

AMENDED IN SENATE SEPTEMBER 12, 2013

AMENDED IN SENATE SEPTEMBER 6, 2013

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE JULY 8, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 60

Introduced by Assembly Member Alejo

**(Coauthors: Assembly Members Garcia, Roger Hernández, Mullin,
V. Manuel Pérez, Rendon, and Williams)**

**(Coauthors: Senators Calderon, Cannella, Correa, De León, ~~Lara~~, and
Padilla Lara)**

January 7, 2013

An act to amend, repeal, and add Sections 1653.5, 12800, 12801, and 12801.5 of, and to add Sections 12801.9, 12801.10, and 12801.11 to, the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 60, as amended, Alejo. 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.

This bill would ~~authorize~~ *require* the department to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the department of his or her identity and California residency. The bill would require the department to adopt *emergency* regulations, in consultation with appropriate ~~law enforcement representatives~~ *interested parties, as prescribed*, to implement those provisions, including identifying documents acceptable for the purposes of providing identity and California residency and procedures for verifying the authenticity of the documents. The bill would ~~authorize~~ *require* the department to ~~consider accepting prescribed~~ *accept various* types of documentation for this purpose. The bill would require a license issued pursuant to those provisions, including temporary licenses, to include ~~on its face~~ *the front of the card* a recognizable feature and a specified notice. The bill would authorize the department to modify these licenses if these licenses do not meet federal requirements. *The bill would provide that information collected pursuant to those provisions is not a public record and shall not be disclosed by the department, except as required by law.*

This bill would *make it a violation of law to discriminate against an individual because he or she holds or presents a license issued under these provisions.* The bill would require, on or before January 1, 2018, the ~~Administrative Office of the Courts~~ *California Research Bureau* to compile and submit to the Legislature and the Governor a report that, among other things, includes instances when these licenses are used to discriminate against an individual. The bill would provide that a person applying for a license pursuant to these provisions may be required to pay, only until June 30, 2017, an additional fee to offset the reasonable administrative costs of implementing these provisions. The bill would make other technical and conforming changes.

(2) Existing law requires the department to require an application for a driver's license to contain the applicant's social security number and any other number or identifier determined to be appropriate by the department. Existing law authorizes an applicant who provides 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

number, to receive an original driver's license if he or she meets all other requirements for licensure.

This bill would authorize an applicant who is unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law to sign an affidavit ~~under penalty of perjury~~ attesting that he or she is both ineligible for a social security number and unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law in lieu of submitting a social security number. *The bill would prohibit the use of this information to consider an individual's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention.*

This bill would make these changes operative on January 1, 2015, or on the date the director of the department executes a specified declaration, whichever is sooner. The bill would make these provisions inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any of these provisions, or their application, are enjoined, found unconstitutional, or held invalid for any reason. The bill would require the department to post this information on its Internet Web site.

This bill would state that its provisions do not authorize an individual to apply for, or be issued, a commercial driver's license without submitting his or her social security account number with his or her application.

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 valid driver’s licenses.

6 (e) In the State of California, there are potentially 1.4 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 (g) In order to meet the operative date established in this act, it
12 is necessary for the California Department of Motor Vehicles to
13 promulgate regulations pursuant to the emergency rulemaking
14 process.

15 (h) The California Department of Motor Vehicles currently
16 issues approximately 900,000 original driver’s licenses annually,
17 and estimates there will be an additional 1.4 million original
18 driver’s license applicants over a three year period under the
19 provisions of this act.

20 (i) To provide services to this added volume of original driver
21 license applicants, the California Department of Motor Vehicles
22 must undertake significant and costly activities, including, among
23 others, the hiring of additional temporary staff, the training of
24 existing and additional temporary staff, and obtaining and preparing
25 new temporary facilities to process the applications.

