

**RESOLUTION 10-05-2017 (REVISED)**

**DIGEST**

Vehicle Code: Repealing Suspension of Driver’s Licenses for Habitual Truancy

Deletes Vehicle Code section 13202.7 to prohibit the suspension of a driver’s license for habitual school truancy.

**RESOLUTIONS COMMITTEE ANALYSIS**

History:

No similar resolutions found.

Reasons:

This resolution deletes Vehicle Code section 13202.7 to prohibit the suspension of a driver’s license for habitual school truancy. Habitual truants have problems that should be addressed by counselling and family services, not driving penalties. Licenses should be suspended only for driving related reasons

No Pass No Drive (“NPND”) laws are growing in popularity in the United States, and there is much research indicating that denial of a driver’s license for habitual truancy is effective in keeping some teenagers in school. (See, e.g., James Crotty: “No Pass No Drive: Effective Answer to Dropout Epidemic,” Forbes, July 31, 2012.) Many of the NPND laws could be improved: for example, where it is possible to leave school at age 15 the threat of depriving a habitually-truant teenager younger than 18 of his or her driver’s license could actually incentivize dropping out of school early.

The proponent has identified some research indicating that California’s equivalent of a NPND law might be less ineffective than hoped, such as the fact that many teenagers are now foregoing obtaining a driver’s license until later.

The Resolutions Committee initially recommended disapproval of this resolution. The full Conference voted to approve.

**TEXT OF RESOLUTION**

**RESOLVED** that the Conference of California Bar Associations recommends that legislation be sponsored to repeal Vehicle Code section 13202.7 to read as follows:

- 1 §13202.7
- 2 ~~(a) Any minor under the age of 18 years, but 13 years of age or older, who is an habitual~~
- 3 ~~truant within the meaning of Section 48262 of the Education Code, or who is adjudged by the~~
- 4 ~~juvenile court to be a ward of the court under subdivision (b) of Section 601 of the Welfare and~~
- 5 ~~Institutions Code, may have his or her driving privilege suspended for one year by the court. If~~
- 6 ~~the minor does not yet have the privilege to drive, the court may order the department to delay~~
- 7 ~~issuing the privilege to drive for one year subsequent to the time the person becomes legally~~
- 8 ~~eligible to drive. However, if there is no further truancy in the 12-month period, the court, upon~~

9 petition of the person affected, may modify the order imposing the delay of the driving privilege.  
10 For each successive time the minor is found to be an habitual truant, the court may suspend the  
11 minor's driving privilege for a minor possessing a driver's license, or delay the eligibility for the  
12 driving privilege for those not in possession of a driver's license, for one additional year.

13 (b) Whenever the juvenile court suspends a minor's driving privilege pursuant to  
14 subdivision (a), the court may require all driver's licenses held by the minor to be surrendered to  
15 the court. The court shall, within 10 days following the surrender of the license, transmit a  
16 certified abstract of the findings, together with any driver's licenses surrendered, to the  
17 department.

18 (c) When the juvenile court is considering suspending or delaying a minor's driving  
19 privilege pursuant to subdivision (a), the court shall consider whether a personal or family  
20 hardship exists that requires the minor to have a driver's license for his or her own, or a member  
21 of his or her family's, employment or for medically related purposes.

22 (d) The suspension, restriction, or delay of a minor's driving privilege pursuant to this section  
23 shall be in addition to any other penalty imposed by law on the minor.

(Proposed new language underlined; language to be deleted stricken)

**PROPONENT:** Bar Association of San Francisco

## **STATEMENT OF REASONS**

The Problem: When a minor is a "habitual truant," Vehicle Code § 13202.7 allows the court to suspend or to delay the minor's driver's license. However, in its "Best Practices Guide to Reducing Suspended Drivers" report from February 2013, the American Association of Motor Vehicle Administrators (AAMVA) recommended that legislatures should repeal state laws requiring the suspension of driving privileges for non-highway safety related violations. The report claimed:

- The common belief that a driver license suspension provides effective, sustainable motivation to encourage individuals to comply with court ordered or legislated mandates to avoid suspension is not supported by empirical evidence.
- When licenses are suspended for social non-conformance reasons, the suspension is "watered down" in value; it becomes less serious in the minds of law enforcement, the courts and the public.

In addition, according to an AAA Foundation for Traffic Safety report from 2013, available at: <http://newsroom.aaa.com/wp-content/uploads/2013/07/Teens-Delay-Licensing-FTS-Report.pdf>, many teenagers are not obtaining their driver's licenses until they are older. As a result, most teenagers who are between the ages of 16 and 18 are not motivated to obtain their driver's licenses anyway.

The Solution: According to the California Department of Education:

When a student is a habitual truant, the student may be referred to a school attendance review

board (SARB) or to the county probation department pursuant to Education Code § 48263. The student may also be referred to a probation officer or district attorney mediation program pursuant to Education Code § 48263.5. The intent of these laws is to provide intensive guidance to meet the special needs of students with school attendance problems or school behavior problems pursuant to Education Code § 48320. These interventions are designed to divert Students with serious attendance and behavioral problems from the juvenile justice system and to reduce the number of students who drop out of school.

See CA Department of Education “Truancy” webpage, available at <http://www.cde.ca.gov/ls/ai/tr/>.

Because Vehicle Code § 13202.7, to suspend driver’s licenses, conflicts with the California Department of Education’s guidelines for mediation and rehabilitation, then § 13202.7 should be repealed.

### **IMPACT STATEMENT**

The resolution does not affect any other law, statute or rule other than those expressly identified.

### **CURRENT OR PRIOR RELATED LEGISLATION**

Education Code § 48263: Habitually truant students may be referred to a school attendance review board or to the probation department.

Education Code § 48263.5: A school attendance review board may refer a truancy matter to the district attorney or the probation officer.

Education Code § 48320: School attendance review boards can “propose and promote the use of alternatives to the juvenile court system.”

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