



Santa Clara Police

Training Flash



Governor's Executive Order N-54-20 and it's Effect on Reasonable Suspicion for a Traffic Stop for Registration

On April 22, 2020, Governor Newsom issued Executive Order N-54-20 ("the Order") in which are addressed the suspension for sixty (60) days the period within which to perform certain duties. Among these, at paragraphs 1 through 7, are time limits related to registration of vehicles, the most important of which are paragraphs 3 and 5 for purposes of this Alert.

Paragraph 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 outlined 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." See *Pa. v. Mimms*, 434 U.S. 106, 109 (1977) [noting that 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 pretextual, because police have authority to issue citations for minor traffic infractions].

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.

Of perhaps lesser importance for line personnel, 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.

HOW THIS AFFECTS OUR AGENCY

- Registration expired prior to 03/03/20 = PC for a stop.
- Registration expired between 03/04/20 - 06/30/20 = No PC.
- Can only tow vehicles for expired registration if expired prior to 09/04/19

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