26 (j) The California Department Motor Vehicles must promulgate
27 regulations to determine the appropriate documentation necessary
28 to prove identity and California residency under the provisions of
29 this act, and procedures for verifying the authenticity of the
30 documentation.

31 (k) The California Department of Motor Vehicles must also
32 modify driver licenses issued under this act to satisfy the
33 requirements of Section 37.71 of Title 6 of the Code of Federal
34 Regulations, adopted pursuant to paragraph (11) of subdivision
35 (d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13).

36 (l) Therefore, the California Department of Motor Vehicles may
37 assess an additional fee to applicants applying under the provisions
38 of this act in an amount sufficient to offset the reasonable costs of
39 implementing the provisions of the act. If this additional fee is
40 assessed, it shall be assessed only until June 30, 2017.

1 SEC. 2. The Legislature further finds and declares all of the
2 following:

3 (a) The holder of a driver’s license issued pursuant to Section
4 12801.9 shall not by reason of that driver’s license be treated in a
5 discriminatory manner pursuant to the Unruh Civil Rights Act
6 (Section 51 of the Civil ~~Code~~. Code) or any other law.

7 (b) A driver’s license issued pursuant to Section 12801.9 shall
8 not be used as evidence of the holder’s citizenship or immigration
9 status, and shall not be used as a basis for a criminal investigation,
10 arrest, or detention in circumstances where a person with a driver
11 license that was not issued under Section 12801.9 would not be
12 criminally investigated, arrested, or detained.

13 (c) The State of California is in the process of demonstrating
14 its compliance with the requirements of the REAL ID Act of 2005
15 (Public Law 109-13).

16 SEC. 3. Section 1653.5 of the Vehicle Code is amended to
17 read:

18 1653.5. (a) Every form prescribed by the department for use
19 by an applicant for the issuance or renewal by the department of
20 a driver’s license or identification card pursuant to Division 6
21 (commencing with Section 12500) shall contain a section for the
22 applicant’s social security account number.

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

27 (c) A person who submits to the department a form that, pursuant
28 to subdivision (a), contains a section for the applicant’s social
29 security account number, or pursuant to subdivision (b), the
30 applicant’s driver’s license or identification card number, if any,
31 shall furnish the appropriate number in the space provided.

32 (d) The department shall not complete an application that does
33 not include the applicant’s social security account number or
34 driver’s license or identification card number as required under
35 subdivision (c).

36 (e) An applicant’s social security account number shall not be
37 included by the department on a driver’s license, identification
38 card, registration, certificate of title, or any other document issued
39 by the department.

1 (f) Notwithstanding any other law, information regarding an
2 applicant’s social security account number, obtained by the
3 department pursuant to this section, is not a public record and may
4 not be disclosed by the department except for any of the following
5 purposes:

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

11 (2) Implementation of Section 12419.10 of the Government
12 Code.

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

15 (g) This section shall become inoperative on January 1, 2015,
16 or on the date that the director executes a declaration pursuant to
17 Section 12801.11, whichever is sooner, and as of January 1, 2015,
18 is repealed, unless a later enacted statute, that is enacted before
19 January 1, 2015, deletes or extends that date.

20 SEC. 4. Section 1653.5 is added to the Vehicle Code, to read:

21 1653.5. (a) Each form prescribed by the department for use
22 by an applicant for the issuance or renewal by the department of
23 a driver’s license or identification card pursuant to Division 6
24 (commencing with Section 12500) shall contain a section for the
25 applicant’s social security account number.

26 (b) Each form prescribed by the department for use by an
27 applicant for the issuance, renewal, or transfer of the registration
28 or certificate of title to a vehicle shall contain a section for the
29 applicant’s driver’s license or identification card number.

30 (c) Except as provided in Section 12801, a person who submits
31 to the department a form that, pursuant to subdivision (a), contains
32 a section for the applicant’s social security account number, or
33 pursuant to subdivision (b), the applicant’s driver’s license or
34 identification card number, if any, shall furnish the appropriate
35 number in the space provided.

