



Effective: 07/19/1999
Last Revised: 9/15/2019

**CSU FULLETON POLICE DEPARTMENT
GENERAL ORDER NUMBER 4-8 [CALEA 61.1.5b]**

DRIVING WITH SUSPENDED OR REVOKED LICENSE

- SUBJECT:** Unlicensed, suspended or revoked vehicle operators
- PURPOSE:** To establish guidelines for disposition of unlicensed, suspended or revoked drivers.
- POLICY:** It shall be the policy of this Department to uniformly enforce violations where the driver is unlicensed and/or the driver's license of a vehicle operator is suspended or revoked. This policy shall reflect the support of the legislative findings and declarations of California Vehicle Code 14607.4.

PROCEDURE:

I. Citation Procedures

- A.** When an officer is in contact with the operator of a motor vehicle and has cause to believe that the operator is in violation of CVC 12500(a), the officer shall request that Dispatch obtain a teletype indicating the license status of the operator. The dispatcher shall review the teletype to determine if the driver has ever been issued a driver license in California. If the driver has never been issued a CDL, the vehicle is subject to impound per CVC 14602.6. If the subject's CDL is expired for more than 30 days, the vehicle may be stored per CVC 22651(p). If a driver has a valid out of state driver license, a citation may be appropriate if they are a California resident per CVC 12505(c).
- B.** When an officer is in contact with the operator of a motor vehicle and has cause to believe that the operator is in violation of CVC Section(s) 14601(a), 14601.1(a), 14601.2 (a) 14601.3(a), 14601.4(a) and/or 14601.5(a), the officer shall request that Dispatch obtain a teletype indicating the license status of the operator. The dispatcher shall review the teletype to determine if a status of suspended or revoked license is indicated and the reason. The dispatcher shall also advise of the service code and if service is needed. It is a best practice to complete a thorough interview of the driver to determine their knowledge of their license status.

- C. If a driver's teletype shows the driver's privilege is suspended/revoked and service is needed, the driver should be charged with CVC 12500(a) in lieu of any of the CVC 14601 sections. The vehicle should be stored per CVC 22651(p). The driver shall also be issued a DMV form DL-310, see below section E.1.
- D. If a driver has never been issued a CDL and drives in violation of CVC 12500(a) and is also suspended/revoked per any of the CVC 14601 sections, and has knowledge of this suspension, he/she may be cited for both offenses.
- E. If the teletype is available to sustain the action, the officer shall then issue a citation for 12500(a), 14601(a), 14601.1 (a), or 14601.2 (a), whichever is appropriate. The citation should also include all other violations for which the officer wishes to take action.
 - 1. When a driver's license is suspended or revoked, with service needed, the officer shall complete a Verbal Notice by Peace Officer, DMV DL 310 form. This form shall be issued to the violator. An officer may issue a DL-310 form to anyone they contact whose driving privilege is suspended or revoked, while driving or not.
 - 2. The officer shall confiscate any suspended or revoked driver's license and forward to the Department of Motor Vehicles along with the completed DMV 310 form pursuant to the authority set forth in Sections 4460 and 13550, of the California Vehicle Code. The officer may also cite the subject for CVC 14610(a) (1), possession of suspended license.

II. Vehicle Disposition

A. CVC Chapter 10, Article 1, authority to remove vehicles

- 1. When an Officer issues a driver of a vehicle a citation for a violation of CVC 12500(a) (never issued), and/or CVC 14601 to 14601.5 per section 14602.6 a vehicle shall be impounded for 30 days or until the operator obtains a valid driver's license. List "30 day" impound on top of the CHP 180 form. In the "Storage authority" box of the CHP 180 "CVC 14602.6" shall be listed. This shall also be written in the "release vehicle to:" section of the CHP 180.
- 2. The Watch Supervisor may authorize the citing officer to not impound or store the vehicle. If this option is used the citing officer shall complete a written narrative in RIMS. It is not necessary for the officer to complete the 12500/14601 form. The authorizing Watch Supervisor shall also write a supplemental report detailing why the vehicle was not impounded or stored.
- 3. When an officer initiates a vehicle impound, the responsible officer shall complete a CHP-180, tow form. Pursuant to CVC 22852, the Officer shall

mail copies of the CHP-180 to the registered and legal owners. Per CVC 14602.6 a copy of the CHP-180 shall be sent to the legal owner within two working days via certified mail. Officers shall print the name *and* address of the CSU Fullerton Police Department and *CSUF* tow information line number, 657-278-2111 on the rear of the copies. Officers shall send the copies certified mail with case number written on the return address side of the green certified mail card.

