

AMENDED IN SENATE AUGUST 22, 2014
AMENDED IN ASSEMBLY APRIL 24, 2014
AMENDED IN ASSEMBLY FEBRUARY 25, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1660

Introduced by Assembly Member Alejo

February 12, 2014

An act to amend *Section 12926 of the Government Code* and to amend Sections ~~12801~~ 1653.5, 12800.7, and 12801.9 of the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 1660, as amended, Alejo. Driver's licenses: nondiscrimination.

Existing law requires the Department of Motor Vehicles (*DMV*) 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. ~~Existing~~

Existing law makes it a violation of law, including, but not limited to, a violation of the Unruh Civil Rights Act, to discriminate against an individual because he or she holds or presents a driver's license issued under these provisions.

This bill would ~~provide that information provided in order to obtain a driver's license as described above is private and confidential, shall not be disclosed by a government entity or employer, as specified, and is not subject to disclosure under the California Public Records Act. The bill would additionally make it a violation of the California Fair~~

Housing and Employment Act (*FEHA*) for an employer or other covered entity to discriminate against an individual because he or she holds or presents a driver's license issued under these provisions or to require a person to present a driver's license, except as specified. The bill would making conforming changes to *FEHA* to specify that discrimination on the basis of national origin includes, but is not limited to, discrimination on the basis of possessing a driver's license granted under these provisions. The bill would also prohibit a governmental authority, or agent of a governmental authority, or person acting on behalf of a governmental authority, from discriminating against an individual because he or she holds or presents a license issued pursuant to those provisions. The bill would provide that an action taken by an employer to comply with any requirement or prohibition under the federal Immigration and Nationality Act is not a violation of law. The

Existing law also prohibits using a driver's license issued under these provisions as a basis for a criminal investigation, arrest, or detention in circumstances where a person whose driver's license was not issued under these provisions would not be criminally investigated, arrested, or detained.

~~This bill would make additional conforming changes and would state findings and declarations of the Legislature relative to licenses issued under these provisions.~~ *the prohibition against using a driver's license issued under those provisions as a basis for an investigation, arrest, or detention apply to citations and also apply regardless of whether the investigation, arrest, citation, or detention is criminal.*

This bill would prohibit the DMV from disclosing to the public the information it obtains regarding the ineligibility of an applicant for a social security number, except as specified. The bill would provide that any document provided by an applicant to the DMV for purposes of proving his or her identity, true, full name, or California residency, or that the applicant's presence in the United States is authorized under federal law, is not a public record. The bill would also make driver's license information obtained by an employer exempt from disclosure under the California Public Records Act.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

1 ~~SECTION 1. The Legislature finds and declares that the identity~~
2 ~~of a person seeking a driver's license under Section 12801.9 of~~
3 ~~the Vehicle Code, and any information provided by an applicant~~
4 ~~for a driver's license, should not be released to the public or used~~
5 ~~for any other purpose because the information is sensitive in nature~~
6 ~~and similar driver's license information is exempt from disclosure~~
7 ~~under existing law.~~

8 ~~SEC. 2. Section 12801 of the Vehicle Code, as added by~~
9 ~~Section 10 of Chapter 524 of the Statutes of 2013, is amended to~~
10 ~~read:~~

11 ~~12801. (a) Except as provided in subdivisions (b) and (c) and~~
12 ~~Section 12801.9, the department shall require an application for a~~
13 ~~driver's license to contain the applicant's social security account~~
14 ~~number and any other number or identifier determined to be~~
15 ~~appropriate by the department.~~