36 (d) Except as provided in Section 12801, the department shall
37 not complete an application that does not include the applicant’s
38 social security account number or driver’s license or identification
39 card number as required under subdivision (c).

1 (e) An applicant's social security account number shall not be
2 included by the department on a driver's license, identification
3 card, registration, certificate of title, or any other document issued
4 by the department.

5 (f) Notwithstanding any other law, information regarding an
6 applicant's social security account number, obtained by the
7 department pursuant to this section, is not a public record and shall
8 not be disclosed by the department except for any of the following
9 purposes:

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

15 (2) Implementation of Section 12419.10 of the Government
16 Code.

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

19 (g) This section shall become operative on January 1, 2015, or
20 on the date that the director executes a declaration pursuant to
21 Section 12801.11, whichever is sooner.

22 (h) This section shall become inoperative on the effective date
23 of a final judicial determination made by any court of appellate
24 jurisdiction that any provision of the act that added this section,
25 or its application, either in whole or in part, is enjoined, found
26 unconstitutional, or held invalid for any reason. The department
27 shall post this information on its Internet Web site.

28 SEC. 5. Section 1653.5 is added to the Vehicle Code, to read:

29 1653.5. (a) Each form prescribed by the department for use
30 by an applicant for the issuance or renewal by the department of
31 a driver's license or identification card pursuant to Division 6
32 (commencing with Section 12500) shall contain a section for the
33 applicant's social security account number.

34 (b) Each form prescribed by the department for use by an
35 applicant for the issuance, renewal, or transfer of the registration
36 or certificate of title to a vehicle shall contain a section for the
37 applicant's driver's license or identification card number.

38 (c) A person who submits to the department a form that, pursuant
39 to subdivision (a), contains a section for the applicant's social
40 security account number, or pursuant to subdivision (b), the

1 applicant’s driver’s license or identification card number, if any,
2 shall furnish the appropriate number in the space provided.

3 (d) The department shall not complete an application that does
4 not include the applicant’s social security account number or
5 driver’s license or identification card number as required under
6 subdivision (c).

7 (e) An applicant’s social security account number shall not be
8 included by the department on a driver’s license, identification
9 card, registration, certificate of title, or any other document issued
10 by the department.

11 (f) Notwithstanding any other law, information regarding an
12 applicant’s social security account number, obtained by the
13 department pursuant to this section, is not a public record and may
14 not be disclosed by the department except for any of the following
15 purposes:

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

21 (2) Implementation of Section 12419.10 of the Government
22 Code.

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

25 (g) This section shall become operative on the effective date of
26 a final judicial determination made by any court of appellate
27 jurisdiction that any provision of the act that added this section,
28 or its application, either in whole or in part, is enjoined, found
29 unconstitutional, or held invalid for any reason. The department
30 shall post this information on its Internet Web site.

31 SEC. 6. Section 12800 of the Vehicle Code is amended to read:

32 12800. Every application for an original or a renewal of a
33 driver’s license shall contain all of the following information:

34 (a) The applicant’s true full name, age, sex, mailing address,
35 residence address, and social security account number.

36 (b) A brief description of the applicant for the purpose of
37 identification.

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

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

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

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

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

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

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

18 (j) Any other information that is necessary to enable the
19 department to determine whether the applicant is entitled to a
20 license under this code.

21 (k) This section shall become inoperative on January 1, 2015,
22 or on the date that the director executes a declaration pursuant to
23 Section 12801.11, whichever is sooner, and as of January 1, 2015,
24 is repealed, unless a later enacted statute, that is enacted before
25 January 1, 2015, deletes or extends that date.

26 SEC. 7. Section 12800 is added to the Vehicle Code, to read:

27 12800. Each application for an original or a renewal of a
28 driver's license shall contain all of the following information:

29 (a) The applicant's true full name, age, sex, mailing address,
30 residence address, and, except as provided in Section 12801, social
31 security account number.

