

A. PURPOSE. To outline the enforcement actions to be taken for persons operating a motor vehicle in violation of the following Motor Vehicle Code statutes which are punishable as a misdemeanor:

1. No operator's license on person (257.311)
2. Operating a motor vehicle on a restricted license in violation of the specified restrictions (257.312)
3. Operation of a motor vehicle by an person that is unlicensed, license not valid, or expired T.I.P. (257.301)
4. Operating a motor vehicle while operator's license is suspended, revoked, or denied (257.904)

B. SPECIFIC RESPONSIBILITIES

1. Police Officers shall:
  - a. When investigating a suspected violation of the below statutes, request a "status of license" check and "vehicle registration" check from the Secretary of State via LEIN. These checks can be obtained by:
    - (1) Initiating a request to the Communications Unit.
    - (2) Using the Query function on a Mobile Data Computer (MDC).
  - b. Physically examine all insurance documents, vehicle registration, and identification possessed by the driver.
  - c. Confirm a driver's identity prior to issuing a citation for all driver's license violations. Identification may be confirmed with other official government identification card, booking photograph databases, Secretary of State driver's license photograph database, etc.
  - d. **Not** permit the individual to drive away if only a citation is issued and no physical arrest is made.

- e. **Not** make an arrest for any driver's license violation if the officer did not observe the person driving (i.e., accidents) except for operating a motor vehicle while operator's license is suspended, revoked, or denied. This is a 93-day misdemeanor and officers may arrest on probable cause.
- f. When an arrest for a driver's license violation is discretionary per this procedure, consider the following factors (these factors are not intended to be an inclusive list) which may determine whether a physical arrest should be made:
  - (1) Unable to confirm driver's identity.
  - (2) Seriousness of stop offense.
  - (3) License status shows multiple current suspensions (i.e., 3 or more).
  - (4) Knowledge of individual's prior driving history.
  - (5) High probability that driver will fail to appear pursuant to the citation.
- g. Complete a detailed incident report regarding the stop, regardless if an arrest is made or not. The report shall include the justification for the stop, subjects and vehicles involved, and details of actions taken. Cross reference other related reports.
- h. Charge arrested persons without regard to the degree of the offense and set bond as if the charge were a first offense.
- i. Seize license plates of repeat offenders when indicated to do so by the Secretary of State's response via LEIN.
  - (1) A plate should only be confiscated if a custodial arrest occurs for one of the specified offenses (prior alcohol convictions/suspensions or revocations).
  - (2) Temporary paper license plates are to be issued upon seizing metal plates. The court copy is to be submitted to the Traffic Unit and the agency copy is to be forwarded to the Communications Unit for entry into LEIN.

- (3) Include on the court/agency copy the driver's name, DOB, and incident number.
  - (4) Metal plates are to be turned into the Property Management Unit.
2. Supervisors may approve deviations from this procedure as appropriate.
  3. Assigned Investigator shall:
    - a. Obtain a complete driving record for all driver's license violations.
    - b. Determine the appropriate charge, i.e. 1<sup>st</sup> offense, 2<sup>nd</sup> offense, etc.
    - c. Obtain warrants if necessary and forward the appropriate paperwork to court.
    - d. Make appropriate notes in the incident report as to actions taken and complete the disposition.
  4. The Property Management Unit shall properly dispose of confiscated driver's licenses.

#### C. DROVE WHILE NO OPERATOR'S LICENSE ON PERSON

1. If an officer witnesses a person operating a motor vehicle upon a public highway or other public place accessible to motor vehicles and the person has no operator's license on person, the officer shall:
  - a. Confirm the operator's identity ; and
  - b. Issue a citation for No Operator's License on Person
2. The driver shall be lodged if:
  - a. The officer is unable to confirm identify of the person; or
  - b. There is a high probability that the person will fail to appear pursuant to the citation.

