



DEPARTMENT NOTICE

24-104

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Legal Update – Vehicle Code Section 12500(a)

The purpose of this Department Notice is to advise members of AB 2746 (Sept. 2022) and of the changes to the Vehicle Code that became effective January 1, 2023, as they relate to the charging of Section 12500(a), Driving without a License.

AB 2756 added Section 40000.10 to the Vehicle Code and amended and renumbered Section 40000.11 to re-classify Section 12500(a) as follows:

- punishable as an infraction for the first and second violation;
- punishable as a misdemeanor or an infraction if the person has a prior license suspension for specified violations (such as vehicular manslaughter, reckless driving, speed contest, or DUI);
- punishable as a misdemeanor or an infraction for the third and subsequent violation.

Prior to the change, 40000.11(b) listed a violation of Section 12500(a) as, “a misdemeanor, and not an infraction.” Members should be aware of this change and cite people appropriately for violations of Section 12500(a).

This change in the charging of Section 12500(a) does not affect any of the Department’s towing policies. Re-booking packages are only required when members charge Section 12500(a) as a misdemeanor. Citations for infraction violations can be sent directly to Traffic Court.


WILLIAM SCOTT
Chief of Police

Per DN 23-152, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS within (30) thirty calendar days of issuance. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be sent to sfpd.writtendirectives@sfgov.org who will provide additional information.