32 (b) A brief description of the applicant for the purpose of
33 identification.

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

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

37 (e) Whether the applicant has ever previously been licensed as
38 a driver and, if so, when and in what state or country and whether
39 or not the license has been suspended or revoked and, if so, the
40 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 (k) This section shall become operative on January 1, 2015, or
18 on the date that the director executes a declaration pursuant to
19 Section 12801.11, whichever is sooner.

20 (l) This section shall become inoperative on the effective date
21 of a final judicial determination made by any court of appellate
22 jurisdiction that any provision of the act that added this section,
23 or its application, either in whole or in part, is enjoined, found
24 unconstitutional, or held invalid for any reason. The department
25 shall post this information on its Internet Web site.

26 SEC. 8. Section 12800 is added to the Vehicle Code, to read:

27 12800. Each application for an original or a renewal of a
28 driver's license shall contain all of the following information:

29 (a) The applicant's true full name, age, sex, mailing address,
30 residence address, and social security account number.

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

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

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

36 (e) Whether the applicant has ever previously been licensed as
37 a driver and, if so, when and in what state or country and whether
38 or not the license has been suspended or revoked and, if so, the
39 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 (k) This section shall become operative on the effective date of
18 a final judicial determination made by any court of appellate
19 jurisdiction that any provision of the act that added this section,
20 or its application, either in whole or in part, is enjoined, found
21 unconstitutional, or held invalid for any reason. The department
22 shall post this information on its Internet Web site.

23 SEC. 9. Section 12801 of the Vehicle Code is amended to read:

24 12801. (a) Notwithstanding any other law, the department
25 shall require an application for a driver's license to contain the
26 applicant's social security account number and any other number
27 or identifier determined to be appropriate by the department.

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

33 (c) Notwithstanding any other law, the social security account
34 number collected on a driver's license application shall not be
35 displayed on the driver's license including, but not limited to,
36 inclusion on a magnetic tape or strip used to store data on the
37 license.

38 (d) This section shall become inoperative on January 1, 2015,
39 or on the date that the director executes a declaration pursuant to
40 Section 12801.11, whichever is sooner, and as of January 1, 2015,

1 is repealed, unless a later enacted statute, that is enacted before
2 January 1, 2015, deletes or extends that date.

3 SEC. 10. Section 12801 is added to the Vehicle Code, to read:

4 12801. (a) Except as provided in subdivisions (b) and (c) *and*
5 *Section 12801.9*, the department shall require an application for a
6 driver's license to contain the applicant's social security account
7 number and any other number or identifier determined to be
8 appropriate by the department.

9 (b) An applicant who provides satisfactory proof that his or her
10 presence in the United States is authorized under federal law, but
11 who is not eligible for a social security account number, is eligible
12 to receive an original driver's license if he or she meets all other
13 qualifications for licensure.

14 (c) (1) An applicant who is unable to provide satisfactory proof
15 that his or her presence in the United States is authorized under
16 federal law may sign an affidavit ~~under penalty of perjury~~ attesting
17 that he or she is both ineligible for a social security account number
18 and unable to submit satisfactory proof that his or her presence in
19 the United States is ~~unauthorized~~ *authorized* under federal law.
20 *This affidavit is not a public record.*

21 (2) The submission of this affidavit shall be accepted by the
22 department in lieu of a social security account number.

23 (3) This subdivision shall not apply to applications for a
24 commercial driver's license. The department shall require all
25 applications for a commercial driver's license to include the
26 applicant's social security account number.

27 (4) *Nothing in this section shall be used to consider an*
28 *individual's citizenship or immigration status as a basis for a*
29 *criminal investigation, arrest, or detention.*

30 (d) The department shall not complete an application for a
31 driver's license unless the applicant is in compliance with the
32 requirements of subdivision (a), (b) or (c).

