

AMENDED IN SENATE MAY 23, 2007

AMENDED IN SENATE APRIL 10, 2007

**SENATE BILL**

**No. 60**

---

---

**Introduced by Senator Cedillo**

**(Coauthors: Senators Calderon, Kuehl, Oropeza, and Romero)**

*(Coauthors: Assembly Members Arambula, Coto, De Leon, Dymally, Hernandez, Mendoza, Parra, Saldana, Soto, and Torrico)*

January 11, 2007

---

---

An act to amend Section 40000.11 of, to amend, repeal, and add Sections 12801.5 and 14610.7 of, *and* to add Sections 1653.6 and 12801.1 to, ~~and to add and repeal Section 12801.9 of,~~ the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as amended, Cedillo. Vehicles: driver's licenses.

(1) Existing law requires the Department of Motor Vehicles, upon proper application, to issue driver's licenses and identification cards.

This bill would require the department, in the issuance of driver's licenses and identification cards, to issue licenses and cards that are in compliance with specified requirements of the federal Real ID Act of 2005 (Public Law 109-13).

The bill would require the department to issue a driver's license that permits driving and is acceptable by a federal agency for any official purpose, as certified by the federal Secretary of Homeland Security, to an applicant who is in compliance with specified requirements of specified provisions of the federal act, no later than 240 days after the United States Secretary of Homeland Security approves the state's implementation plan of the federal act.

The bill also would require the department, in compliance with the federal act, and no later than 240 days after the United States Secretary of Homeland Security approves the state's implementation plan, to issue a driver's license that permits driving, and is not acceptable by a federal agency for federal identification or for any other official purpose, to an applicant who does not provide valid documentary evidence of lawful status under the federal act.

(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, and to make a specified annual report.

This bill would repeal those requirements on the date that the Secretary of State receives a notice from the Director of Motor Vehicles indicating the date that the department shall commence the issuance of driver's licenses in compliance with the implementation of the federal Real ID Act of 2005.

~~This bill would, however, until the date of receipt by the Secretary of State of the notice, described above, require the department to accept an original notice of action document that contains a valid application verification number and is issued by a regional service center of the federal Citizenship and Immigration Service (CIS) of the United States Department of Homeland Security, as proof that the driver's license applicant's presence in the United States is authorized under federal law.~~

~~The bill would require the department to use the Case Status Service Online Internet Web site of the CIS, or any other verification mechanism deemed acceptable by the CIS and the department, to verify an applicant's pending status.~~

~~The bill would require a driver's license issued to a person eligible under these provisions to be for a limited term of 12 months. The bill would require the department to renew the license for consecutive one-year periods until the date the department determines that the CIS has taken a final action on the applicant's legal residency application, or until the department has implemented the provisions of the federal Real ID Act of 2005, whichever date occurs first.~~

~~The bill would require the department to commence implementation of the provisions relating to acceptance of CIS documents as proof of an applicant’s lawful presence on or before March 1, 2008.~~

(3) Existing law makes it a misdemeanor for a person to knowingly assist in obtaining a driver’s license or identification card for a person whose presence in the United States is not authorized under federal law.

This bill would repeal that provision, and, instead, would make it a misdemeanor to knowingly assist in obtaining documents for another person in violation of the federal Real ID Act of 2005. These changes would become operative on the date of receipt by the Secretary of State of the notice described above.

Because this bill would create a new crime, this bill would impose a state-mandated local program.

(4) 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.

(5) The bill would provide that its provisions are severable.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. This act shall be known, and may be cited, as the  
2 California Real ID Act of 2007.

3 SEC. 2. The Legislature intends by the enactment of this act  
4 to accomplish the following:

5 (a) Meet or exceed the document and issuance standards set  
6 forth in the federal Real ID Act of 2005 (Public Law 109-13), to  
7 ensure that California has a federally recognized and acceptable  
8 driver’s license and identification card.

9 (b) Provide driver’s licenses that permit driving, but cannot be  
10 used for federal identification purposes, consistent with the federal  
11 Real ID Act of 2005, to California drivers that cannot meet the  
12 minimum identity confirmation requirements necessary to obtain  
13 a federally recognized driver’s license or identification card.

14 SEC. 3. Section 1653.6 is added to the Vehicle Code, to read:

15 1653.6. In the issuance of a driver’s license and identification  
16 card under this code, the department shall issue a driver’s license

1 and an identification card that are in compliance with Section 202  
2 of Title II of the federal Real ID Act of 2005 (Public Law 109-13).

