

Senate Bill No. 60

CHAPTER 326

An act to amend Sections 1653.5, 12800, 12801, 12801.5, 12814.5, and 13000 of, and to add Sections 12801.2 and 12801.9 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 2003. Filed with Secretary of State September 8, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 60, Cedillo. Vehicles: social security account number: driver's licenses: identification cards.

(1) Under existing law, every form prescribed by the Department of Motor Vehicles for use by an applicant for the issuance or renewal by the department of a driver's license or identification card is required to contain a section for the applicant's social security account number. Existing law requires an applicant who submits one of those forms to the department to furnish the appropriate number in the space provided. Existing law prohibits the department from completing an application that does not include the applicant's social security account number. Existing law prohibits the department from including an applicant's social security account number on a driver's license, identification card, registration, certificate of title, or any other document issued by the department. Existing law declares that information obtained by the department regarding an applicant's social security account number is not a public record and prohibits the department from disclosing that information except in specified circumstances.

This bill would require those forms to contain a section for the applicant's social security account number, federal individual taxpayer identification number, or other identifier or number that is deemed appropriate by the department. The bill would allow an applicant for a driver's license or identification card who is presently not eligible for a social security account number, but who submits a specified affidavit signed under penalty of perjury, and a federal individual taxpayer identification number or other number or identifier that is deemed appropriate by the department, to submit those documents to the department in lieu of a social security account number, and those documents would be acceptable until the applicant obtains a social security account number. The bill would require that applicant upon obtaining a social security account number to provide that social security account number to the department. The bill would, however, require an



application for a commercial driver's license to include the applicant's social security account number. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill would also prohibit the department from including an applicant's federal individual taxpayer identification number on a driver's license, identification card, registration, certificate of title, or any other document issued by the department. The bill would declare that information obtained by the department regarding an applicant's federal individual taxpayer identification number is not a public record and would prohibit the department from disclosing that information, except in specified circumstances.

(2) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law and prohibits the department from issuing a license or card to a person who does not do so. Existing law requires the department to adopt regulations, including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards.

This bill would repeal those requirements.

The bill would, however, require the department to require an applicant for an original driver's license or identification card to present an identification document acceptable to the department, for the purpose of establishing identity prior to completing that application. The bill would require an applicant who furnishes the department with his or her federal individual taxpayer identification number to present to the department a birth certificate or record of birth, determined to be acceptable by the department, issued by a foreign jurisdiction, and, in addition, one other specified document determined acceptable by the department. The bill would permit an applicant who does not possess a birth certificate or record of birth to instead present 2 or more of those specified documents.

The bill would require all applications for an original or renewal driver's license to contain documentation acceptable to the department showing the applicant is presently residing in this state.

(3) Existing law authorizes the department to establish a program to renew driver's licenses by mail, for licensees not holding a probationary license, and whose records meet certain requirements for the 2 years immediately preceding the determination of eligibility for the renewal.

This bill would provide that notwithstanding any other provision of this bill or any other provision of law, an individual eligible to renew a driver's license by mail pursuant to this program is not required to



personally appear at a department office for purposes of obtaining that renewal.

(4) The bill would require the Department of Justice, in consultation with the Department of Motor Vehicles and other interested parties, to study the cost, feasibility, technological capacity, and privacy implications for developing a biometrics system that guarantees that applicants for a driver's license or identification card are issued only one driver's license or identification card. The bill would require the Department of Justice on or before January 1, 2005, to report the findings of the study to the Legislature.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 1653.5 of the Vehicle Code is amended to read:

1653.5. (a) Every form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for the applicant's social security account number, federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department under paragraph (2) of subdivision (a) of Section 12801.

(b) Every form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) A person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number, federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department under paragraph (2) of subdivision (a) of Section 12801, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number or identifier in the space provided.