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

21 ~~(c) (1) An applicant who is unable to provide satisfactory proof~~
22 ~~that his or her presence in the United States is authorized under~~
23 ~~federal law may sign an affidavit attesting that he or she is both~~
24 ~~ineligible for a social security account number and unable to submit~~
25 ~~satisfactory proof that his or her presence in the United States is~~
26 ~~authorized under federal law. Notwithstanding subdivision (j) of~~
27 ~~Section 12801.9, this affidavit is private and confidential, and is~~
28 ~~exempt from disclosure under the California Public Records Act~~
29 ~~(Chapter 3.5 (commencing with Section 6250) of Division 7 of~~
30 ~~Title 1 of the Government Code). The affidavit shall not be~~
31 ~~disclosed by the department, and shall be used only for the purpose~~
32 ~~of processing a driver's license application.~~

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

1 ~~(3) This subdivision shall not apply to applications for a~~
2 ~~commercial driver's license. The department shall require all~~
3 ~~applications for a commercial driver's license to include the~~
4 ~~applicant's social security account number.~~

5 ~~(4) Nothing in this section shall be used to consider an~~
6 ~~individual's citizenship or immigration status as a basis for a~~
7 ~~criminal investigation, arrest, or detention.~~

8 ~~(d) The department shall not complete an application for a~~
9 ~~driver's license unless the applicant is in compliance with the~~
10 ~~requirements of subdivision (a), (b) or (e).~~

11 ~~(e) Notwithstanding any other law, the social security account~~
12 ~~number collected on a driver's license application shall not be~~
13 ~~displayed on the driver's license including, but not limited to,~~
14 ~~inclusion on a magnetic tape or strip used to store data on the~~
15 ~~license.~~

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

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

25 ~~SEC. 3. Section 12801 of the Vehicle Code, as added by~~
26 ~~Section 11 of Chapter 524 of the Statutes of 2013, is amended to~~
27 ~~read:~~

28 ~~12801. (a) Notwithstanding any other law, the department~~
29 ~~shall require an application for a driver's license to contain the~~
30 ~~applicant's social security account number and any other number~~
31 ~~or identifier determined to be appropriate by the department.~~
32 ~~Notwithstanding subdivision (j) of Section 12801.9, the information~~
33 ~~provided in the application is exempt from disclosure under the~~
34 ~~California Public Records Act (Chapter 3.5 (commencing with~~
35 ~~Section 6250) of Division 7 of Title 1 of the Government Code).~~
36 ~~The information in the application shall not be disclosed by the~~
37 ~~department, and shall be used only for the purpose of processing~~
38 ~~a driver's license application.~~

39 ~~(b) Notwithstanding subdivision (a), an applicant who provides~~
40 ~~satisfactory proof that his or her presence in the United States is~~

1 authorized under federal law, but who is not eligible for a social
2 security account number, is eligible to receive an original driver's
3 license if he or she meets all other qualifications for licensure.

4 (e) ~~Notwithstanding any other law, the social security account
5 number collected on a driver's license application shall not be
6 displayed on the driver's license including, but not limited to,
7 inclusion on a magnetic tape or strip used to store data on the
8 license.~~

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

15 *SECTION 1. Section 12926 of the Government Code is*
16 *amended to read:*

17 12926. As used in this part in connection with unlawful
18 practices, unless a different meaning clearly appears from the
19 context:

20 (a) "Affirmative relief" or "prospective relief" includes the
21 authority to order reinstatement of an employee, awards of backpay,
22 reimbursement of out-of-pocket expenses, hiring, transfers,
23 reassignments, grants of tenure, promotions, cease and desist
24 orders, posting of notices, training of personnel, testing, expunging
25 of records, reporting of records, and any other similar relief that
26 is intended to correct unlawful practices under this part.

27 (b) "Age" refers to the chronological age of any individual who
28 has reached his or her 40th birthday.

29 (c) "Employee" does not include any individual employed by
30 his or her parents, spouse, or child, or any individual employed
31 under a special license in a nonprofit sheltered workshop or
32 rehabilitation facility.

33 (d) "Employer" includes any person regularly employing five
34 or more persons, or any person acting as an agent of an employer,
35 directly or indirectly, the state or any political or civil subdivision
36 of the state, and cities, except as follows:

37 "Employer" does not include a religious association or
38 corporation not organized for private profit.

