



Kern County

SHERIFF

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Issue: 23-46

TRAINING BULLETIN

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CVC 40000.10 regarding CVC 12500(a) – Unlicensed Driver

As of late July 2023, the Kern County District Attorney's Office began returning most criminal cases involving unlicensed drivers to the Kern County Sheriff's Office Court Complaint Office. This is because CVC 40000.10 has now made a violation of CVC 12500(a) an infraction unless specific criteria listed below is met to make it a misdemeanor.

Section 40000.10 - Punishment for driving without a valid license.

A violation of subdivision (a) of Section 12500 shall be punished as follows:

(a) *Except as provided in subdivision (b), as an infraction by a fine of one hundred dollars (\$100) for a first or second violation.*

(b) *As a misdemeanor or an infraction as prescribed by Section 19.8 of the Penal Code if a person has a prior driver's license suspension or revocation for a violation of subdivision (c) of Section 192 of the Penal Code, subdivision (e) of Section 12809, or of Section 13353, 13353.1, 13353.2, 23103, 23104, 23105, 23109, 23152, 23153, or 23154.*

(c) *As a misdemeanor or an infraction as prescribed by Section 19.8 of the Penal Code for a third or subsequent violation.*

(Added by Stats 2022 Ch 800, Sec 20. (AB 2746) Effective January 1, 2023.)

Should a deputy determine that the above criteria have not been met and the subject is being booked into Kern County Jail for additional charges, the deputy will have to manually change the Arietis charge to reflect the CVC 12500(a) as an infraction due to Arietis currently having the violation automatically listed as a misdemeanor.

Should a deputy be issuing a citation, that deputy needs to be aware of the court location that is annotated on their citation. Infractions continue to go to 3131 Arrow Street, and misdemeanors continue to go to 1415 Truxtun Avenue.

Regardless of whether the severity is an infraction or a misdemeanor, the impounding authority will still be CVC 22651(p), and there can still be a 30-day hold (14602.6(a)).