

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.63

REVISED SEPTEMBER 2018

FOLLOW-UP PROCEDURES - CALIFORNIA VEHICLE CODE

SECTION 12951 VIOLATIONS

1. PURPOSE. The purpose of this General Order is to provide California Vehicle Code (CVC) Section 12951 violation procedures in the event the Department of Motor Vehicles' (DMV) database or the California Law Enforcement Telecommunications System (CLETS) is down at the time of an enforcement contact, and the individual is cited by the officer for a violation of Section 12951(a) CVC.

2. GENERAL. In 1995, the Legislature declared that driving on California's highways is a "... privilege, not a right..." and several statutes were enacted which authorize the immediate impoundment of vehicles when officers encounter drivers with a suspended driver license (DL), a revoked DL, or drivers who have never been issued a DL. Officers are encouraged to check the license status, via CLETS, of a driver during an enforcement contact. Upon determining the driver is in violation of Section 12500 or any Section(s) contained within 14601 through 14601.5 CVC, the appropriate enforcement action shall be taken in accordance with departmental policy contained in General Order 100.62, Verbal Notice of Department of Motor Vehicles Action by Peace Officer, and Highway Patrol Manual (HPM) 100.68, Traffic Enforcement Policy Manual, Chapter 2, Arrest Policies. Vehicles may be impounded in accordance with departmental policy contained in HPM 81.2, Vehicle Procedures Manual, Chapter 2, Storage/Impound and Release Procedures.

3. POLICY. Area commanders shall establish, with the local district attorney(s) or local court(s), complaint process procedures to upgrade a violation of Section 12951(a) CVC to the appropriate CVC section pursuant to departmental policy contained in HPM 100.9, Enforcement Documents Manual, Chapter 1, CHP 215, Notice To Appear. A CHP 411, Notice of Correction and Proof of Service, shall not be utilized to upgrade an infraction to a misdemeanor.

4. PROCEDURES. To aid in the apprehension of a driver with a suspended or

revoked DL or a driver who has never been issued a DL, departmental personnel shall verify the license status of suspected violators using CLETS.

- a. In every instance where the arresting officer has recorded a violation of Section 12951(a) CVC on a CHP 215, it is the responsibility of the Area commander to ensure a proper inquiry is directed to DMV through CLETS.
- b. In the event identifying information is insufficient to positively identify the person, the computer may provide a list of up to 15 possible matches. Each DL number should be run through CLETS until the person is identified.
- c. If the person cannot be identified through CLETS, or if DMV's database contains more than 15 possible matches, a request should be submitted by mail to DMV utilizing an INF 252, Law Enforcement Request for Driver License/Identification Record Information (Annex A). The completed form should be mailed to the address displayed directly under the form title. Any questions regarding the INF 252 may be directed to DMV's Information Release Unit for Law Enforcement, Government, and Media Requests, at (916) 657-7827.
- d. Upon determining that a driver is in violation of Section 12500 or any Section(s) contained within 14601 through 14601.5 CVC, via a CLETS query or receipt of a driver history record from DMV, a citation issued for violation of Section 12951(a) CVC should be upgraded to the appropriate CVC section utilizing established complaint procedures.

OFFICE OF THE COMMISSIONER

ANNEX A

OPI: 062

<p>1. REQUESTER CODE Enter the five-digit requester code assigned to your agency. This code number is required on all requests.</p> <p>2. LICENSE NUMBER Enter the permanent California driver license/identification card number, including the single letter prefix which is a part of the number.</p> <p>3. CITATION DATE Law enforcement agencies and courts should use this box to indicate the applicable date when requesting a copy of an order or a service document.</p> <p>4. COURT DATE This box may be used to indicate that the information being requested is needed in connection with a pending court date and determines priority. This is very important in processing a rush request.</p> <p>5. INFORMATION REQUESTED The "Status and Record" box should be checked to request a printout of the driving record, which is the standard inquiry response. The remaining items listed are furnished only to meet special needs and are not to be routinely requested. Information requests will require a minimum of a ten-day processing period in addition to four days for mailing (14 days total).</p> <p>6. NAME (REQUIRED) When entering the subject's name, do not use abbreviations or initials if the full spelling is known.</p>	<p>7. BIRTH DATE Use a six digit numerical form for the birth date, for example, enter January 29, 1952 as 01/29/52. The birth date is required for positive identification on requests submitted without the driver license number.</p> <p>8. ADDRESS Always enter the most complete address available.</p> <p>9. FROM The requesting agency's name and address is required in this space on each INF 252 form submitted. Your address on the request form must be limited to a maximum of four lines. Directly below the first line, a single "Attention" line may be added if it is needed to designate a particular person or unit within your agency. Be sure each line will not require more than 35 spaces for printing. See the illustration below of the required format: AGENCY NAME ATTENTION LINE STREET ADDRESS OR P.O. BOX NUMBER CITY, STATE, AND ZIP CODE</p> <p>10. ORDER OF SUSPENSION OR REVOCATION This area is to request a specific order of suspension and/or revocation.</p> <p><small>* Please submit the record request <i>two weeks prior</i> to the date needed. Otherwise, you may not receive the record information by the specified date. INF 252 (REV. 4/2015) UH</small></p>
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Print	Clear Form