OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 3 **February 22, 2006**

SUBJECT: PROCEDURE FOR CITING VIOLATIONS OF SECTIONS 12500 (a) AND 12951 (a) OF THE CALIFORNIA VEHICLE CODE

EFFECTIVE: IMMEDIATELY

PURPOSE: The Los Angeles Superior Court has advised the Department that they are experiencing a large number of cases where a traffic violator has been cited for Section 12500 (a) California Vehicle Code (CVC), (License Required – Unlicensed Driver) when the violator in fact had a valid driver license that could have been verified by the officer in the field. When this situation occurs, the violator is required to appear in court two times and this double appearance overloads the court calendars. Department Traffic Manual Section 1/107 makes the enforcement of an unlicensed driver offense mandatory.

This Order clarifies officers' responsibilities when citing violators for Sections 12500 (a) CVC (Unlicensed Driver) and 12951 (a) CVC (Driver License Not in Possession).

PROCEDURE:

I. OFFICER'S RESPONSIBILITIES. Officers issuing a Traffic Notice to Appear, Form 4.50.0, to a violator in the field shall adhere to the following procedures:

A. No driver license in possession. In a case when a violator does not possess a driver license, an officer shall:

* Make a reasonable attempt to verify the validity of the violator's driver license, including a Department of Motor Vehicles (DMV) inquiry via radio or Mobile Digital Terminal (MDT) when available;
* If the officer can reasonably determine the violator's identity and that his/her California Driver License status is valid, the officer may cite the violator for Section 12951 (a) CVC; and,

  Note: Section 12951 (a) CVC is a correctable violation unless the conditions of Section 40610 CVC are met.

* If the violator does not have any form of identification and the officer cannot reasonably identify the violator and verify his/her driver

license status via a DMV inquiry, the officer **shall cite** or **arrest** the violator for 12500 (a) CVC. The officers **shall not** list a driver license or identification number on the Traffic Notice to Appear, Form 4.50.0, unless they are certain the number in fact corresponds to the violator.

Note: Section 12500 (a) CVC is a misdemeanor offense and is not a correctable violation. If the violator does not have a driver license or identification card, then the officer shall write the word "NONE" in the driver license box of the Traffic Notice to Appear, Form 4.50.0.

B. California residency required. According to 12505 CVC, it states that any person who establishes a permanent residency in California more than 10 days shall obtain California Driver License to operate a motor vehicle in California. In a case when a violator is an out-of-state driver, an officer shall ensure:

* The violator has a valid out-of-state driver license and a routine inquiry indicates the violator is a visitor to the state, the violator shall not be cited for Section 12500 (a) CVC; and,
* The violator has a valid out-of-state driver license and a routine inquiry indicates the violator is in fact now a California resident as defined in Section 12505 CVC, the officer shall cite the violator for Section 12500 (a) CVC.

C. International and foreign driver licenses. In a case when a violator is driving with a foreign driver license, an officer shall ensure:

* The violator's foreign driver license is valid and he/she is visiting the United States. In these cases, the violator shall not be cited for Section 12500 (a) CVC. In addition, a violator with a foreign driver license does not require an International Permit (also known as an International Driver License); and,
* If the violator only possesses an International Permit without a foreign driver license, the violator shall be cited for Section 12500 (a) CVC.

Vehicle impound procedures, as delineated in Office of Operations Order No. 16, 2005, shall remain the same.

Questions regarding this Order may be directed to the Officer in Charge, Traffic Court Liaison Unit, Traffic Coordination Section, Special Operations Support Division, at (213) 485-3175.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

GEORGE GASCÓN, Assistant Chief
Director, Office of Operations

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