4. Officers shall explain to the driver of the vehicle the procedure for a vehicle release hearing per CVC 22852 to include
 - a. The vehicle owner or agent has 10 day to request a hearing from the date on the CHP-180.
 - b. The vehicle owner or agent shall be instructed to call the CSU Fullerton PD impound/storage information line, 657-278 2111
 5. 22651(P)CVC : When a peace officer issues the driver of a vehicle a notice to appear for a violation of Section 12500 (a), 14601(a), 14601.1(a), 14601.2 (a) 14601.3(a), 14601.4(a) and/or 14601.5(a), and the officer elects to store in lieu of impound the vehicle shall complete a CHP-180. Per CVC 22852 the vehicle shall not be released to the registered owner or his or her agent except upon presentation of the registered owner's, or his or her agent's currently valid driver's license, or upon order of a court.
 6. When a peace officer issues the driver of a vehicle a notice to appear for a violation of Section 12500(a) and there is no passenger in the vehicle that has a valid driver's license and the vehicle is unlawfully parked the vehicle shall be removed and stored.
 7. While enforcement of suspended and unlicensed drivers is a serious public safety concern the spirit of the community caretaking doctrine should be followed. All vehicles impounded or stored per this policy shall be inventoried. Officers shall inform vehicle owners of the procedure to retrieve personal property from their vehicles after impound/storage.
- B. Officers shall make an effort to not leave a vehicle operator in a position of danger or hardship. Situations may be inclement weather, time of day, high crime area, small children etc. Officers may call for transportation for the vehicle operator, at the vehicle owner's expense. Officers may transport subjects to a safe area, at the officer's discretion.

II. Paperwork Processing

A. Reports to be to be completed:

1. Citation, a copy of the citation shall be included in the report folder when

submitted to the Watch Commander for approval. Officer's note from the contact shall be included in the citation.

2. The CSUF PD 12500/14601 report form shall be used in lieu of a written narrative, (in most cases). If additional information is needed for the incident, the officer may complete a narrative in RIMS. If the officer writes a narrative, it is not necessary to complete the 12500/14601 form. The Watch Commander shall complete a supplemental report in RIMS whenever a vehicle is not stored or impounded for violations of CVC 12500(never issued) and/or CVC 14601 sections.
3. CHP 180 (if vehicle is towed)
4. Verbal Notice by Peace Officer: (DMV 310), if applicable.

B. Impound Packet

1. All 30 day impounds shall be towed by the current 30 day impound towing company, and stored at the impound yard at 166 E. La Jolla Placentia CA.
2. A CSUF PD officer shall meet the current 30 day impound towing company at the impound yard and open the facility for the driver.
3. The CSUF PD officer shall complete the appropriate paperwork at the impound yard and drop the impounded vehicle keys in the drop box.
4. The Officer shall retain the invoice from the tow truck driver for inclusion into the impound packet.
5. The reporting officer shall complete an impound packet to contain the following documents;
 - a. Copy of the CHP 180 to include any narrative written on it
 - b. Copy of the citation to include the issuing officer's notes/narrative.
 - c. Original invoice from Tow Company to include one copy.
 - d. Copy of CSUF 12500/14601 report form and or any other associated report. If a portion of the report is not complete make a note in the packet stating so.
 - e. Printout of latest registration from CLETS
 - f. Printout of driver history (L1)
6. This packet shall be completed and delivered to Placentia Police

Department in a timely manner. It is requested they be delivered not later than 0800 hours. This packet shall be approved by the Watch Commander prior delivery.

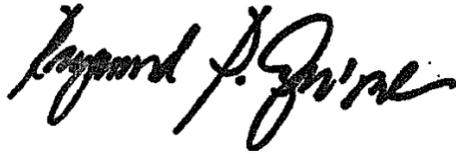
IV. Impound/Storage Hearing and Notification

- A. The Officer responsible for the impound/storage shall send a notice to the registered and legal owner of a vehicle that is impounded under this CVC section within two business days of impoundment.
- B. An impound/storage hearing will be provided upon request to the registered and/or legal owner of any vehicle impounded under the authority of 14602.6(a). This request must be within 10 days of the date of impound per CVC 22852.
- C. The impound/storage hearing will be convened by the watch supervisor or designee and will determine the validity of and mitigating circumstances attendant to the impound/storage of the vehicle in accordance to 22852 CVC.
- D. The hearing officer shall complete a supplemental report providing a brief synopsis and stating the outcome of the impound/storage hearing.

REVIEWED BY:

R.Burk

APPROVED:

A handwritten signature in black ink, appearing to read "Raymund Aguirre". The signature is written in a cursive, flowing style.

Raymund Aguirre
Chief of Police