(d) (1) The department shall not complete an application for the issuance or renewal by the department of a driver's license or



identification card pursuant to Division 6 (commencing with Section 12500) that does not include one of the following:

- (A) The applicant's social security account number.
- (B) Subject to paragraph (2) of subdivision (a) of Section 12801, a federal individual taxpayer identification number.
- (C) Subject to paragraph (2) of subdivision (a) of Section 12801, a number or identifier that is determined to be appropriate by the department.

(2) The department shall not complete an application for the issuance or transfer of the registration or certificate of title to a vehicle that does not include one of the following:

- (A) The applicant's driver's license number.
- (B) The applicant's identification card number.
- (e) An applicant's social security account number or federal individual taxpayer identification number shall not be included by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.
- (f) Notwithstanding any other provision of law, information regarding an applicant's social security account number, federal individual taxpayer identification number, or any other information collected under Section 12801 or 12801.5, obtained by the department pursuant to this section, is not a public record and may not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

SEC. 2. Section 12800 of the Vehicle Code is amended to read:

12800. Every application for an original or a renewal of a driver's license shall contain all of the following information:

- (a) The applicant's true full name, age, sex, mailing address, residence address, social security account number, federal individual taxpayer identification number, or other number or identifier number deemed appropriate by the department under paragraph (2) of subdivision (a) of Section 12801.
- (b) A brief description of the applicant for the purpose of identification.
- (c) A legible print of the thumb or finger of the applicant.



(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Documentation acceptable to the department showing that the applicant is presently residing in this state. The department shall develop regulations specifying those documents that are acceptable for this purpose.

(k) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 3. Section 12801 of the Vehicle Code is amended to read:

12801. (a) (1) The department shall require an application for the issuance or renewal of a driver's license or identification card by the department to contain one of the following:

(A) The applicant's social security account number.

(B) Subject to paragraph (2), a federal individual taxpayer identification number.

(C) Subject to paragraph (2), a number or identifier that is determined to be appropriate by the department.

(2) If an applicant signs an affidavit under penalty of perjury attesting that he or she is presently not eligible for a social security account number and submits a federal individual taxpayer identification number, or other number or identifier that is deemed appropriate by the department, the submission of those documents shall be acceptable to the department in lieu of a social security account number until the applicant obtains a social security account number. Upon obtaining a social security account number, the applicant shall provide the department that number under paragraph (1).



(3) The department shall not complete an application for the issuance or renewal by the department of a driver's license or identification card that does not include one of the following:

(A) The applicant's social security account number.

(B) Subject to paragraph (2), a federal individual taxpayer identification number.

(C) Subject to paragraph (2), a number or identifier that is determined to be appropriate by the department.

(b) Notwithstanding any other law, the social security number or federal individual taxpayer identification number collected on a driver's license or identification card application shall not be displayed on the driver's license or identification card, including, but not limited to, inclusion on a magnetic tape or strip used to store data on the license.

SEC. 4. Section 12801.2 is added to the Vehicle Code, to read:

12801.2. (a) The department shall require every applicant for an original driver's license or identification card to present an identification document acceptable to the department, for the purpose of establishing identity prior to completing an application.

(b) Any applicant who furnishes the department with his or her federal individual taxpayer identification number pursuant to Section 1653.5, shall present to the department a birth certificate or record of birth, determined to be acceptable by the department, issued by a foreign jurisdiction, and, in addition, one of the following documents, determined acceptable by the department:

(1) Matricula consular issued by the government of the United States of Mexico.

(2) A passport issued by a foreign jurisdiction.

(3) A military identification card bearing the applicant's photograph, from the county of origin.

(4) A driver's license, bearing the applicant's photograph, issued by a foreign jurisdiction.

(5) A driver's license, bearing the applicant's photograph, issued by another state, possession or territory of the United States.

(c) The department may, through regulations, accept documents in addition to those specified in subdivision (b), provided that those additional documents accurately confirm the identity of the applicant.

