffic laws. The S/R driver who continues to drive during the period of suspension has weighed the perceived risk of being caught against the potential consequences and inconvenience of not driving, and has determined that the immediate need or desire to drive outweighs the low likelihood of being caught driving. The low risk of being caught DWS is compounded by the typically low-severity of imposed sanctions if the driver is convicted (DeYoung, 1990).

Time constraints in the field and technological limitations reduce the ability of law enforcement officers to detect S/R drivers and/or the registration status of the vehicles they drive. Unless the driver behaves in a manner that arouses the suspicion of the arresting officer, who then conducts a detailed record check, drivers may be cited and released without the officer knowing whether the driver holds a valid driving privilege (although they may possess a physical license), or whether the vehicle they are driving is validly registered. Although the driver's DMV record will eventually be examined when the citation is processed by the court, the opportunity to impose immediate sanctions, such as vehicle impoundment, may be lost because the officer was not able to review the complete driver license and vehicle registration records.

Detection of S/R drivers driving dismantled vehicles is especially challenging because the dismantled vehicles may appear to be legitimately registered. This can occur because the vehicle license plates were not surrendered to the Department of Motor Vehicles, the

license plates were taken from another validly registered vehicle and placed on the dismantled vehicle, or because stolen, altered, invalid, or counterfeit registration tags were placed on the vehicle license plate. The characteristics of dismantled and junked vehicles, and the circumstances surrounding their use, especially by S/R drivers, are not well documented and warrant further study.

RECOMMENDATIONS

Access to Dismantled and Junked Vehicles

A driver license is not required to purchase a motor vehicle; hence, S/R drivers who purchase dismantled vehicles are within their legal rights when they do so. Additionally, dismantlers are not required to distinguish operable from inoperable “dismantled” vehicles. These two circumstances facilitate the cycle of S/R drivers obtaining and driving low-value “dismantled” vehicles post-suspension. These vehicles provide an affordable and convenient method for S/R drivers to circumvent the sanctions and policies that are in place to discourage DWS. Although it is possible that in some cases the involved dismantlers are aware that a dismantled vehicle will be driven, they are not legally obligated to determine the intended use of the vehicles they sell, or to intervene in any way. This is a potential point of intervention; however, the issues are complex and require further study. A task force comprised of representatives from the DMV Investigations and Registration Policy Branches, the automobile dismantlers industry, law enforcement, and other interested parties should be convened to study the problem, evaluate the safety-related implications, and propose legislative and regulatory solutions.

Access to Validly Registered Vehicles

Vehicle owners need to be educated about the risks they incur when they loan their vehicles to disqualified drivers. If an S/R driver is arrested for DWS and is driving a legitimately registered vehicle that they do not own, the vehicle is subject to impound. Although the vehicle will likely be released to the vehicle owner prior to the standard 30-day impound, the owner is still responsible for tow and storage fees. An education and media campaign directed towards vehicle owners should be conducted to curtail S/R driver access to legitimately registered vehicles that they do not own. Additionally, The DMV should propose legislation to add language into CVC §14602.6 (see Appendix) that would permit early release of an impounded vehicle to persons with a community interest in the vehicle provided they sign a “stipulated vehicle release agreement,” which allows future forfeiture of the vehicle if it is again operated by an S/R driver. This could be modeled after existing language in CVC §14607.6 (see Appendix).

Detection and Enforcement

Improved access to existing technology would enhance detection of DWS drivers during traffic stops. For example, computerized license plate readers could be used to rapidly scan plates and run status checks against databases of vehicles that are not legally registered, or against databases of the vehicles owned by high-risk S/R drivers. Another approach to enhancing detection of high-risk DWS drivers is the use of a “hot list.” This type of list would contain the names, addresses, and vehicle license plate numbers of S/R drivers with egregious records of DWS and other associated offenses. The list would be used to alert field officers of the identity of high-risk offenders, and would facilitate intensive supervision via court probation or other targeted efforts to increase detection and enforcement.

Suspended and revoked drivers often do not surrender their physical license to the DMV at the time of suspension, as they are required to do; with the exception of DUI arrests where peace officers have legal authority to confiscate a driver’s license as part of an administrative action, there is no mechanism in place for enforcing this requirement. This means that a DWS offender may possess a physical driver license at the time of a traffic stop, and if the peace officer does not check the status of the driving privilege, the offender may escape detection. Thus, measures that encourage officers to consistently check license status and to confiscate the physical driver license if a status check shows it to be invalid, are important and should be encouraged.

Prevention of Driving While Suspended

The transportation needs of S/R drivers do not change when they lose their privilege to drive; effective traffic-safety policy is best developed in the context of realistic appraisals of what drivers can, and are willing, to do, within the boundaries of imposed sanctions. As stated above, when faced with a critical transportation need, S/R drivers will frequently make a calculated choice to drive. Suspension and revocation actions should include components to provide information and resources to assist drivers with identifying and obtaining alternative transportation. This would increase the likelihood that S/R drivers would reduce driving or forego it altogether, which would benefit both the S/R drivers themselves and the driving population at large. One mechanism for facilitating access to alternative forms of transportation among S/R drivers is to provide a tool for drivers to use to consider their transportation needs *in advance*, and to plan

accordingly. This type of planning could be facilitated by providing recently suspended drivers with a “transportation management plan” which would include written materials and information to assist them in anticipating their transportation needs (e.g., work, childcare) and with identifying alternatives. To further assist drivers, the DMV could train field office technicians to work with drivers to develop alternatives if the drivers request this kind of assistance.

