



# TRAINING BULLETIN

Los Angeles Police Department

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## DRIVING WITHOUT A LICENSE

It is a misdemeanor to drive in California without a valid driver license (DL). During a traffic stop, a driver is required to present his/her DL upon the demand of a peace officer. Violators who are not in possession of a valid DL must be identified using other documentation in order for officers to determine the appropriate enforcement action.

## LICENSING REQUIREMENTS

According to California Vehicle Code (VC) Section 14607.4(a), driving a motor vehicle in California is a privilege and not a right. Per Section 12505 VC, any person who has established residency in California for more than 10 days shall obtain a California Driver License (CDL) to operate a motor vehicle in the state. Evidence of residency includes, but is not limited to, the following:

- Address where registered to vote;
- Payment of resident tuition fees at an institution of higher education (a student paying out-of-state tuition is not considered a resident);
- Filing a homeowner's property tax exemption; or,
- Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient such as a permanent California residence address, vehicle registered in California, local telephone number, history of other citations in California or a corresponding Department of Motor Vehicle (DMV) "X" number.

**NOTE:** DMV "X" numbers are file numbers issued by the DMV, created in the mid-1980s as a method to track the driving history of community members who were issued a personal service citation but did not have a CDL or California Identification (ID) Card in the computer system. The DMV "X" number closely resembles a CDL or California ID Card number and begins with the letter "X" followed by seven digits. A DMV "X" number can generally be located in those database fields that list the CDL or California ID Card number. Currently, the DMV estimates that there are approximately 50,000 "X" numbers on file. An individual may have several File Numbers in the system. Consequently, it is crucial that officers conducting name inquiries in the field must do a thorough investigation to identify the violator.

## **Nonresident Exemptions**

The following persons are exempt from the California licensing requirement and **should not** be cited for Section 12500(a) VC "Unlicensed Driver":

- United States (US) Military personnel stationed in California
- Nonresidents who possess a valid diplomatic DL issued by the United States Department of State
- Visitors with a valid DL from their home state or country

**NOTE:** A visitor with a foreign DL is not required to have an International Driving Permit (also known as an International Driver License). However, if the violator only possesses an International Permit without a foreign driver license, the violator may be cited for Section 12500(a) VC.

## **ENFORCEMENT INFORMATION**

Driving without a valid DL is a misdemeanor in California. A DL is not valid if it has been suspended or revoked. Enforcement action may consist of one of the following:

1. A warning
2. Issuance of a Traffic Notice to Appear Citation (Form 04.50.00)
3. Completion of a Complaint Application (Form 05.15.00)
4. A custodial arrest

To determine the appropriate enforcement action, officers should make a reasonable attempt to verify the validity of the DL. A DMV inquiry via a radio or Mobile Digital Computer is important to determine the appropriate enforcement action.

## **Determining the Violator's Identity**

The CDL and the California ID Card are the primary ID documents in the state of California. Each state has established different rules and criteria regarding the issuance of a DL or ID card. Violators who are not in possession of a valid DL may offer other documents to establish their identity, such as a state-issued ID card or other current evidence of identity bearing the person's photograph, physical description, signature, current mailing address, and a serial or similar type of number.

If the above type of ID is presented, officers must accept it as reliable unless there is a reasonable basis to believe it is false, has been altered or tampered with, or is otherwise suspicious. Ultimately, other than when the above types of ID are presented, the determination as to what constitutes satisfactory evidence of identity is at the discretion of the officer conducting the traffic stop or investigation.

Examples of satisfactory ID are:

- United States military ID card or government-issued passport. It is recommended that officers request proof of a current mailing address in conjunction with these types of ID.
- Foreign Consulate ID Cards for Mexico, South Korea and Argentina. The Office of the City Clerk has approved these consular identification cards as acceptable ID.

Examples of ID cards that **are not** considered reliable forms of ID:

- Amusement park pass
- Business card
- Check cashing card
- Credit card
- School ID card
- Most work or employment ID cards

### **When to Issue a Traffic Notice to Appear Citation for Section 12951(a) VC**

When the officer can reasonably determine the violator's identity and that his/her DL is valid, though it is not in his/her possession, the officer may:

- Verbally warn the violator, or
- Cite the violator for Section 12951(a) VC

The issuance of a Traffic Notice to Appear, Form 04.50.00, is the Department's standard procedure to release a traffic violator who has been positively identified in the field without making a custodial arrest. Violators who are not in possession of valid ID **but whose identity has been established** by other documents within a reasonable time period generally should not be booked. These violators **should be warned or cited for Section 12951(a) VC** and released.

