An act to amend Sections 1653.5, 12800, 12801, and 13002 of, and to repeal Sections 12801.5, 12801.6, and 12801.8 of the Vehicle Code, relating to drivers’ licenses.

LEGISLATIVE COUNSEL’S DIGEST

AB 60, as introduced, Alejo. Drivers’ licenses: eligibility: required documentation.

(1) Existing law requires the Department of Motor Vehicles (DMV) to require an 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. Existing law prohibits the department from issuing an original driver’s license or identification card to a person who does not submit satisfactory proof that his or her presence in the United States is authorized under federal law.

Existing law also requires the DMV to adopt regulations to carry out the purposes of this prohibition and requires the DMV to submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver’s licenses and identification cards, in order for the state to request reimbursement from the federal government. Existing law prohibits a peace officer from detaining or arresting 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 16 years of age.
Existing law provides that in the case of a legal, nonimmigrant driver’s license applicant, the DMV is required to issue a temporary license if the applicant successfully completes the application and related requirements, including proof that the person is authorized under federal law to be in the United States, for issuance of a driver’s license. The term of the driver’s license is to coincide with dates for which the person is authorized to be in the United States.

This bill would repeal these provisions and related provisions, and make technical, conforming changes to other related provisions.

(2) Existing law requires each form prescribed by the DMV for use by an applicant for the issuance or renewal of a driver’s license or identification card to contain a section for the applicant’s social security number. Existing law prohibits the inclusion of an applicant’s social security number on a driver’s license, identification card, registration, certificate of title, or other document issued by the DMV or the display of an applicant’s social security number on the driver’s license.

This bill would additionally provide that the section of the form for the applicant’s social security number may also be used for an applicant’s individual taxpayer identification number, or other number associated with the identity document that the DMV finds clearly establishes the identity of the applicant. The bill would additionally prohibit the inclusion or the displaying of the applicant’s individual taxpayer identification number or other number associated with the identity document.


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

SECTION 1. The Legislature finds and declares all of the following:

(a) According to a report by the AAA Foundation for Traffic Safety, car crashes rank among the leading causes of death in the United States.

(b) Previous studies done by the foundation have found that approximately one in five fatal crashes in the United States involve an unlicensed or invalidly licensed driver.

(c) The California Department of Motor Vehicles, Licensing Operations Division, Research and Development Branch has stated that unlicensed driving is a major California safety problem.
In a report titled, “Estimating the Exposure and Fatal Crash Rates of Suspended/Revoked and Unlicensed Drivers in California” published in Accident Analysis and Prevention, 29(1), the Department of Motor Vehicles estimates that 12 percent of the drivers on the road do not have a valid driver’s licenses.

In the State of California, there are potentially one million drivers who are unlicensed and uninsured.

It is our responsibility to ensure that all California drivers are properly trained, tested, and insured in order to make our roads safer.

SEC. 2. 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 a number associated with any document that the department finds clearly establishes the identity of the applicant.

(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, a number associated with any document that the department finds clearly establishes the identity of the applicant, or pursuant to subdivision (b), the applicant’s driver’s license or identification card number, if any, shall furnish the appropriate number in the space provided.

(d) The department shall not complete an application that does not include the applicant’s social security account number, federal individual taxpayer identification number, a number associated with any document that the department finds clearly establishes the identity of the applicant, or driver’s license or identification card number as required under subdivision (c).

(e) An applicant’s social security account number, federal individual taxpayer identification number, or a number associated
with any document that the department finds clearly establishes
the identity of the applicant 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 a number associated
with any document that the department finds clearly establishes
the identity of the applicant obtained by the department pursuant
to this section or Section 12800 or 12801, 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. 3. 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, and social security account number, federal
individual taxpayer identification number, or a number associated
with any document that the department finds clearly establishes
the identity of the applicant.
(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) Any other information that is necessary to enable the
department to determine whether the applicant is entitled to a
license under this code.

SEC. 4. Section 12801 of the Vehicle Code is amended to read:
12801. (a) Notwithstanding any other law, the department
shall require an application for a driver’s license to contain the
applicant’s social security account number and, federal individual
taxpayer identification number, or any other number or identifier
determined to be appropriate by the department.

