

ASSEMBLY BILL

No. 60

**Introduced by Assembly Member Alejo
(Coauthor: Assembly Member Williams)**

January 7, 2013

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.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) According to a report by the AAA Foundation for Traffic
- 4 Safety, car crashes rank among the leading causes of death in the
- 5 United States.
- 6 (b) Previous studies done by the foundation have found that
- 7 approximately one in five fatal crashes in the United States involve
- 8 an unlicensed or invalidly licensed driver.
- 9 (c) The California Department of Motor Vehicles, Licensing
- 10 Operations Division, Research and Development Branch has stated
- 11 that unlicensed driving is a major California safety problem.

1 (d) In a report titled, “Estimating the Exposure and Fatal Crash
2 Rates of Suspended/Revoked and Unlicensed Drivers in California”
3 published in Accident Analysis and Prevention, 29(1), the
4 Department of Motor Vehicles estimates that 12 percent of the
5 drivers on the road do not have a valid driver’s licenses.

6 (e) In the State of California, there are potentially one million
7 drivers who are unlicensed and uninsured.

8 (f) It is our responsibility to ensure that all California drivers
9 are properly trained, tested, and insured in order to make our roads
10 safer.

11 SEC. 2. Section 1653.5 of the Vehicle Code is amended to
12 read:

13 1653.5. (a) Every form prescribed by the department for use
14 by an applicant for the issuance or renewal by the department of
15 a driver’s license or identification card pursuant to Division 6
16 (commencing with Section 12500) shall contain a section for the
17 applicant’s social security account number, *federal individual*
18 *taxpayer identification number, or a number associated with any*
19 *document that the department finds clearly establishes the identity*
20 *of the applicant.*

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

25 (c) A person who submits to the department a form that, pursuant
26 to subdivision (a), contains a section for the applicant’s social
27 security account number, *federal individual taxpayer identification*
28 *number, a number associated with any document that the*
29 *department finds clearly establishes the identity of the applicant,*
30 or pursuant to subdivision (b), the applicant’s driver’s license or
31 identification card number, if any, shall furnish the appropriate
32 number in the space provided.

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

39 (e) An applicant’s social security account number, *federal*
40 *individual taxpayer identification number, or a number associated*

1 *with any document that the department finds clearly establishes*
 2 *the identity of the applicant* shall not be included by the department
 3 on a driver’s license, identification card, registration, certificate
 4 of title, or any other document issued by the department.

5 (f) Notwithstanding any other provision of law, information
 6 regarding an applicant’s social security account number, *federal*
 7 *individual taxpayer identification number, or a number associated*
 8 *with any document that the department finds clearly establishes*
 9 *the identity of the applicant* obtained by the department pursuant
 10 to this section *or Section 12800 or 12801*, is not a public record
 11 and may not be disclosed by the department except for any of the
 12 following purposes:

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

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

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

22 SEC. 3. Section 12800 of the Vehicle Code is amended to read:

23 12800. Every application for an original or a renewal of a
 24 driver’s license shall contain all of the following information:

25 (a) The applicant’s true full name, age, sex, mailing address,
 26 residence address, and social security account number, *federal*
 27 *individual taxpayer identification number, or a number associated*
 28 *with any document that the department finds clearly establishes*
 29 *the identity of the applicant.*

30 (b) A brief description of the applicant for the purpose of
 31 identification.

32 (c) A legible print of the thumb or finger of the applicant.

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

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

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

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

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

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

14 (j) Any other information that is necessary to enable the
15 department to determine whether the applicant is entitled to a
16 license under this code.

17 SEC. 4. Section 12801 of the Vehicle Code is amended to read:

18 12801. (a) Notwithstanding any other law, the department
19 shall require an application for a driver's license to contain the
20 applicant's social security account number ~~and, federal individual~~
21 ~~taxpayer identification number, or any other number or identifier~~
22 ~~determined to be appropriate by the department.~~

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

28 (e)

29 (b) Notwithstanding any other law, the social security account
30 number, *federal individual taxpayer identification number, or a*
31 *number associated with any document that the department finds*
32 *clearly establishes the identity of the applicant* collected on a
33 driver's license application shall not be displayed on the driver's
34 license including, but not limited to, inclusion on a magnetic tape
35 or strip used to store data on the license.

