

20-06 - Reasonable Suspicion for Traffic Stop Based On Registration Violations

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services



REASONABLE SUSPICION FOR TRAFFIC STOP

BASED ON REGISTRATION VIOLATIONS

(Governor's Executive Order N-54-20 and its Effect on Reasonable Suspicion for a Traffic Stop for Registration Violations)

On April 22, 2020, Governor Gavin Newsom issued Executive Order N-54-20 that addressed the suspension of certain law enforcement duties for sixty (60) days. This newsletter will address the most pertinent components of the Executive Order located in paragraphs 3 and 5.

Paragraphs 5 of the Order provides that:

The provisions of Vehicle Code sections 4000(a)(1) and 5204(a) pertaining to the registration and registration display requirements for vehicles operated upon a highway are hereby suspended until June 30, 2020. This suspension is applicable to registrations expired on or after March 4, 2020 and before June 30, 2020. Additionally, until June 30, 2020, vehicles with registration expiring between September 4, 2019, and January 1, 2020, are exempt from the associated storage authority outlines in Vehicle Code section 22651 (o)(1)(a).

Reasonable suspicion for a traffic stop based on an officer's observation of expired registration tabs would not, under this Order, exist for tags which expired "on or after March 4, 2020 and before June 30, 2020." Furthermore, ". . . until June 30, 2020, vehicles with registration expiring between September 4, 2019, and January 1, 2020, are exempt from the storage pursuant to Vehicle Code section 22651(o)(1)(a)."

These suspensions of enforcement expire on June 30, 2020. Enforcement authority remains unchanged where the registration or license plate tags expired *before* March 3, 2020.

Paragraph 3 of the Order suspends enforcement for an expired permit for the temporary operation of a vehicle. This pertains to expirations occurring after March 4, 2020, or that will occur within 60 days of the April 22, 2020, issuance of the Order.

Similarly, the period for the registration in California for a vehicle last registered in another state is suspended for 60 days from April 22, 2020.

FOSS Newsletters : 20-06 - Reasonable Suspicion for Traffic Stop Based On Registration Violations

These temporary restrictions were put in place in recognition that in many instances updating vehicle registrations has been difficult or, at times, impossible during the COVID-19 emergency.

The impact of this Order on field enforcement is simply to caution officers to take a closer look at their justification for an enforcement stop, and to know that for the period from now until June 30, 2020, these relatively minor violations covered in the Order are not enforceable. As such, these violations will not provide reasonable suspicion permitting a traffic stop if that violation is not enforceable pursuant to the parameters set forth in the Order.

Information in this newsletter was provided by CPOA Legal Counsel Paul R. Coble Esq. and James R. Touchstone, Esq., Jones & Mayer in a published CPOA article.

If you have any questions regarding this newsletter, please call or email Field Operations Support Services at [REDACTED TEXT]

References:

Pa. v. Mimms, 434 U.S. 106, 109 (1977) Expired registration permitted officers to effect traffic stop;

Whren v. United States, 135 L. Ed. 2d 89, 116 S. Ct. 1769, 1776 (1996) Violation of a minor traffic infraction justified vehicle stop by police, even if that stop was pre-textual, because police have authority to issue citations for minor traffic infractions.