3 SEC. 4. Section 12801.1 is added to the Vehicle Code, to read:

4 12801.1. (a) No later than 240 days after the United States  
5 Secretary of Homeland Security approves the state's  
6 implementation plan of the federal Real ID Act of 2005 (Public  
7 Law 109-13), the department shall issue a driver's license that  
8 permits driving and is acceptable by a federal agency for any  
9 official purpose, as certified by the Secretary of Homeland Security,  
10 to an applicant who is in compliance with the requirements of  
11 Section 202 of Title II of the federal Real ID Act of 2005.

12 (b) The department, in compliance with the federal Real ID Act  
13 of 2005, and no later than 240 days after the United States  
14 Secretary of Homeland Security approves the state's  
15 implementation plan, shall issue a driver's license that permits  
16 driving, and is not acceptable by a federal agency for federal  
17 identification or for any other official purpose pursuant to  
18 paragraph (11) of subsection (d) of Section 202 of Title II of the  
19 federal Real ID Act of 2005, to an applicant who does not meet  
20 the requirements of subparagraph (B) of paragraph (2) of subsection  
21 (c) of Section 202 of that federal act.

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

24 12801.5. (a) Notwithstanding any other provision of law, the  
25 department shall require an applicant for an original driver's license  
26 or identification card to submit satisfactory proof that the  
27 applicant's presence in the United States is authorized under federal  
28 law.

29 (b) The department shall not issue an original driver's license  
30 or identification card to a person who does not submit satisfactory  
31 proof that the applicant's presence in the United States is authorized  
32 under federal law.

33 (c) The department shall adopt regulations to carry out the  
34 purposes of this section, including procedures for, but not limited  
35 to, (1) verifying that the applicant's presence in the United States  
36 is authorized under federal law, (2) issuance of a temporary license  
37 pending verification of the applicant's status, and (3) appeal  
38 hearings from a denial of a license, temporary license, or  
39 identification card.

1 (d) On January 10 of each year, the department shall submit a  
2 supplemental budget report to the Governor and the Legislature  
3 detailing the costs of verifying the citizenship or legal residency  
4 of applicants for driver's licenses and identification cards, in order  
5 for the state to request reimbursement from the federal government.

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

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

16 (g) (1) The director shall determine the date that the department  
17 shall commence the issuance of driver's licenses under Section  
18 12801.1.

19 (2) The director shall submit a notice of the determination under  
20 paragraph (1) to the Secretary of State, and on the date of the  
21 receipt of that notice by the Secretary of State, this section is  
22 repealed.

23 SEC. 6. Section 12801.5 is added to the Vehicle Code, to read:

24 12801.5. (a) Notwithstanding any other provision of law, a  
25 peace officer shall not detain or arrest a person solely on the belief  
26 that the person is an unlicensed driver, unless the officer has  
27 reasonable cause to believe that the person driving is under 16  
28 years of age.

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

34 (c) This section shall become operative upon the receipt by the  
35 Secretary of State of the notice specified in paragraph (2) of  
36 subdivision (g) of Section 12801.5, as amended by Section 5 of  
37 the act that added this section.

38 ~~SEC. 7. Section 12801.9 is added to the Vehicle Code, to read:~~

39 ~~12801.9. (a) The Legislature hereby finds and declares all of~~  
40 ~~the following:~~

1 ~~(1) There are residents of California who have applied to the~~  
2 ~~federal Citizenship and Immigration Service (CIS) of the United~~  
3 ~~States Department of Homeland Security for legal residency and~~  
4 ~~have had their applications accepted by the CIS for processing.~~

5 ~~(2) The persons described in paragraph (1), who have made~~  
6 ~~themselves known to the federal government and have had their~~  
7 ~~applications for adjustment of status accepted by the CIS for~~  
8 ~~processing, are not deportable based on their immigration status.~~

9 ~~(3) Persons with pending applications for adjustment of status~~  
10 ~~are issued application verification numbers on their notice of action~~  
11 ~~document by the CIS. These application verification numbers are~~  
12 ~~unique to each individual and can be verified through the Case~~  
13 ~~Status Service Online Internet Web site of the CIS.~~

14 ~~(4) California currently does not issue a driver's license to a~~  
15 ~~person with a pending application for adjustment of status.~~  
16 ~~However, under the federal Real ID Act of 2005 (Public Law~~  
17 ~~109-13), a temporary driver's license issued to a person with a~~  
18 ~~pending application for adjustment of status would be accepted~~  
19 ~~for official purposes under that federal act.~~

20 ~~(b) For purposes of Section 12801.5, the department shall accept~~  
21 ~~an original notice of action document that contains a valid~~  
22 ~~application verification number and is issued by a regional service~~  
23 ~~center of the CIS, as proof that the driver's license applicant's~~  
24 ~~presence in the United States is authorized under federal law.~~