The recommendations discussed above, and additional recommendations based on the quantitative and qualitative analyses of this study, and findings from prior research in this area, are presented below:

1. The DMV should provide local law-enforcement agencies with a “hot list” of suspended and revoked drivers to assist with apprehension of high-risk disqualified drivers who continue to drive.
2. The DMV should conduct outreach and training with law-enforcement agencies to encourage more frequent checking of the driver’s license and vehicle registration status during traffic stops, with the goal of checking license and registration status for all drivers involved in a traffic stop or crash.
3. Law enforcement agencies (e.g. CHP, police, sheriff) should provide field officers with electronic hardware and software, such as driver license scanners and in-car laptop computers and printers, to expedite driver license and vehicle registration record checks during traffic stops.
4. DMV should conduct a follow-up survey of DWS drivers apprehended while driving vehicles that they do not own to obtain detailed information about the relationship between the driver and vehicle owner (e.g. relative, roommate, coworker, etc.). The information would be used to develop sanctions for the driver and vehicle owner that would be imposed when DWS drivers are caught driving borrowed or invalidly registered vehicles.
5. The DMV should convene a task force to study the problem of S/R drivers obtaining access to dismantled and junked vehicles through lien sales and automobile dismantlers for transportation purposes. The task force would be charged with

identifying potential points of intervention and developing recommendations to limit access to these types of vehicles for driving purposes.

6. The DMV should conduct a study of the crash and injury risk associated with dismantled vehicles among S/R, DUI, and validly licensed drivers. The goal of this study would be to isolate the independent crash and safety risk posed by dismantled vehicles. The inclusion of different subgroups of drivers (e.g. S/R drivers versus validly registered drivers) would make it possible to separate variations in crash risk due to driver behavior versus vehicle characteristics, two factors that are likely intertwined.
7. The DMV should evaluate the effectiveness of sending a follow-up letter to recently suspended and revoked drivers. The letter would follow the original order of suspension and would contain the following components:
 - a) Terms of the suspension or revocation.
 - b) A reminder to the driver not to drive and a brief description of the elevated crash and injury risk posed by suspended and revoked drivers.
 - c) A list of applicable sanctions in the event the driver is arrested for DWS.
 - d) A “transportation management plan” to assist the driver in anticipating their transportation needs and identifying alternatives during the period of disqualification.
8. The DMV and other law enforcement agencies should conduct a collaborative media campaign to inform and warn validly licensed drivers of the risks and consequences of loaning their vehicle to drivers without a valid license.
9. The DMV should propose legislation to add language into CVC §14602.6 that would permit early release of an impounded vehicle to a person with a community interest in the vehicle provided they sign a “stipulated vehicle release agreement,” which allows future forfeiture of the vehicle if it is again operated by an S/R driver. This could be modeled after existing language in CVC §14607.6.
10. The DMV should conduct studies to better distinguish suspended and revoked drivers who are amenable to improving their driving behavior from “hard-core”

offenders who are highly resistant to change. This type of information would enable traffic safety professionals to develop targeted interventions that would be more cost-effective in reducing DWS within offender sub-types with differing driving histories, challenges, and transportation needs.

11. The State of California should increase the availability and efficiency of public transportation to reduce the need for driving among suspended and revoked drivers.

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APPENDIX

*California Vehicle Code Division 6 - Driver's Licenses**Chapter 4. Violation of License Provisions****CVC §14601: Driving When Privilege Suspended or Revoked***

14601. (a) No person shall drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for reckless driving in violation of Section 23103, ()¹ 23104, **or 23105**, any reason listed in subdivision (a) or (c) of Section 12806 authorizing the department to refuse to issue a license, negligent or incompetent operation of a motor vehicle as prescribed in subdivision (e) of Section 12809, or negligent operation as prescribed in Section 12810.5, if the person so driving has knowledge of the suspension or revocation. Knowledge shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. The presumption established by this subdivision is a presumption affecting the burden of proof.

(b) ()² A person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by imprisonment in a county jail for not less than five days or more than six months and by a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1,000).

(2) If the offense occurred within five years of a prior offense ()³ **that** resulted in a conviction of a violation of this section or Section 14601.1, 14601.2, or 14601.5, by imprisonment in a county jail for not less than 10 days or more than one year and by a fine of not less than five hundred dollars (\$500) or more than two thousand dollars (\$2,000).

(c) If the offense occurred within five years of a prior offense ()³ **that** resulted in a conviction of a violation of this section or Section 14601.1, 14601.2, or 14601.5, and is granted probation, the court shall impose as a condition of probation that the person be confined in a county jail for at least 10 days.

(d) Nothing in this section prohibits a person from driving a motor vehicle, ()³ **that** is owned or utilized by the person's employer, during the course of employment on private property ()³ **that** is owned or utilized by the employer, except an offstreet parking facility as defined in subdivision ()⁴ (c) of Section 12500.

(e) When the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation of this section in satisfaction of, or as a substitute for, an original charge of a violation of Section 14601.2, and the court accepts that plea, except, in the interest of justice, when the court finds it would be inappropriate, the court shall, pursuant to Section 23575, require the person convicted, in addition to any other requirements, to install a certified ignition interlock device on any vehicle that the person owns or operates for a period not to exceed three years.

(f) This section also applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with Section 38000)) applies as to off-highway motor vehicles, as described in Section 38001.

Amended Sec. 7, Ch. 1064, Stats. 2000. Effective September 30, 2000.

Amended Sec. 26, Ch. 468, Stats. 2003. Effective January 1, 2004.

Amended Sec. 14, Ch. 908, Stats. 2004. Effective January 1, 2005.

Amended Sec. 14, Ch. 682, Stats. 2007. Effective January 1, 2008.

