

TRAFFIC COURT TEMPORARY JUDGES TRAINING

LICENSE SUSPENSIONS

The court has the authority to suspend a person's driver's license in a number of situations. This authority is separate from the authority the Department of Motor Vehicles has to suspend or revoke a person's license. The court's authority to suspend or revoke is limited to those situations specifically permitted by statute. (People v. Harper (2000) 82 CA 4th 1413)

Vehicle Code 13200 allows the court to suspend a person's license for a conviction of any provision of the Vehicle Code relating to speed (even on a first offense) for up to 30 days for a first conviction, up to 60 days for a second conviction, and for up to 6 months for any subsequent conviction.

Upon conviction for violation VC 22348(b)-Driving over 100 mph, the court may suspend a person's privilege to drive for a period not to exceed 30 days. (Vehicle Code section 13200.5)

It is mandatory for the court to suspend for one year the license of a person who is under the age of 21 and convicted of a drug and alcohol related offense listed in Vehicle Code section 13202.5(a). Additionally, the court may order installation of an ignition interlock device pursuant to Vehicle Code sections 13202.8.

The court may also impound a person's driver's license for up to 30 days if the person fails to pay a fine or any portion of it. (Vehicle Code section 40508(d)).

When the court suspends a person's license or privilege to drive, the license must be surrendered to the court and forwarded to the DMV with a report of the conviction if the DMV must suspend or revoke a license due to the conviction. (Vehicle Code section 13550). Otherwise, the procedure is for the court to retain the license during the suspension and return it to the defendant at the end of the suspension. (Vehicle Code section 13206)