(b) Notwithstanding subdivision (a), an applicant who pro-
vides satisfactory proof that his or her presence in the United States is
authorized under federal law, but who is not eligible for a social
security account number, is eligible to receive an original driver’s
license if he or she meets all other qualifications for licensure.

SEC. 5. Section 12801.5 of the Vehicle Code is repealed.
12801.5. (a) Notwithstanding any other provision of law, the
department shall require an 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.

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

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

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

(e) 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.

(f) The inability to obtain a driver’s license pursuant to this section 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 12801.6 of the Vehicle Code is repealed.

12801.6. (a) Any federal document demonstrating favorable action by the federal government for acceptance of a person into the deferred action for childhood arrivals program shall satisfy the requirements of Section 12801.5.

(b) The department may issue an original driver’s license to the person who submits proof of presence in the United States as authorized under federal law pursuant to subdivision (a) and either a social security account number or ineligibility for a social security account number.

SEC. 7. Section 12801.8 of the Vehicle Code is repealed.
12801.8. (a) In the case of a legal, nonimmigrant driver’s license applicant, the department shall issue a temporary driver’s license, valid for 90 days, if the applicant has successfully completed the application and the related requirements for the issuance of a driver’s license under this code, including subdivision (a) of Section 12805. If the United States Immigration and Naturalization Service is unable to verify the applicant’s presence before the temporary driver’s license expires, the department shall, at least 15 days before the temporary driver’s license expires, extend the temporary driver’s license for an additional 120 days and notify the applicant by mail that the temporary driver’s license is being extended.

(b) If the department adjusts the expiration date of any driver’s license issued pursuant to this code so that the date does not exceed the expiration date of a federal document submitted pursuant to subdivision (a) of Section 12801.5, the applicant may, upon receipt of a notice of renewal of the driver’s license by the department sent prior to the expiration of the license, request an extension of the term of the driver’s license by submitting to the department satisfactory proof that the applicant’s presence in the United States has been reauthorized or extended under federal law. After verifying that the applicant’s presence in the United States has been reauthorized or extended by federal law, the department shall adjust the expiration date of the driver’s license so that it does not exceed the expiration date of the revised federal document submitted pursuant to subdivision (a) of Section 12801.5 and complies with the related requirements of this code.

(c) On or before July 1, 1997, the department shall establish a procedure for receiving mailed requests for the extension of driver’s licenses as described in this section.

SEC. 8. Section 13002 of the Vehicle Code is amended to read:
13002. (a) Except as otherwise provided in subdivision (b), every identification card shall expire, unless canceled earlier, on the sixth birthday of the applicant following the date of application for the identification card. Renewal of any identification card, other than a senior citizen identification card, shall be made for a term which shall expire on the sixth birthday of the applicant following expiration of the identification card renewed, unless surrendered earlier. Any application for renewal received after 90 days after expiration of the identification card, including a senior
citizen identification card, shall be considered the same as an application for an original identification card. The department shall, at the end of six years and six months after the issuance or renewal of an identification card, other than a senior citizen identification card, destroy any record of the card if it has expired and has not been renewed.

(b) Every senior citizen identification card issued pursuant to subdivision (b) of Section 13000 shall expire, unless canceled earlier, on the 10th birthday of the applicant following the date of application for the identification card. Renewal of any senior citizen identification card shall be made for a term which shall expire on the 10th birthday of the applicant following expiration of the senior citizen identification card renewed, unless surrendered earlier. The department shall, at the end of 10 years and six months after the issuance or renewal of a senior citizen identification card, destroy any record of the card if it has expired and has not been renewed.

(c) An identification card may be issued to a person in exchange for the person’s driver’s license which is surrendered to the department for either of the following reasons:

(1) The person has a physical or mental condition and requests cancellation of the driver’s license.

(2) The department has revoked the person’s driving privilege based on the person’s physical or mental condition.

That card shall be issued without the payment of any additional fee.

(d) Notwithstanding subdivisions (a) and (b), the department may adjust the expiration date of any identification card issued pursuant to this code so that the date does not exceed the expiration date of a document submitted pursuant to subdivision (a) of Section 12801.5.