The 2007 amendment added the italicized material, and at the point(s) indicated, deleted the following:

1. "or"
2. "Any"
3. "which"
4. "(d)"

CVC §14601.1: Driving When Privilege Suspended or Revoked for Other Reasons

14601.1. (a) No person shall drive a motor vehicle when his or her driving privilege is suspended or revoked for any reason other than those listed in Section 14601, 14601.2, or 14601.5, if the person so driving has knowledge of the suspension or revocation. Knowledge shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. The presumption established by this subdivision is a presumption affecting the burden of proof.

(b) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by imprisonment in the county jail for not more than six months or by a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(2) If the offense occurred within five years of a prior offense which resulted in a conviction of a violation of this section or Section 14601, 14601.2, or 14601.5, by imprisonment in the county jail for not less than five days or more than one year and by a fine of not less than five hundred dollars (\$500) or more than two thousand dollars (\$2,000).

(c) Nothing in this section prohibits a person from driving a motor vehicle, which is owned or utilized by the person's employer, during the course of employment on private property which is owned or utilized by the employer, except an offstreet parking facility as defined in subdivision (d) of Section 12500.

(d) When the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation of this section in satisfaction of, or as a substitute for, an original charge of a violation of Section 14601.2, and the court accepts that plea, except, in the interest of justice, when the court finds it would be inappropriate, the court shall, pursuant to Section 23575, require the person convicted, in addition to any other requirements, to install a certified ignition interlock device on any vehicle that the person owns or operates for a period not to exceed three years.

(e) This section also applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with Section 38000)) applies as to off-highway motor vehicles, as described in Section 38001.

Amended Sec. 8, Ch. 1064, Stats. 2000. Effective September 30, 2000.

Amended Sec. 15, Ch. 908, Stats. 2004. Effective January 1, 2005.

CVC §14601.2: Driving When Privilege Suspended or Revoked for Driving Under the Influence, With Excessive Blood Alcohol, or When Addicted

14601.2. (a) No person shall drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for a conviction of a violation of Section 23152 or 23153 if the person so driving has knowledge of the suspension or revocation.

(b) Except in full compliance with the restriction, no person shall drive a motor vehicle at any time when that person's driving privilege is restricted, if the person so driving has knowledge of the restriction.

(c) Knowledge of suspension or revocation of the driving privilege shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. Knowledge of restriction of the driving privilege shall be presumed if notice has been given by the court to the person. The presumption established by this subdivision is a presumption affecting the burden of proof.

(d) A person convicted of a violation of this section shall be punished as follows:

(1) Upon a first conviction, by imprisonment in the county jail for not less than 10 days or more than six months and by a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1,000), unless the person has been designated an habitual traffic offender under subdivision (b) of Section 23546,

subdivision (b) of Section 23550, or subdivision (d) of Section 23550.5, in which case the person, in addition, shall be sentenced as provided in paragraph (3) of subdivision (e) of Section 14601.3.

(2) If the offense occurred within five years of a prior offense that resulted in a conviction of a violation of this section or Section 14601, 14601.1, or 14601.5, by imprisonment in the county jail for not less than 30 days or more than one year and by a fine of not less than five hundred dollars (\$500) or more than two thousand dollars (\$2,000), unless the person has been designated an habitual traffic offender under subdivision (b) of Section 23546, subdivision (b) of Section 23550, or subdivision (d) of Section 23550.5, in which case the person, in addition, shall be sentenced as provided in paragraph (3) of subdivision (e) of Section 14601.3.

(e) If a person is convicted of a first offense under this section and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 10 days.

(f) If the offense occurred within five years of a prior offense that resulted in a conviction of a violation of this section or Section 14601, 14601.1, or 14601.5 and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 30 days.

(g) If a person is convicted of a second or subsequent offense that results in a conviction of this section within seven years, but over five years, of a prior offense that resulted in a conviction of a violation of this section or Section 14601, 14601.1, or 14601.5 and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 10 days.

(h) Pursuant to Section 23575, the court shall require a person convicted of a violation of this section to install a certified ignition interlock device on a vehicle the person owns or operates. Upon receipt of the abstract of a conviction under this section, the department shall not reinstate the privilege to operate a motor vehicle until the department receives proof of either the "Verification of Installation" form as described in paragraph (2) of subdivision (g) of Section 13386 or the Judicial Council Form I.D. 100.

(i) Nothing in this section prohibits a person who is participating in, or has completed, an alcohol or drug rehabilitation program from driving a motor vehicle that is owned or utilized by the person's employer, during the course of employment on private property that is owned or utilized by the employer, except an offstreet parking facility as defined in subdivision (c) of Section 12500.

(j) This section also applies to the operation of an off-highway motor vehicle on those lands that the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with Section 38000)) applies as to off-highway motor vehicles, as described in Section 38001.

Added Sec. 16.5, Ch. 908, Stats. 2004. Effective January 1, 2005. Operative September 20, 2005.

Amended Sec. 22, Ch. 279, Stats. 2005. Effective January 1, 2006.

Amended Sec. 3, Ch. 835, Stats. 2006. Effective January 1, 2007.

CVC §14601.3: Habitual Traffic Offender

14601.3. (a) It is unlawful for a person whose driving privilege has been suspended or revoked to accumulate a driving record history which results from driving during the period of suspension or revocation. A person who violates this subdivision is designated an habitual traffic offender.

For purposes of this section, a driving record history means any of the following, if the driving occurred during any period of suspension or revocation:

(1) Two or more convictions within a 12-month period of an offense given a violation point count of two pursuant to Section 12810.

(2) Three or more convictions within a 12-month period of an offense given a violation point count of one pursuant to Section 12810.

(3) Three or more accidents within a 12-month period that are subject to the reporting requirements of Section 16000.