25 ~~(c) The department shall use the Case Status Service Online~~  
26 ~~Internet Web site of the CIS, or any other verification mechanism~~  
27 ~~deemed acceptable by the CIS and the department, to verify an~~  
28 ~~applicant's pending status.~~

29 ~~(d) A driver's license issued to a person eligible under this~~  
30 ~~section shall be for a limited term of 12 months. The department~~  
31 ~~shall renew the license for consecutive one-year periods until the~~  
32 ~~date the department determines that the CIS has taken a final action~~  
33 ~~on the applicant's legal residency application, or until the~~  
34 ~~department has implemented the provisions of the federal Real ID~~  
35 ~~Act of 2005, whichever date occurs first.~~

36 ~~(e) The department shall commence implementation of this~~  
37 ~~section on or before March 1, 2008.~~

38 ~~(f) This section is repealed on the date that the Secretary of State~~  
39 ~~receives the notice described in paragraph (2) of subdivision (g)~~

1 of Section 12801.5, as amended by Section 5 of the act that added  
2 this section:

3 ~~SEC. 8.~~

4 *SEC. 7.* Section 14610.7 of the Vehicle Code is amended to  
5 read:

6 14610.7. (a) It is a misdemeanor for a person to knowingly  
7 assist in obtaining a driver's license or identification card for a  
8 person whose presence in the United States is not authorized under  
9 federal law.

10 (b) This section is repealed on the date that the Secretary of  
11 State receives the notice described in paragraph (2) of subdivision  
12 (g) of Section 12801.5, as amended by Section 5 of the act that  
13 amended this section. The repeal of this section shall not be  
14 construed to forgive or legalize conduct prohibited by this section  
15 that was committed prior to the repeal date.

16 ~~SEC. 9.~~

17 *SEC. 8.* Section 14610.7 is added to the Vehicle Code, to read:

18 14610.7. (a) (1) A person shall not knowingly assist in  
19 obtaining a driver's license, identification card, or any other  
20 document for another person in violation of Section 202 of Title  
21 II of the federal Real ID Act of 2005 (Public Law 109-13).

22 (2) A violation of paragraph (1) is a misdemeanor.

23 (b) This section is cumulative and shall not be construed as  
24 restricting the application of any other law. However, an act or  
25 omission punishable differently by this section and another section  
26 of this code or any other code shall not be punished under more  
27 than one of those sections.

28 (c) This section shall become operative upon the receipt by the  
29 Secretary of State of the notice specified in paragraph (2) of  
30 subdivision (g) of Section 12801.5, as amended by Section 5 of  
31 the act that added this section.

32 ~~SEC. 10.~~

33 *SEC. 9.* Section 40000.11 of the Vehicle Code is amended to  
34 read:

35 40000.11. A violation of any of the following is a misdemeanor,  
36 and not an infraction:

37 (a) Division 5 (commencing with Section 11100), relating to  
38 occupational licensing and business regulations.

39 (b) Section 12500, subdivision (a), relating to unlicensed drivers.

1 (c) Section 12515, subdivision (b), relating to persons under 21  
2 years of age driving, and the employment of those persons to drive,  
3 vehicles engaged in interstate commerce or transporting hazardous  
4 material.

5 (d) Section 12517, relating to a special driver’s certificate to  
6 operate a schoolbus or school pupil activity bus.

7 (e) Section 12519, subdivision (a), relating to a special driver’s  
8 certificate to operate a farm labor vehicle.

9 (f) Section 12520, relating to a special driver’s certificate to  
10 operate a tow truck.

11 (g) Section 12951, subdivision (b), relating to refusal to display  
12 a license.

13 (h) Section 13004, relating to unlawful use of an identification  
14 card.

15 (i) Section 13004.1, relating to identification documents.

16 (j) Sections 14601, 14601.1, 14601.2, and 14601.5, relating to  
17 driving with a suspended or revoked driver’s license.

18 (k) Section 14604, relating to unlawful use of a vehicle.

19 (l) Section 14610, relating to unlawful use of a driver’s license.

20 (m) Section 14610.1, relating to identification documents.

21 (n) Section 14610.7, relating to assisting in the unlawful  
22 attainment of identification documents.

23 (o) Section 15501, relating to use of a false or fraudulent license  
24 by a minor.

25 ~~SEC. 11.~~

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

35 ~~SEC. 12.~~

36 *SEC. 11.* The provisions of this act are severable. If any  
37 provision of this act or its application is held invalid, that invalidity

- 1 shall not affect other provisions or applications that can be given
- 2 effect without the invalid provision or application.

O