**D. DROVE WHILE OPERATOR'S LICENSE RESTRICTED**

1. If an officer witnesses a person operating a motor vehicle upon a public highway or other public place accessible to motor vehicles and the person has a restricted operator's license and is operating the motor vehicle in violation of those restrictions, the officer shall:
  - a. Determine the restrictions from the Secretary of State through LEIN by a status of license check.
  - b. Issue a citation for driving in violation of license restrictions, citing the exact violations; or
  - c. Issue a citation for driving in violation of license restrictions, citing the exact violation and, upon supervisory approval, lodge the person.

**E. DROVE WHILE UNLICENSED OR WITH A LICENSE NOT VALID**

1. If an officer witnesses a person operating a motor vehicle upon a public highway or other public place accessible to motor vehicles and the person has a "NO RECORD", "NO LICENSE", or an "Expired T.I.P." response from SOS, the Officer shall:
  - a. Issue a ticket for Drove Unlicensed or License Not Valid; and
  - b. Arrest and Lodge the person for Drove Unlicensed or License Not Valid.
2. If an officer witnesses a person operating a motor vehicle upon a public highway (does not include other places accessible to motor vehicles) and the person's operator's license is not valid due to failing to pay a reinstatement fee following the completion of a suspension or restriction, the officer shall:
  - a. Confiscate the driver's license and drop it into the PMU evidence locker marked "Driver's Licenses."
  - b. Issue a citation for Drove Unlicensed or License Not Valid; or
  - c. Lodge the person and issue a citation for Drove Unlicensed or License Not Valid (257.301).

**F. DROVE WHILE OPERATOR'S LICENSE SUSPENDED, REVOKED, OR DENIED**

1. If an officer witnesses or has probable cause to believe that a person was operating a motor vehicle upon a public highway or other public place accessible to motor vehicles and the person's operator's license is suspended, revoked or denied, the officer shall:
  - a. Confiscate the driver's license and drop it into the PMU evidence locker marked "Driver's Licenses."
  - b. Issue a citation for Driving While License Suspended, Revoked or Denied; or
  - c. Lodge the person and issue a citation for Driving While License Suspended, Revoked or Denied.

**GRPD Driver's License Violations Disposition Chart**

<b>Status</b>	<b>Citation Violation</b>	<b>Disposition</b>
No Driver's License on Person	(3000) No Operators License on Person	<ul style="list-style-type: none"> <li>• P &amp; P</li> <li>• Issue Cite; Report</li> <li>• <u>May</u> lodge if unable to ID</li> </ul>
Driver's License Restricted	(3060) Violation of Restricted License (time, place, etc)	<ul style="list-style-type: none"> <li>• Issue Cite; Report</li> <li>• <u>May</u> lodge with approval from supervisor</li> </ul>
<ul style="list-style-type: none"> <li>• No License (if No License and suspensions then DWLS)</li> <li>• No Record</li> <li>• Expired T.I.P.</li> </ul>	(3010) Drove While Unlicensed or License Not Valid	<ul style="list-style-type: none"> <li>• Issue Cite; Report</li> <li>• <u>Shall</u> lodge if witnessed by Ofc. (90 day misd.)</li> </ul>
License Not Valid (fail to pay reinstatement fee)	(3010) Drove While Unlicensed or License Not Valid	<ul style="list-style-type: none"> <li>• Issue Cite; Report</li> <li>• <u>May</u> lodge if witnessed by Ofc. (90 day misd.)</li> </ul>
Driver's License Suspended (all types), Revoked or Denied	(3200) Drove While License Suspended, Revoked or Denied	<ul style="list-style-type: none"> <li>• Issue Cite; Report</li> <li>• Confiscate License</li> <li>• <u>May</u> lodge (93 day misd.)</li> </ul>
Driver's License Expired (any length of time)	(3220) Expired License	<ul style="list-style-type: none"> <li>• Issue Cite; Report</li> <li>• <u>May</u> lodge if witnessed by Ofc. (90 day misd.)</li> </ul>

\*Consider factors listed in section B.1.f.