(4) Any combination of convictions or accidents, as specified in paragraphs (1) to (3), inclusive, which results during any 12-month period in a violation point count of three or more pursuant to Section 12810.

(b) Knowledge of suspension or revocation of the driving privilege shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. The presumption established by this subdivision is a presumption affecting the burden of proof.

(c) The department, within 30 days of receipt of a duly certified abstract of the record of any court or accident report which results in a person being designated an habitual traffic offender, may execute and transmit by mail a notice of that designation to the office of the district attorney having jurisdiction over the location of the person's last known address as contained in the department's records.

(d) (1) The district attorney, within 30 days of receiving the notice required in subdivision (c), shall inform the department of whether or not the person will be prosecuted for being an habitual traffic offender.

(2) Notwithstanding any other provision of this section, any habitual traffic offender designated under subdivision (b) of Section 23546, subdivision (b) of Section 23550, or subdivision (b) of Section 23550.5, who is convicted of violating Section 14601.2 shall be sentenced as provided in paragraph (3) of subdivision (e).

(e) Any person convicted under this section of being an habitual traffic offender shall be punished as follows:

(1) Upon a first conviction, by imprisonment in the county jail for 30 days and by a fine of one thousand dollars (\$1,000).

(2) Upon a second or any subsequent offense within seven years of a prior conviction under this section, by imprisonment in the county jail for 180 days and by a fine of two thousand dollars (\$2,000).

(3) Any habitual traffic offender designated under Section 193.7 of the Penal Code or under subdivision (b) of Section 23546, subdivision (b) of Section 23550, subdivision (b) of Section 23550.5, or subdivision (d) of Section 23566 who is convicted of a violation of Section 14601.2 shall be punished by imprisonment in the county jail for 180 days and by a fine of two thousand dollars (\$2,000). The penalty in this paragraph shall be consecutive to that imposed for the violation of any other law.

(f) This section also applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with Section 38000)) applies as to off-highway motor vehicles, as described in Section 38001.

Amended Sec. 4, Ch. 901, Stats. 1997. Effective January 1, 1998.

Amended Sec. 10.2, Ch. 118, Stats. 1998. Effective January 1, 1999. Operative July 1, 1999.

Amended Sec. 16, Ch. 22, Stats. 1999. Effective May 26, 1999. Operative July 1, 1999.

Amended Sec. 17, Ch. 908, Stats. 2004. Effective January 1, 2005.

CVC §14601.4: Driving When Privilege Suspended or Revoked Causing Injury: Special Penalties

14601.4. (a) It is unlawful for a person, while driving a vehicle with a license suspended or revoked pursuant to Section 14601.2 to do an act forbidden by law or neglect a duty imposed by law in the driving of the vehicle, which act or neglect proximately causes bodily injury to a person other than the driver. In proving the person neglected a duty imposed by law in the driving of the vehicle, it is not necessary to prove that a specific section of this code was violated.

(b) A person convicted under this section shall be imprisoned in the county jail and shall not be released upon work release, community service, or other release program before the minimum period of imprisonment, prescribed in Section 14601.2, is served. If a person is convicted of that offense and is granted probation, the

court shall require that the person convicted serve at least the minimum time of imprisonment, as specified in those sections, as a term or condition of probation.

(c) When the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation of this section in satisfaction of, or as a substitute for, an original charge of a violation of Section 14601.2, and the court accepts that plea, except, in the interest of justice, when the court finds it should be inappropriate, the court shall, pursuant to Section 23575, require the person convicted, in addition to other requirements, to install a certified ignition interlock device on a vehicle that the person owns or operates for a period not to exceed three years.

(d) This section also applies to the operation of an off-highway motor vehicle on those lands that the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with Section 38000)) applies as to off-highway motor vehicles, as described in Section 38001.

(e) Upon receipt of the abstract of a conviction under this section, the department shall not reinstate the privilege to operate a motor vehicle until the department receives proof of either the "Verification of Installation" form as described in paragraph (2) of subdivision (g) of Section 13386 or the Judicial Council Form I.D. 100.

Amended Sec. 9, Ch. 1064, Stats. 2000. Effective September 30, 2000.

Amended Sec. 18, Ch. 908, Stats. 2004. Effective January 1, 2005.

Amended Sec. 4 Ch. 835, Stats. 2006. Effective January 1, 2007.

CVC §14601.5: Driving When Privilege Suspended or Revoked for Refusing Chemical Test or Driving with Excessive Blood Alcohol

14601.5. (a) A person may not drive a motor vehicle at any time when that person's driving privilege is suspended or revoked pursuant to Section 13353, 13353.1, or 13353.2 and that person has knowledge of the suspension or revocation.

(b) Except in full compliance with the restriction, a person may not drive a motor vehicle at any time when that person's driving privilege is restricted pursuant to Section 13353.7 or 13353.8 and that person has knowledge of the restriction.

(c) Knowledge of suspension, revocation, or restriction of the driving privilege shall be conclusively presumed if notice has been given by the department to the person pursuant to Section 13106. The presumption established by this subdivision is a presumption affecting the burden of proof.

(d) A person convicted of a violation of this section is punishable, as follows:

(1) Upon a first conviction, by imprisonment in the county jail for not more than six months or by a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(2) If the offense occurred within five years of a prior offense that resulted in a conviction for a violation of this section or Section 14601, 14601.1, 14601.2, or 14601.3, by imprisonment in the county jail for not less than 10 days or more than one year, and by a fine of not less than five hundred dollars (\$500) or more than two thousand dollars (\$2,000).

(e) In imposing the minimum fine required by subdivision (d), the court shall take into consideration the defendant's ability to pay the fine and may, in the interest of justice, and for reasons stated in the record, reduce the amount of that minimum fine to less than the amount otherwise imposed.

