

Immigrant groups call for moratorium on impounding cars from unlicensed drivers

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Erika Aguilar/KPCC

Protesters hold a news conference in Hollywood October 2013 to ask the Governor to speed up the process for unlicensed drivers to apply for driver's licenses in California

As California gets ready to offer driver's licenses to undocumented people, immigrant rights groups are calling for a moratorium on impounding vehicles from unlicensed drivers. The first of a series of protests is planned for Monday night in Pomona.

[AB 60, signed by Governor Jerry Brown in October](#), allows undocumented immigrants to apply for driver's licenses. But the legislation doesn't go into effect until 2015 to give the state's Department of Motor Vehicles time to [prepare for the change](#). The DMV estimates there are approximately 1.4 million drivers who are not licensed or insured, [according to the bill](#).

"There's a lot of other communities up and down the state that are pushing their city council's to enact a moratorium," said Benjamin Wood, organizer for the [Pomona Economic Opportunity Center](#). The group has asked the Pomona city council to add the issue to its April 7 agenda.

It kicks off a [week-long campaign](#) lobbying city officials in Los Angeles, Lancaster, Long Beach, Bakersfield, Fresno and Sacramento to implement a moratorium on impounds.

California vehicle code allows law enforcement to impound vehicles belonging to unlicensed drivers for up to 30 days, but does not require officers to do so. They can impound a vehicle for just one day or simply cite the driver and release the car.

"It really depends on the situation and the discretion of the deputy," said Sgt. Daniel Dail of the Los Angeles Sheriff's Department.

He said deputies don't ask drivers whether they are legal residents. But they do take inventory of the entire circumstance such as why the driver was pulled over, if there are children in the car, or if the deputy has time to wait for another licensed driver to pick up the car.

"I'm going to be honest with you. If it's a car load of gang members, I'm going to impound the car," Dail said. "It really just depends."

[State law that went into effect in 2012](#) allows unlicensed drivers who are stopped at sobriety checkpoints, to call another licensed driver to come and pick up the car, as long as the police don't suspect the driver is drunk.

Atalia Cervantes, 35, said sometimes unlicensed drivers are given the option to retrieve their cars the same day or the next but she said not everyone has the money and the fees increased with each passing day.

She paid \$1,500 to get her car out of the tow yard in 2009 and completely lost her car in 2008 when she went through a DUI checkpoint. She said she was not cited for drunk driving.

Cervantes, who belongs to the group planning the Pomona protest, said she takes the risk of driving without a license so she can drive her daughter to school and get to her job.

"Every time I put my seat belt home after I leave home, I say 'Oh my gosh, please help me not to find cops to impound my car,'" said Cervantes, who's from Mexico. Her driver's license is expired because her visa is expired.

After some back and forth and a court case, Los Angeles police officers have been directed to allow drivers who are pulled over and don't have a license to call a licensed driver take the car, instead of impounding the vehicle. The licensed driver must be immediately available and the driver cited must have no priors for driving without a license.



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