



FAIRFIELD POLICE DEPARTMENT

ROLL CALL TRAINING

February 8, 2020

DMV Driver's License Suspension Service

Background

When an Officer stops a driver whose driving privilege is suspended, in order to take enforcement action, the Officer must determine that the driver had knowledge their privilege was suspended.

Issue

When is a subject's driver license suspension considered "served," or that they have knowledge of a suspension for purposes of taking enforcement action, such as issuing a citation?

Relevant Sections

14601.1 CVC:

(a) No person shall drive a motor vehicle when his or her driving privilege is suspended or revoked for any reason other than those listed in Section 14601, 14601.2, or 14601.5, if the person so driving has knowledge of the suspension or revocation. Knowledge shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. The presumption established by this subdivision is a presumption affecting the burden of proof.

13106 CVC:

(a) When the privilege of a person to operate a motor vehicle is suspended or revoked, the department shall notify the person by first-class mail, of the action taken and of the effective date thereof, except for those persons personally given notice by the department or a court, by a peace officer pursuant to Section 13388 or 13382, or otherwise pursuant to this code. It shall be a rebuttable presumption, affecting the burden of proof, that a person has knowledge of the suspension or revocation if notice has been sent by first-class mail by the department pursuant to this section to the most recent address reported to the department pursuant to Section 12800 or 14600, or any more recent address on file if reported by the person, a court, or a law enforcement agency, and the notice has not been returned to the department as undeliverable or unclaimed. It is the responsibility of every holder of a driver's license to report changes of address to the department pursuant to Section 14600.

13365.2 CVC:

(a) Upon receipt of the notice required under subdivision (b) of Section 40509.5, the department shall suspend the driving privilege of the person upon whom notice was received and shall continue that suspension until receipt of the certificate required under that subdivision.

(b) The suspension required under subdivision (a) shall become effective on the 45th day after the mailing of written notice by the department.

Summary

When reviewing a subject's driver license record, a suspension will include a service code letter. This letter indicates if they have been provided service or if there is no service.

A*, B, D, H, J, M, P, and T: Indicates service (commonly referred to as "Good Service"). Enforcement action may be taken when a record shows these service codes.

I, K*, L, and R*: Indicates No Service. No enforcement action may be taken absent another method of showing their knowledge, such as a driver's statement that they were aware of the suspension.

*Service codes A, K, and R will state "Verbal or personal service is needed." This does not necessarily indicate no service. These service codes indicate the need to issue the driver a DMV 310. As stated above, service A is good service and enforcement action may be taken in addition to serving a DMV 310.

When taking enforcement action against a driver with service A suspension, officers should attempt to confirm that the subject lived or received mail at the addresses on file with DMV during the time period of the service. A common defense is that the driver has moved and did not update their address with DMV and they may be truthful when they claim not to have been served notice. By establishing that they have received the notice, it eliminates a strong defense in court later.

Source

California Vehicle Code, California DMV Manual for CLETS

Attachments

California DMV Manual for CLETS service code explanation chart

Author

Officer Kennan Sievers

Distribution

Police

TABLE 2
SERVICE CODES

CODE	DRIVER LICENSE SERVICE CODE DESCRIPTION
A *	Mailed, not returned unclaimed
B	Served, signed document on file
D	Personal service document on file
H	Acknowledge, no signature
I	Returned unclaimed
J	Written notice served by officer
K *	Refused
L	Deceased
M	Verbal notice document on file
P	Personal service
R *	Personal service unsuccessful
T	DL returned by another state

* The message: VERBAL OR PERSONAL SERVICE IS NEEDED will display on the driver record: