

**ASSEMBLY BILL**

**No. 2313**

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**Introduced by Assembly Member Grove**

February 24, 2012

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An act to amend Section 12801.5 of the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 2313, as introduced, Grove. Driver's licenses: applications.

Existing law requires the Department of Motor Vehicles, upon proper application, to issue driver's licenses and identification cards. Existing law requires an application to include satisfactory proof that the applicant's presence in the United States is authorized under federal law.

This bill would make a technical, nonsubstantive change to that application requirement.

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

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

- 1 SECTION 1. Section 12801.5 of the Vehicle Code is amended
- 2 to read:
- 3 12801.5. (a) Notwithstanding any other ~~provision of~~ law, the
- 4 department shall require an applicant for an original driver's license
- 5 or identification card to submit satisfactory proof that the
- 6 applicant's presence in the United States is authorized under federal
- 7 law.

- 1 (b) The department shall not issue an original driver’s license  
2 or identification card to a person who does not submit satisfactory  
3 proof that the applicant’s presence in the United States is authorized  
4 under federal law.
- 5 (c) The department shall adopt regulations to carry out the  
6 purposes of this section, including procedures for, but not limited  
7 to, (1) verifying that the applicant’s presence in the United States  
8 is authorized under federal law, (2) issuance of a temporary license  
9 pending verification of the applicant’s status, and (3) appeal  
10 hearings from a denial of a license, temporary license, or  
11 identification card.
- 12 (d) On January 10 of each year, the department shall submit a  
13 supplemental budget report to the Governor and the Legislature  
14 detailing the costs of verifying the citizenship or legal residency  
15 of applicants for driver’s licenses and identification cards, in order  
16 for the state to request reimbursement from the federal government.
- 17 (e) Notwithstanding Section 40300 or any other provision of  
18 law, a peace officer may not detain or arrest a person solely on the  
19 belief that the person is an unlicensed driver, unless the officer has  
20 reasonable cause to believe the person driving is under the age of  
21 16 years.
- 22 (f) The inability to obtain a driver’s license pursuant to this  
23 section does not abrogate or diminish in any respect the legal  
24 requirement of every driver in this state to obey the motor vehicle  
25 laws of this state, including laws with respect to licensing, motor  
26 vehicle registration, and financial responsibility.