



MISDEMEANOR VIOLATIONS FOR § 12500 CVC

This training bulletin provides Department members with guidance on issuing Notices to Appear for misdemeanor violations of California Vehicle Code Section 12500

BACKGROUND INFORMATION

California Assembly Bill 2746 (AB 2746) was passed on September 29, 2022, which amended the punishment for violations of California Vehicle Code (CVC) Section 12500 (see § 40000.10 CVC). Prior to AB 2746, violations for § 12500 CVC could be prosecuted as either a misdemeanor or infraction for adults, or a misdemeanor for juveniles.

Pursuant to AB 2746, all violations of § 12500 CVC are no longer misdemeanors unless one of the following occurs:

1. It is the violator's third offense, OR
2. The violator has a suspension/revocation for DUI, vehicle manslaughter, or other various Vehicle Code violations (see § 40000.10(b) CVC; e.g., refusing a chemical test, reckless driving, etc.).

Effective 01/01/2027, AB 2746 also repeals the requirements for the DMV to suspend or revoke someone's driving privileges for violations of § 12500 CVC.

PROCEDURE

If an officer encounters someone in violation of § 12500 CVC, the officer may issue that individual a Notice to Appear for an infraction violation of the CVC, unless it is that individual's third offense, or that individual has suspended or revoked license pursuant to § 40000.10 CVC.