(d) An applicant who does not possess a birth certificate or birth record from his or her country of origin may present two or more of the documents specified in subdivision (b) or referenced in subdivision (c).

(e) An applicant who presents to the department a birth certificate or record of birth issued by his or her country of origin, but who does not possess any of the other documents specified in subdivision (b), may present, in addition to the birth certificate, a letter from the Consulate



General of the applicant's home country that confirms the authenticity of the birth record.

SEC. 5. Section 12801.5 of the Vehicle Code is amended to read:

12801.5. (a) Notwithstanding Section 40300 or any other provision of law, a peace officer may not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under the age of 16 years.

(b) The inability to obtain a driver's license does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

SEC. 6. Section 12801.9 is added to the Vehicle Code, to read:

12801.9. Notwithstanding any other provision of law, a commercial driver's license applicant shall include the applicant's social security account number in the application.

SEC. 7. Section 12814.5 of the Vehicle Code is amended to read:

12814.5. (a) The director may establish a program to evaluate the traffic safety and other effects of renewing driver's licenses by mail. Pursuant to that program, the department may renew by mail driver's licenses for licensees not holding a probationary license, and whose records, for the two years immediately preceding the determination of eligibility for the renewal, show no notification of a violation of subdivision (a) of Section 40509, a total violation point count not greater than one as determined in accordance with Section 12810, no suspension of the driving privilege pursuant to Section 13353.2, and no refusal to submit to or complete chemical testing pursuant to Section 13353 or 13353.1.

(b) The director may terminate the renewal by mail program authorized by this section at any time the department determines that the program has an adverse impact on traffic safety.

(c) No renewal by mail shall be granted to any person who is 70 years of age or older.

(d) (1) The department shall charge a fee of twelve dollars (\$12) for each noncommercial license renewal and twenty-seven dollars (\$27) for each commercial license or noncommercial firefighter license renewal granted pursuant to subdivision (a) which expires on the fourth birthday following the date of the application.

(2) The department shall charge a fee of fifteen dollars (\$15) for each noncommercial license renewal and thirty-four dollars (\$34) for each commercial license or noncommercial firefighter license renewal granted pursuant to subdivision (a) which expires on the fifth birthday following the date of the application.



(e) The department shall notify each licensee granted a renewal by mail pursuant to this section of major changes to the Vehicle Code affecting traffic laws occurring during the prior five-year period.

(f) The department shall not renew a driver's license by mail if the license has been previously renewed by mail two consecutive times for five-year periods.

(g) Notwithstanding any other provision of the act that added this subdivision to this section during the 2003 portion of the 2003–04 Regular Session or any other provision of law, an individual eligible to renew a driver's license pursuant to this section is not required to personally appear at a department office for purposes of obtaining that renewal.

SEC. 8. Section 13000 of the Vehicle Code is amended to read:

13000. (a) The department may issue an identification card to any person attesting to the true full name, correct age, and other identifying data as certified by the applicant for the identification card.

(b) Any person 62 years of age or older may apply for, and the department upon receipt of a proper application therefor shall issue, an identification card bearing the notation "Senior Citizen".

(c) Every application for an identification card shall be signed and verified by the applicant before a person authorized to administer oaths and shall be supported by bona fide documentary evidence of the age and identity of the applicant as the department may require, and shall include a legible print of the thumb or finger of the applicant.

(d) Any person 62 years of age or older, and any other qualified person, may apply for, or possess, an identification card under the provisions of either subdivision (a) or (b), but not under both of those provisions.

SEC. 9. (a) The Department of Justice, in consultation with the Department of Motor Vehicles and other interested parties, shall study the cost, feasibility, technological capacity, and privacy implications for developing a biometrics system that guarantees that applicants for a driver's license or identification card are issued only one driver's license or identification card.

(b) On or before January 1, 2005, the Department of Justice shall provide the findings of the study described in subdivision (a) to the Legislature.

SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or



changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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