(f) This section does not prohibit a person who is participating in, or has completed, an alcohol or drug rehabilitation program from driving a motor vehicle, that is owned or utilized by the person's employer, during the course of employment on private property that is owned or utilized by the employer, except an offstreet parking facility as defined in subdivision (d) of Section 12500.

(g) When the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation of this section in satisfaction of, or as a substitute for, an original charge of a violation of Section 14601.2, and the court accepts that plea, except, in the interest of justice, when the court finds it would be inappropriate, the court shall, pursuant to Section 23575, require the person convicted, in addition to other requirements, to install a certified ignition interlock device on a vehicle that the person owns or operates for a period not to exceed three years.

(h) This section also applies to the operation of an off-highway motor vehicle on those lands that the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with Section 38000)) applies as to off-highway motor vehicles, as described in Section 38001.

(i) Upon receipt of the abstract of a conviction under this section, the department shall not reinstate the privilege to operate a motor vehicle until the department receives proof of either the "Verification of Installation" form as described in paragraph (2) of subdivision (g) of Section 13386 or the Judicial Council Form I.D. 100.

Added Sec. 13.5, Ch. 952, Stats. 2004. Effective January 1, 2005. Operative September 20, 2005.

Amended Sec. 5, Ch. 835, Stats. 2006. Effective January 1, 2007.

CVC §14601.8: Service of Sentence

14601.8. The judge may, in his or her discretion, allow any person convicted of a violation of Section 14601 or 14601.1 to serve his or her sentence on a sufficient number of consecutive weekend days to complete the sentence.

Amended and renumbered Ch. 982, Stats. 1992. Effective January 1, 1993. Former Section 14601.5.

CVC §14602.6: Vehicle Impoundment: Suspended, Revoked, or Unlicensed Driver: Hearing

14602.6. (a) (1) Whenever a peace officer determines that a person was driving a vehicle while his or her driving privilege was suspended or revoked, driving a vehicle while his or her driving privilege is restricted pursuant to Section 13352 or 23575 and the vehicle is not equipped with a functioning, certified interlock device, or driving a vehicle without ever having been issued a driver's license, the peace officer may either immediately arrest that person and cause the removal and seizure of that vehicle or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle without the necessity of arresting the person in accordance with Chapter 10 (commencing with Section 22650) of Division 11. A vehicle so impounded shall be impounded for 30 days.

(2) The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return receipt requested, to the legal owner of the vehicle, at the address obtained from the department, informing the owner that the vehicle has been impounded. Failure to notify the legal owner within two working days shall prohibit the impounding agency from charging for more than 15 days' impoundment when the legal owner redeems the impounded vehicle. The impounding agency shall maintain a published telephone number that provides information 24 hours a day regarding the impoundment of vehicles and the rights of a registered owner to request a hearing.

(b) The registered and legal owner of a vehicle that is removed and seized under subdivision (a) or their agents shall be provided the opportunity for a storage hearing to determine the validity of, or consider any mitigating circumstances attendant to, the storage, in accordance with Section 22852.

(c) Any period in which a vehicle is subjected to storage under this section shall be included as part of the period of impoundment ordered by the court under subdivision (a) of Section 14602.5.

(d) (1) An impounding agency shall release a vehicle to the registered owner or his or her agent prior to the end of 30 days' impoundment under any of the following circumstances:

(A) When the vehicle is a stolen vehicle.

(B) When the vehicle is subject to bailment and is driven by an unlicensed employee of a business establishment, including a parking service or repair garage.

(C) When the license of the driver was suspended or revoked for an offense other than those included in Article 2 (commencing with Section 13200) of Chapter 2 of Division 6 or Article 3 (commencing with Section 13350) of Chapter 2 of Division 6.

(D) When the vehicle was seized under this section for an offense that does not authorize the seizure of the vehicle.

(E) When the driver reinstates his or her driver's license or acquires a driver's license and proper insurance.

(2) No vehicle shall be released pursuant to this subdivision without presentation of the registered owner's or agent's currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of a court.

(e) The registered owner or his or her agent is responsible for all towing and storage charges related to the impoundment, and any administrative charges authorized under Section 22850.5.

(f) A vehicle removed and seized under subdivision (a) shall be released to the legal owner of the vehicle or the legal owner's agent prior to the end of 30 days' impoundment if all of the following conditions are met:

(1) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person, not the registered owner, holding a security interest in the vehicle.

(2) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle. No lien sale processing fees shall be charged to the legal owner who redeems the vehicle prior to the 15th day of impoundment. Neither the impounding authority nor any person having possession of the vehicle shall collect from the legal owner of the type specified in paragraph (1), or the legal owner's agent any administrative charges imposed pursuant to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

(3) The legal owner or the legal owner's agent presents a copy of the assignment, as defined in subdivision (b) of Section 7500.1 of the Business and Professions Code, and any one of the following: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title showing proof of legal ownership for the vehicle. Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The *law enforcement agency, impounding agency, or any person acting on behalf of those agencies* shall not require any documents to be notarized. The *law enforcement agency, impounding agency, or any person acting on behalf of those agencies* may require the agent of the legal owner to produce a photocopy or facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the *law enforcement agency, impounding agency, or any person acting on behalf of those agencies* that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

No administrative costs authorized under subdivision (a) of Section 22850.5 shall be charged to the legal owner of the type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage hearing. No city, county, city or county, or state agency shall require a legal owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The *law enforcement agency, impounding agency, or any person acting on behalf of those agencies* shall not require any documents other than those specified in this paragraph. The *law enforcement agency, impounding agency, or any person acting on behalf of those agencies* shall not require any documents to be notarized.