33 (e) Notwithstanding any other law, the social security account
34 number collected on a driver's license application shall not be
35 displayed on the driver's license including, but not limited to,
36 inclusion on a magnetic tape or strip used to store data on the
37 license.

38 (f) This section shall become operative on January 1, 2015, or
39 on the date that the director executes a declaration pursuant to
40 Section 12801.11, whichever is sooner.

1 (g) This section shall become inoperative on the effective date
2 of a final judicial determination made by any court of appellate
3 jurisdiction that any provision of the act that added this section,
4 or its application, either in whole or in part, is enjoined, found
5 unconstitutional, or held invalid for any reason. The department
6 shall post this information on its Internet Web site.

7 SEC. 11. Section 12801 is added to the Vehicle Code, to read:

8 12801. (a) Notwithstanding any other law, the department
9 shall require an application for a driver's license to contain the
10 applicant's social security account number and any other number
11 or identifier determined to be appropriate by the department.

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

17 (c) Notwithstanding any other law, the social security account
18 number collected on a driver's license application shall not be
19 displayed on the driver's license including, but not limited to,
20 inclusion on a magnetic tape or strip used to store data on the
21 license.

22 (d) This section shall become operative on the effective date of
23 a final judicial determination made by any court of appellate
24 jurisdiction that any provision of the act that added this section,
25 or its application, either in whole or in part, is enjoined, found
26 unconstitutional, or held invalid for any reason. The department
27 shall post this information on its Internet Web site.

28 SEC. 12. Section 12801.5 of the Vehicle Code is amended to
29 read:

30 12801.5. (a) Notwithstanding any other law, the department
31 shall require an applicant for an original driver's license or
32 identification card to submit satisfactory proof that the applicant's
33 presence in the United States is authorized under federal law.

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

38 (c) The department shall adopt regulations to carry out the
39 purposes of this section, including procedures for, but not limited
40 to, (1) verifying that the applicant's presence in the United States

1 is authorized under federal law, (2) issuance of a temporary license
2 pending verification of the applicant's status, and (3) appeal
3 hearings from a denial of a license, temporary license, or
4 identification card.

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

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

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

19 (g) This section shall become inoperative on January 1, 2015,
20 or on the date that the director executes a declaration pursuant to
21 Section 12801.11, whichever is sooner, and as of January 1, 2015,
22 is repealed, unless a later enacted statute, that is enacted before
23 January 1, 2015, deletes or extends that date.

24 SEC. 13. Section 12801.5 is added to the Vehicle Code, to
25 read:

26 12801.5. (a) Except as provided in Section 12801.9, the
27 department shall require an applicant for an original driver's license
28 or identification card to submit satisfactory proof that the
29 applicant's presence in the United States is authorized under federal
30 law.

31 (b) Except as provided in Section 12801.9, the department shall
32 not issue an original driver's license or identification card to a
33 person who does not submit satisfactory proof that the applicant's
34 presence in the United States is authorized under federal law.

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

1 appeal a denial of a license, temporary license, or identification
2 card.

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

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

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

17 (g) This section shall become operative on January 1, 2015, or
18 on the date that the director executes a declaration pursuant to
19 Section 12801.11, whichever is sooner.

20 (h) This section shall become inoperative on the effective date
21 of a final judicial determination made by any court of appellate
22 jurisdiction that any provision of the act that added this section,
23 or its application, either in whole or in part, is enjoined, found
24 unconstitutional, or held invalid for any reason. The department
25 shall post this information on its Internet Web site.

26 SEC. 14. Section 12801.5 is added to the Vehicle Code, to
27 read:

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

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

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

1 appeal a denial of a license, temporary license, or identification
2 card.

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

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

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

17 (g) This section shall become operative on the effective date of
18 a final judicial determination made by any court of appellate
19 jurisdiction that any provision of the act that added this section,
20 or its application, either in whole or in part, is enjoined, found
21 unconstitutional, or held invalid for any reason. The department
22 shall post this information on its Internet Web site.

