Introduced by Assembly Member Alejo
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An act to amend Sections 1653.5, 12800, 12801, 12801.5, and 13002 of, and to repeal Sections 12801.5, 12801.6, and 12801.8, and 14610.7 of, the Vehicle Code, relating to drivers’ driver’s licenses.

LEGISLATIVE COUNSEL’S DIGEST

AB 60, as amended, Alejo. Drivers’ Driver’s 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 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.

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 delete these provisions and related provisions, and would make other technical; and conforming changes to other related provisions. The bill would instead authorize an applicant for a driver's license who is not eligible for a social security account number, but who provides proof of identity, as specified, to receive an original driver's license if he or she meets all other qualifications for licensure.

(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 a number associated with the identity a 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:

1 SECTION 1. The Legislature finds and declares all of the following:
According to a report by the AAA Foundation for Traffic Safety, car crashes rank among the leading causes of death in the United States.

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.

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, or 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, or 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, federal individual taxpayer identification number, or any other number or identifier determined to be appropriate by the department.

(b) Notwithstanding any other law, the 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 collected on a driver’s license application shall not be displayed on the driver’s license including, but not limited to, inclusion on a magnetic tape or strip used to store data on the license.

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 Section 12801.5 of the Vehicle Code is repealed.

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 any other number or identifier determined to be appropriate by the department.

(b) Notwithstanding subdivision (a), an applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, or who provides all of the following documents, 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. Licensure:

(1) A valid, unexpired consular identification document issued by a consulate from the applicant’s country of citizenship, or a valid, unexpired passport from the applicant’s country of citizenship.

(2) An original birth certificate, or other proof of age, as designated by the department.

(3) A home utility bill, lease or rental agreement, or other proof of California residence, as designated by the department.

(4) One of the following documents, which, if in a language other than English, shall be accompanied by a certified translation or an affidavit of translation into English:

(A) A marriage license or divorce certificate.

(B) A foreign federal electoral photo card issued on or after January 1, 1991.

(C) An official school or college transcript that includes the applicant’s date of birth, or a foreign school record that is sealed and includes a photograph of the applicant at the age the record was issued.

(D) A United States Department of Homeland Security Form I-20 or Form DS-2019.

(E) A deed or title to real property.

(F) A property tax bill or statement issued within the previous 12 months.

(G) An income tax return.

(H) Other proof of identity, as designated by the department.

(c) If the applicant faces particular barriers to securing the documents specified in subdivision (b), including, but not limited to, having fled from his or her home country to seek asylum, or if those documents are not available from his or her home country,
the department shall have the discretion to accept other documents it deems to be satisfactory proof of the applicant’s identity.

(e)

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

(e) Notwithstanding any other law, information collected pursuant to subdivision (b) is not a public record and may not be disclosed by the department for any purpose.

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

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

SEC. 9. Section 14610.7 of the Vehicle Code is repealed.

14610.7. It is a misdemeanor for any person to knowingly assist in obtaining a driver’s license or identification card for any person whose presence in the United States is not authorized under federal law.