(g) (1) A legal owner or the legal owner's agent that obtains release of the vehicle pursuant to subdivision (f) may not release the vehicle to the registered owner of the vehicle or any agents of the registered owner, unless the registered owner is a rental car agency, until after the termination of the 30-day impoundment period.

(2) The legal owner or the legal owner's agent may not relinquish the vehicle to the registered owner until the registered owner or that owner's agent presents his or her valid driver's license or valid temporary driver's license to the legal owner or the legal owner's agent. The legal owner or the legal owner's agent shall make every reasonable effort to ensure that the license presented is valid.

(3) Prior to relinquishing the vehicle, the legal owner may require the registered owner to pay all towing and storage charges related to the impoundment and any administrative charges authorized under Section 22850.5 that were incurred by the legal owner in connection with obtaining custody of the vehicle.

(h) (1) A vehicle removed and seized under subdivision (a) shall be released to a rental car agency prior to the end of 30 days' impoundment if the agency is either the legal owner or registered owner of the vehicle and the agency pays all towing and storage fees related to the seizure of the vehicle.

(2) The owner of a rental vehicle that was seized under this section may continue to rent the vehicle upon recovery of the vehicle. However, the rental car agency may not rent another vehicle to the driver of the vehicle that was seized until 30 days after the date that the vehicle was seized.

(3) The rental car agency may require the person to whom the vehicle was rented to pay all towing and storage charges related to the impoundment and any administrative charges authorized under Section 22850.5 that were incurred by the rental car agency in connection with obtaining custody of the vehicle.

(i) Notwithstanding any other provision of this section, the registered owner and not the legal owner shall remain responsible for any towing and storage charges related to the impoundment, any administrative charges authorized under Section 22850.5, and any parking fines, penalties, and administrative fees incurred by the registered owner.

(j) The *law enforcement agency and the impounding agency, including any tow yard acting on behalf of the law enforcement agency or impounding agency, shall* () not *be* liable to the registered owner for the improper release of the vehicle to the legal owner or the legal owner's agent provided the release complies with the provisions of this section.

Amended Sec. 5, Ch. 582, Stats. 1998. Effective January 1, 1999.

Amended Sec. 2.5, Ch. 554, Stats. 2001. Effective January 1, 2002.

Amended Sec. 7, Ch. 402, Stats. 2002. Effective January 1, 2003.

Amended Sec. 2, Ch. 646, Stats. 2005. Effective January 1, 2006.

Amended Sec. 7, Ch. 418, Stats. 2006. Effective January 1, 2007.

Amended Sec. 10, Ch. 192, Stats. 2007. Effective September 7, 2007.

The 2007 amendment added the italicized material, and at the point(s) indicated, deleted the following "is"

CVC §14607.6: Impoundment and Forfeiture of Motor Vehicles

14607.6. (a) Notwithstanding any other provision of law, and except as provided in this section, a motor vehicle is subject to forfeiture as a nuisance if it is driven on a highway in this state by a driver with a suspended or revoked license, or by an unlicensed driver, who is a registered owner of the vehicle at the time of impoundment and has a previous misdemeanor conviction for a violation of subdivision (a) of Section 12500 or Section 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5.

(b) A peace officer shall not stop a vehicle for the sole reason of determining whether the driver is properly licensed.

(c) (1) If a driver is unable to produce a valid driver's license on the demand of a peace officer enforcing the provisions of this code, as required by subdivision (b) of Section 12951, the vehicle shall be impounded

regardless of ownership, unless the peace officer is reasonably able, by other means, to verify that the driver is properly licensed. Prior to impounding a vehicle, a peace officer shall attempt to verify the license status of a driver who claims to be properly licensed but is unable to produce the license on demand of the peace officer.

(2) A peace officer shall not impound a vehicle pursuant to this subdivision if the license of the driver expired within the preceding 30 days and the driver would otherwise have been properly licensed.

(3) A peace officer may exercise discretion in a situation where the driver without a valid license is an employee driving a vehicle registered to the employer in the course of employment. A peace officer may also exercise discretion in a situation where the driver without a valid license is the employee of a bona fide business establishment or is a person otherwise controlled by such an establishment and it reasonably appears that an owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to the business establishment solely for servicing or parking of the vehicle or other reasonably similar situations, and where the vehicle was not to be driven except as directly necessary to accomplish that business purpose. In this event, if the vehicle can be returned to or be retrieved by the business establishment or registered owner, the peace officer may release and not impound the vehicle.

(4) A registered or legal owner of record at the time of impoundment may request a hearing to determine the validity of the impoundment pursuant to subdivision (n).

(5) If the driver of a vehicle impounded pursuant to this subdivision was not a registered owner of the vehicle at the time of impoundment, or if the driver of the vehicle was a registered owner of the vehicle at the time of impoundment but the driver does not have a previous conviction for a violation of subdivision (a) of Section 12500 or Section 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5, the vehicle shall be released pursuant to this code and is not subject to forfeiture.

(d) (1) This subdivision applies only if the driver of the vehicle is a registered owner of the vehicle at the time of impoundment. Except as provided in paragraph (5) of subdivision (c), if the driver of a vehicle impounded pursuant to subdivision (c) was a registered owner of the vehicle at the time of impoundment, the impounding agency shall authorize release of the vehicle if, within three days of impoundment, the driver of the vehicle at the time of impoundment presents his or her valid driver's license, including a valid temporary California driver's license or permit, to the impounding agency. The vehicle shall then be released to a registered owner of record at the time of impoundment, or an agent of that owner authorized in writing, upon payment of towing and storage charges related to the impoundment, and any administrative charges authorized by Section 22850.5, providing that the person claiming the vehicle is properly licensed and the vehicle is properly registered. A vehicle impounded pursuant to the circumstances described in paragraph (3) of subdivision (c) shall be released to a registered owner whether or not the driver of the vehicle at the time of impoundment presents a valid driver's license.