23 SEC. 15. Section 12801.9 is added to the Vehicle Code, to
24 read:

25 12801.9. (a) Notwithstanding Section 12801.5, the department
26 ~~may~~ shall issue an original driver's license to a person who is
27 unable to submit satisfactory proof that the applicant's presence
28 in the United States is authorized under federal law if he or she
29 meets all other qualifications for licensure and provides satisfactory
30 proof to the department of his or her identity and California
31 residency.

32 (b) The department shall adopt emergency regulations to carry
33 out the purposes of this section, including, but not limited to,
34 procedures for (1) identifying documents acceptable for the
35 purposes of proving identity and California residency, (2)
36 procedures for verifying the authenticity of the documents, (3)
37 issuance of a temporary license pending verification of ~~the~~
38 ~~applicant's status~~ any document's authenticity, and (4) hearings
39 to appeal a denial of a license or temporary license.

1 (c) Emergency regulations adopted for purposes of establishing
2 the documents acceptable to prove identity and residency pursuant
3 to subdivision (b) shall be promulgated by the department in
4 consultation with appropriate *interested parties, in accordance*
5 *with the Administrative Procedure Act (Chapter 3.5 (commencing*
6 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*
7 *Government Code), including law enforcement representatives,*
8 ~~including immigrant rights representatives, labor representatives,~~
9 *and other stakeholders, which may include, but are not limited to,*
10 the California Highway Patrol, the California State Sheriffs’
11 Association, and the California Police Chiefs Association. The
12 department ~~may consider accepting the following~~ *shall accept*
13 *various types of documentation for this purpose purpose, including,*
14 *but not limited to, the following documents:*

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

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

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

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

26 (A) A marriage license or divorce certificate.

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

29 (C) A foreign driver’s license.

30 ~~(D)~~

31 (5) A United States Department of Homeland Security Form
32 I-589, Application for Asylum and for Withholding of Removal.

33 ~~(E)~~

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

38 ~~(F)~~

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

1 ~~(G)~~
 2 (8) A deed or title to real property.
 3 ~~(H)~~
 4 (9) A property tax bill or statement issued within the previous
 5 12 months.
 6 ~~(I)~~
 7 (10) An income tax return.
 8 (d) (1) A ~~licensed~~ license issued pursuant to this section,
 9 including a temporary license issued pursuant to Section 12506,
 10 shall include a recognizable feature ~~on its face and the front of the~~
 11 *card, such as the letters “DP” instead of, and in the same font*
 12 *size as, the letters “DL,” with no other distinguishable feature.*
 13 (2) *The license shall bear the following notice: “This card is not*
 14 *acceptable for official federal purposes; it is acceptable for driving*
 15 *privileges only purposes. This license is issued only as a license*
 16 *to drive a motor vehicle. It does not establish eligibility for*
 17 *employment, voter registration, or public benefits.”*
 18 ~~(2)~~
 19 (3) The notice described in paragraph ~~(1)~~ (2) shall be in lieu of
 20 the notice provided in Section 12800.5.
 21 (e) If the United States Department of Homeland Security
 22 determines a license issued pursuant to this section does not satisfy
 23 the requirements of Section 37.71 of Title 6 of the Code of Federal
 24 Regulations, adopted pursuant to paragraph (11) of subdivision
 25 (d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13),
 26 the department shall modify the license ~~in the manner~~ *only to the*
 27 *extent necessary to satisfy the requirements of that section.*
 28 (f) Notwithstanding Section 40300 or any other law, a peace
 29 officer shall not detain or arrest a person solely on the belief that
 30 the person is an unlicensed driver, unless the officer has reasonable
 31 cause to believe the person driving is under 16 years of age.
 32 (g) The inability to obtain a driver’s license pursuant to this
 33 section does not abrogate or diminish in any respect the legal
 34 requirement of every driver in this state to obey the motor vehicle
 35 laws of this state, including laws with respect to licensing, motor
 36 vehicle registration, and financial responsibility.
 37 ~~(h) Discrimination~~ *It shall be a violation of law, including, but*
 38 *not limited to, a violation of the Unruh Civil Rights Act (Section*
 39 *51 of the Civil Code), to discriminate against an individual because*
 40 he or she holds or presents a license issued under this ~~section~~