36 SEC. 5. Section 12801.5 of the Vehicle Code is repealed.

37 ~~12801.5. (a) Notwithstanding any other provision of law, the~~
38 ~~department shall require an applicant for an original driver's license~~
39 ~~or identification card to submit satisfactory proof that the~~

1 applicant's presence in the United States is authorized under federal
2 law.

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

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

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

19 ~~(e) Notwithstanding Section 40300 or any other provision of
20 law, a peace officer may not detain or arrest a person solely on the
21 belief that the person is an unlicensed driver, unless the officer has
22 reasonable cause to believe the person driving is under the age of
23 16 years.~~

24 ~~(f) The inability to obtain a driver's license pursuant to this
25 section does not abrogate or diminish in any respect the legal
26 requirement of every driver in this state to obey the motor vehicle
27 laws of this state, including laws with respect to licensing, motor
28 vehicle registration, and financial responsibility.~~

29 SEC. 6. Section 12801.6 of the Vehicle Code is repealed.

30 ~~12801.6.—(a) Any federal document demonstrating favorable
31 action by the federal government for acceptance of a person into
32 the deferred action for childhood arrivals program shall satisfy the
33 requirements of Section 12801.5.~~

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

39 SEC. 7. Section 12801.8 of the Vehicle Code is repealed.

1 ~~12801.8. (a) In the case of a legal, nonimmigrant driver's~~
2 ~~license applicant, the department shall issue a temporary driver's~~
3 ~~license, valid for 90 days, if the applicant has successfully~~
4 ~~completed the application and the related requirements for the~~
5 ~~issuance of a driver's license under this code, including subdivision~~
6 ~~(a) of Section 12805. If the United States Immigration and~~
7 ~~Naturalization Service is unable to verify the applicant's presence~~
8 ~~before the temporary driver's license expires, the department shall,~~
9 ~~at least 15 days before the temporary driver's license expires,~~
10 ~~extend the temporary driver's license for an additional 120 days~~
11 ~~and notify the applicant by mail that the temporary driver's license~~
12 ~~is being extended.~~

13 ~~(b) If the department adjusts the expiration date of any driver's~~
14 ~~license issued pursuant to this code so that the date does not exceed~~
15 ~~the expiration date of a federal document submitted pursuant to~~
16 ~~subdivision (a) of Section 12801.5, the applicant may, upon receipt~~
17 ~~of a notice of renewal of the driver's license by the department~~
18 ~~sent prior to the expiration of the license, request an extension of~~
19 ~~the term of the driver's license by submitting to the department~~
20 ~~satisfactory proof that the applicant's presence in the United States~~
21 ~~has been reauthorized or extended under federal law. After~~
22 ~~verifying that the applicant's presence in the United States has~~
23 ~~been reauthorized or extended by federal law, the department shall~~
24 ~~adjust the expiration date of the driver's license so that it does not~~
25 ~~exceed the expiration date of the revised federal document~~
26 ~~submitted pursuant to subdivision (a) of Section 12801.5 and~~
27 ~~complies with the related requirements of this code.~~

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

31 SEC. 8. Section 13002 of the Vehicle Code is amended to read:

32 13002. (a) Except as otherwise provided in subdivision (b),
33 every identification card shall expire, unless canceled earlier, on
34 the sixth birthday of the applicant following the date of application
35 for the identification card. Renewal of any identification card,
36 other than a senior citizen identification card, shall be made for a
37 term which shall expire on the sixth birthday of the applicant
38 following expiration of the identification card renewed, unless
39 surrendered earlier. Any application for renewal received after 90
40 days after expiration of the identification card, including a senior

1 citizen identification card, shall be considered the same as an
2 application for an original identification card. The department
3 shall, at the end of six years and six months after the issuance or
4 renewal of an identification card, other than a senior citizen
5 identification card, destroy any record of the card if it has expired
6 and has not been renewed.

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

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

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

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

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

26 ~~(d) Notwithstanding subdivisions (a) and (b), the department~~
27 ~~may adjust the expiration date of any identification card issued~~
28 ~~pursuant to this code so that the date does not exceed the expiration~~
29 ~~date of a document submitted pursuant to subdivision (a) of Section~~
30 ~~12801.5.~~