(2) If there is a community property interest in the vehicle impounded pursuant to subdivision (c), owned at the time of impoundment by a person other than the driver, and the vehicle is the only vehicle available to the driver's immediate family that may be operated with a class C driver's license, the vehicle shall be released to a registered owner or to the community property interest owner upon compliance with all of the following requirements:

(A) The registered owner or the community property interest owner requests release of the vehicle and the owner of the community property interest submits proof of that interest.

(B) The registered owner or the community property interest owner submits proof that he or she, or an authorized driver, is properly licensed and that the impounded vehicle is properly registered pursuant to this code.

(C) All towing and storage charges related to the impoundment and any administrative charges authorized pursuant to Section 22850.5 are paid.

(D) The registered owner or the community property interest owner signs a stipulated vehicle release agreement, as described in paragraph (3), in consideration for the nonforfeiture of the vehicle. This requirement applies only if the driver requests release of the vehicle.

(3) A stipulated vehicle release agreement shall provide for the consent of the signator to the automatic future forfeiture and transfer of title to the state of any vehicle registered to that person, if the vehicle is driven by a driver with a suspended or revoked license, or by an unlicensed driver. The agreement shall be in effect for only as long as it is noted on a driving record maintained by the department pursuant to Section 1806.1.

(4) The stipulated vehicle release agreement described in paragraph (3) shall be reported by the impounding agency to the department not later than 10 days after the day the agreement is signed.

(5) No vehicle shall be released pursuant to paragraph (2) if the driving record of a registered owner indicates that a prior stipulated vehicle release agreement was signed by that person.

(e) (1) The impounding agency, in the case of a vehicle that has not been redeemed pursuant to subdivision (d), or that has not been otherwise released, shall promptly ascertain from the department the names and addresses of all legal and registered owners of the vehicle.

(2) The impounding agency, within two days of impoundment, shall send a notice by certified mail, return receipt requested, to all legal and registered owners of the vehicle, at the addresses obtained from the department, informing them that the vehicle is subject to forfeiture and will be sold or otherwise disposed of pursuant to this section. The notice shall also include instructions for filing a claim with the district attorney, and the time limits for filing a claim. The notice shall also inform any legal owner of its right to conduct the sale pursuant to subdivision (g). If a registered owner was personally served at the time of impoundment with a notice containing all the information required to be provided by this paragraph, no further notice is required to be sent to a registered owner. However, a notice shall still be sent to the legal owners of the vehicle, if any. If notice was not sent to the legal owner within two working days, the impounding agency shall not charge the legal owner for more than 15-days' impoundment when the legal owner redeems the impounded vehicle.

(3) No processing charges shall be imposed on a legal owner who redeems an impounded vehicle within 15 days of the impoundment of that vehicle. If no claims are filed and served within 15 days after the mailing of the notice in paragraph (2), or if no claims are filed and served within five days of personal service of the notice specified in paragraph (2), when no other mailed notice is required pursuant to paragraph (2), the district attorney shall prepare a written declaration of forfeiture of the vehicle to the state. A written declaration of forfeiture signed by the district attorney under this subdivision shall be deemed to provide good and sufficient title to the forfeited vehicle. A copy of the declaration shall be provided on request to any person informed of the pending forfeiture pursuant to paragraph (2). A claim that is filed and is later withdrawn by the claimant shall be deemed not to have been filed.

(4) If a claim is timely filed and served, then the district attorney shall file a petition of forfeiture with the appropriate juvenile or superior court within 10 days of the receipt of the claim. The district attorney shall establish an expedited hearing date in accordance with instructions from the court, and the court shall hear the matter without delay. The court filing fee of one hundred dollars (\$100) shall be paid by the claimant, but shall be reimbursed by the impounding agency if the claimant prevails. To the extent practicable, the civil and criminal cases shall be heard at the same time in an expedited, consolidated proceeding. A proceeding in the civil case is a limited civil case.

(5) The burden of proof in the civil case shall be on the prosecuting agency, by a preponderance of the evidence. All questions that may arise shall be decided and all other proceedings shall be conducted as in an ordinary civil action. A judgment of forfeiture does not require as a condition precedent the conviction of a defendant of an offense which made the vehicle subject to forfeiture. The filing of a claim within the time limits specified in paragraph (3) is considered a jurisdictional prerequisite for the availing of the action authorized by that paragraph.

(6) All right, title, and interest in the vehicle shall vest in the state upon commission of the act giving rise to the forfeiture.

(7) The filing fee in paragraph (4) shall be distributed as follows:

(A) To the county law library fund as provided in Section 6320 of the Business and Professions Code, the amount specified in Sections 6321 and 6322.1 of the Business and Professions Code.

(B) To the Trial Court Trust Fund, the remainder of the fee.

(f) Any vehicle impounded that is not redeemed pursuant to subdivision (d) and is subsequently forfeited pursuant to this section shall be sold once an order of forfeiture is issued by the district attorney of the county of the impounding agency or a court, as the case may be, pursuant to subdivision (e).

(g) Any legal owner who is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state, or the agent of that legal owner, may take possession and conduct the sale of the forfeited vehicle if the legal owner or agent notifies the agency impounding the vehicle of its intent to conduct the sale within 15 days of the mailing of the notice pursuant to subdivision (e). Sale of the vehicle after forfeiture pursuant to this subdivision may be conducted at the time, in the manner, and on the notice usually given for the sale of repossessed or surrendered vehicles. The proceeds of any sale conducted by or on behalf of the legal owner shall be disposed of as provided in subdivision (i). A notice pursuant to this subdivision may be presented in person, by certified mail, by facsimile transmission, or by electronic mail.