1 violates the ~~Unruh Civil Rights Act (Section 51 of the Civil Code)~~.
2 *section.*

3 (i) *Information collected pursuant to this section is not a public*
4 *record and shall not be disclosed by the department, except as*
5 *required by law.*

6 ~~(i)~~

7 (j) *A license issued pursuant to this section shall not be used to*
8 *consider an individual's citizenship or immigration status as a*
9 *basis for a criminal investigation, arrest, or detention.*

10 ~~(j)~~

11 (k) *On or before January 1, 2018, the ~~Administrative Office of~~*
12 *~~the Courts~~ California Research Bureau shall compile and submit*
13 *to the Legislature and the Governor a report of any violations of*
14 *subdivisions (h) and ~~(i)~~: (j). Information pertaining to any specific*
15 *individual shall not be provided in the report.*

16 ~~(k)~~

17 (l) *In addition to the fees required by Section 14900, a person*
18 *applying for an original license pursuant to this section may be*
19 *required to pay an additional fee determined by the department*
20 *that is sufficient to offset the reasonable administrative costs of*
21 *implementing the provisions of the act that added this section. If*
22 *this additional fee is assessed, it shall only apply until June 30,*
23 *2017.*

24 ~~(l)~~

25 (m) *This section shall become operative on January 1, 2015, or*
26 *on the date that the director executes a declaration pursuant to*
27 *Section 12801.11, whichever is sooner.*

28 ~~(m)~~

29 (n) *This section shall become inoperative on the effective date*
30 *of a final judicial determination made by any court of appellate*
31 *jurisdiction that any provision of the act that added this section,*
32 *or its application, either in whole or in part, is enjoined, found*
33 *unconstitutional, or held invalid for any reason. The department*
34 *shall post this information on its Internet Web site.*

35 SEC. 16. ~~Section 12810.10~~ *12801.10* is added to the Vehicle
36 Code, to read:

37 ~~12810.10.~~

38 *12801.10.* (a) *Nothing in Section 1653.5, 12800, 12801,*
39 *12801.5, or 12801.9 authorizes an individual to apply for, or be*

1 issued, a commercial driver’s license without the submission of
2 his or her social security account number upon application.

3 (b) This section shall become operative on January 1, 2015, or
4 on the date that the director executes a declaration pursuant to
5 Section 12801.11, whichever is sooner.

6 (c) This section shall become inoperative on the effective date
7 of a final judicial determination made by any court of appellate
8 jurisdiction that any provision of the act that added this section,
9 or its application, either in whole or in part, is enjoined, found
10 unconstitutional, or held invalid for any reason. The department
11 shall post this information on its Internet Web site.

12 SEC. 17. Section 12801.11 is added to the Vehicle Code, to
13 read:

14 12801.11. (a) If the director determines that the department
15 is prepared to begin issuing driver’s licenses pursuant to Section
16 12801.9 on a date sooner than January 1, 2015, the director shall
17 execute a declaration stating that determination and date and, within
18 five business days, provide a copy of that declaration to the
19 appropriate fiscal and policy committees of the Legislature and to
20 the Governor, and shall post this information on its Internet Web
21 site.

22 (b) This section shall become inoperative on the effective date
23 of a final judicial determination made by any court of appellate
24 jurisdiction that any provision of the act that added this section,
25 or its application, either in whole or in part, is enjoined, found
26 unconstitutional, or held invalid for any reason. The department
27 shall post this information on its Internet Web site.