**NOTE:** If the violator does not have a license but is in possession of other satisfactory evidence of identity from which the officer can reasonably identify the violator, **the officer should write "None" in the license box of the citation.**

### **When to Book a Violator of Section 12500(a) VC**

1. Refusing to Sign the Citation: Section 40302(b) VC authorizes a custodial arrest when a violator fails to sign a written promise to appear. The violator should be informed that his/her signature does not constitute an admission of guilt but rather it is merely a promise to appear. However, **officers are encouraged to use the authority of this section only when it is reasonably necessary.** In cases in which a custodial arrest is made, the violator should be booked for the specific infraction or misdemeanor that he/she is suspected of committing.

**NOTE:** Section 40302(b) VC is an authority section that authorizes the custodial arrest of a traffic violator who fails to provide a written promise to appear and **is not** the appropriate arrest or booking charge.

2. When the violator does not have any form of ID and the officer can neither reasonably identify the violator nor verify his/her DL status via a DMV inquiry, **the officer should arrest and book the violator for Section 12500(a) VC.**
3. When the violator has prior citations for 12500(a) VC, failure to appear or warrants for 12500(a) VC, generally the officer should arrest and book the violator for Section 12500(a) VC.

The decision to book should be based upon careful consideration of the facts and the effective utilization of the officer's time. However, an officer does not have a duty to pursue the matter further or to ask questions in an effort to determine the reliability of the driver's oral ID or other offered evidence of ID. The submission of a thumbprint or fingerprint by the violator or driver does not satisfy the requirement of presenting valid ID.

**NOTE:** Section 12500(a) VC is a misdemeanor offense; however, the Los Angeles Superior Court has advised that Traffic Notice to Appear citations will generally be prosecuted as infractions. In order for the City Attorney's Office to consider filing a misdemeanor charge, a booking of the violator is required or an officer must complete a Complaint Application Form 05.15.00, and attach it to the Traffic Notice to Appear citation. Lastly, the officer must expressly request that a misdemeanor charge be filed in the Complaint Application.

### **When the Violator's Driving Privilege Has Been Suspended or Revoked**

Once an officer has determined that a violator's California driving privilege has been suspended or revoked the officer shall:

1. Cite the violator for the appropriate 14601 VC section;
2. Confiscate the CDL, if in possession, pursuant to Section 4460 VC;
3. Advise the individual of the reason for the CDL confiscation;
4. Complete DMV Form DL 310, Verbal Notice by Peace Officer to the violator;
5. Provide the pink copy of the Form DL 310 to the violator;
6. Ensure that a supervisor reviews the Form DL 310;  
*Supervisors should ensure officers send the completed DMV Form DL 310, DMV driver's history printout, and a copy of the citation (if any) directly to the DMV*
7. Mail the original (white) copy of the DMV Form DL 310, the DMV driver's history printout, a copy of the citation (if any) and the associated CDL directly to the DMV address listed on the DMV Form DL 310; and,
8. Attach the completed yellow copy of the DMV Form DL 310 to the Daily Field Activities Report, Form 15.52.00, or Traffic Daily Field Activities Report, Form 15.52.01.

## **VEHICLE IMPOUNDMENT CONSIDERATIONS**

Although the California VC authorizes the impoundment of a motor vehicle driven by an unlicensed driver or a driver with a suspended or revoked driver license, state and federal court decisions have held that the statutory authority to impound, alone, does not determine the constitutional reasonableness of the seizure under the Fourth Amendment of the United States Constitution. **In evaluating the reasonableness of warrantless vehicle impounds, courts have focused on whether the impoundment was in accordance with the Community Caretaking Doctrine.** In short, the decision to impound any vehicle should be based on the totality of circumstances and must be reasonable and in furtherance of public safety.

Questions regarding the information contained in this Bulletin may be directed to the Traffic Coordination Section at (213) 486-0690.

**This Bulletin cancels and supersedes Volume XLIII, Issue 2, Driving Without a License, August 2013**

Field Training Services Unit  
Police Training and Education

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