(h) If the legal owner or agent of the owner does not notify the agency impounding the vehicle of its intent to conduct the sale as provided in subdivision (g), the agency shall offer the forfeited vehicle for sale at public auction within 60 days of receiving title to the vehicle. Low value vehicles shall be disposed of pursuant to subdivision (k).

(i) The proceeds of a sale of a forfeited vehicle shall be disposed of in the following priority:

(1) To satisfy the towing and storage costs following impoundment, the costs of providing notice pursuant to subdivision (e), the costs of sale, and the unfunded costs of judicial proceedings, if any.

(2) To the legal owner in an amount to satisfy the indebtedness owed to the legal owner remaining as of the date of sale, including accrued interest or finance charges and delinquency charges, providing that the principal indebtedness was incurred prior to the date of impoundment.

(3) To the holder of any subordinate lien or encumbrance on the vehicle, other than a registered or legal owner, to satisfy any indebtedness so secured if written notification of demand is received before distribution of the proceeds is completed. The holder of a subordinate lien or encumbrance, if requested, shall furnish reasonable proof of its interest and, unless it does so upon request, is not entitled to distribution pursuant to this paragraph.

(4) To any other person, other than a registered or legal owner, who can reasonably establish an interest in the vehicle, including a community property interest, to the extent of his or her provable interest, if written notification is received before distribution of the proceeds is completed.

(5) Of the remaining proceeds, funds shall be made available to pay any local agency and court costs, that are reasonably related to the implementation of this section, that remain unsatisfied.

(6) Of the remaining proceeds, half shall be transferred to the Controller for deposit in the Vehicle Inspection and Repair Fund for the high-polluter repair assistance and removal program created by Article 9 (commencing with Section 44090) of Chapter 5 of Part 5 of Division 26 of the Health and Safety Code, and half shall be transferred to the general fund of the city or county of the impounding agency, or the city or county where the impoundment occurred. A portion of the local funds may be used to establish a reward fund for

persons coming forward with information leading to the arrest and conviction of hit-and-run drivers and to publicize the availability of the reward fund.

(j) The person conducting the sale shall disburse the proceeds of the sale as provided in subdivision (i) and shall provide a written accounting regarding the disposition to the impounding agency and, on request, to any person entitled to or claiming a share of the proceeds, within 15 days after the sale is conducted.

(k) If the vehicle to be sold pursuant to this section is not of the type that can readily be sold to the public generally, the vehicle shall be conveyed to a licensed dismantler or donated to an eleemosynary institution. License plates shall be removed from any vehicle conveyed to a dismantler pursuant to this subdivision.

(l) No vehicle shall be sold pursuant to this section if the impounding agency determines the vehicle to have been stolen. In this event, the vehicle may be claimed by the registered owner at any time after impoundment, providing the vehicle registration is current and the registered owner has no outstanding traffic violations or parking penalties on his or her driving record or on the registration record of any vehicle registered to the person. If the identity of the legal and registered owners of the vehicle cannot be reasonably ascertained, the vehicle may be sold.

(m) Any owner of a vehicle who suffers any loss due to the impoundment or forfeiture of any vehicle pursuant to this section may recover the amount of the loss from the unlicensed, suspended, or revoked driver. If possession of a vehicle has been tendered to a business establishment in good faith, and an unlicensed driver employed or otherwise directed by the business establishment is the cause of the impoundment of the vehicle, a registered owner of the impounded vehicle may recover damages for the loss of use of the vehicle from the business establishment.

(n) (1) The impounding agency, if requested to do so not later than 10 days after the date the vehicle was impounded, shall provide the opportunity for a poststorage hearing to determine the validity of the storage to the persons who were the registered and legal owners of the vehicle at the time of impoundment, except that the hearing shall be requested within three days after the date the vehicle was impounded if personal service was provided to a registered owner pursuant to paragraph (2) of subdivision (e) and no mailed notice is required.

(2) The poststorage hearing shall be conducted not later than two days after the date it was requested. The impounding agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle. Failure of either the registered or legal owner to request a hearing as provided in paragraph (1) or to attend a scheduled hearing shall satisfy the poststorage hearing requirement.

(3) The agency employing the person who directed the storage is responsible for the costs incurred for towing and storage if it is determined that the driver at the time of impoundment had a valid driver's license.

(o) As used in this section, "days" means workdays not including weekends and holidays.

(p) Charges for towing and storage for any vehicle impounded pursuant to this section shall not exceed the normal towing and storage rates for other vehicle towing and storage conducted by the impounding agency in the normal course of business.

(q) The Judicial Council and the Department of Justice may prescribe standard forms and procedures for implementation of this section to be used by all jurisdictions throughout the state.

(r) The impounding agency may act as the agent of the state in carrying out this section.

(s) No vehicle shall be impounded pursuant to this section if the driver has a valid license but the license is for a class of vehicle other than the vehicle operated by the driver.

(t) This section does not apply to vehicles subject to Sections 14608 and 14609, if there has been compliance with the procedures in those sections.

(u) As used in this section, "district attorney" includes a city attorney charged with the duty of prosecuting misdemeanor offenses.

(v) The agent of a legal owner acting pursuant to subdivision (g) shall be licensed, or exempt from licensure, pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code.

Amended Sec. 457.5, Ch. 931, Stats. 1998. Effective September 28, 1998. Operative January 1, 1999.

Amended Sec. 151, Ch. 75, Stats. 2005. Effective July 19, 2005. Operative January 1, 2006.