39 (e) "Employment agency" includes any person undertaking for
40 compensation to procure employees or opportunities to work.

1 (f) “Essential functions” means the fundamental job duties of
2 the employment position the individual with a disability holds or
3 desires. “Essential functions” does not include the marginal
4 functions of the position.

5 (1) A job function may be considered essential for any of several
6 reasons, including, but not limited to, any one or more of the
7 following:

8 (A) The function may be essential because the reason the
9 position exists is to perform that function.

10 (B) The function may be essential because of the limited number
11 of employees available among whom the performance of that job
12 function can be distributed.

13 (C) The function may be highly specialized, so that the
14 incumbent in the position is hired for his or her expertise or ability
15 to perform the particular function.

16 (2) Evidence of whether a particular function is essential
17 includes, but is not limited to, the following:

18 (A) The employer’s judgment as to which functions are essential.

19 (B) Written job descriptions prepared before advertising or
20 interviewing applicants for the job.

21 (C) The amount of time spent on the job performing the function.

22 (D) The consequences of not requiring the incumbent to perform
23 the function.

24 (E) The terms of a collective bargaining agreement.

25 (F) The work experiences of past incumbents in the job.

26 (G) The current work experience of incumbents in similar jobs.

27 (g) (1) “Genetic information” means, with respect to any
28 individual, information about any of the following:

29 (A) The individual’s genetic tests.

30 (B) The genetic tests of family members of the individual.

31 (C) The manifestation of a disease or disorder in family members
32 of the individual.

33 (2) “Genetic information” includes any request for, or receipt
34 of, genetic services, or participation in clinical research that
35 includes genetic services, by an individual or any family member
36 of the individual.

37 (3) “Genetic information” does not include information about
38 the sex or age of any individual.

39 (h) “Labor organization” includes any organization that exists
40 and is constituted for the purpose, in whole or in part, of collective

1 bargaining or of dealing with employers concerning grievances,
2 terms or conditions of employment, or of other mutual aid or
3 protection.

4 (i) “Medical condition” means either of the following:

5 (1) Any health impairment related to or associated with a
6 diagnosis of cancer or a record or history of cancer.

7 (2) Genetic characteristics. For purposes of this section, “genetic
8 characteristics” means either of the following:

9 (A) Any scientifically or medically identifiable gene or
10 chromosome, or combination or alteration thereof, that is known
11 to be a cause of a disease or disorder in a person or his or her
12 offspring, or that is determined to be associated with a statistically
13 increased risk of development of a disease or disorder, and that is
14 presently not associated with any symptoms of any disease or
15 disorder.

16 (B) Inherited characteristics that may derive from the individual
17 or family member, that are known to be a cause of a disease or
18 disorder in a person or his or her offspring, or that are determined
19 to be associated with a statistically increased risk of development
20 of a disease or disorder, and that are presently not associated with
21 any symptoms of any disease or disorder.

22 (j) “Mental disability” includes, but is not limited to, all of the
23 following:

24 (1) Having any mental or psychological disorder or condition,
25 such as intellectual disability, organic brain syndrome, emotional
26 or mental illness, or specific learning disabilities, that limits a
27 major life activity. For purposes of this section:

28 (A) “Limits” shall be determined without regard to mitigating
29 measures, such as medications, assistive devices, or reasonable
30 accommodations, unless the mitigating measure itself limits a
31 major life activity.

32 (B) A mental or psychological disorder or condition limits a
33 major life activity if it makes the achievement of the major life
34 activity difficult.

35 (C) “Major life activities” shall be broadly construed and shall
36 include physical, mental, and social activities and working.

37 (2) Any other mental or psychological disorder or condition not
38 described in paragraph (1) that requires special education or related
39 services.

1 (3) Having a record or history of a mental or psychological
2 disorder or condition described in paragraph (1) or (2), which is
3 known to the employer or other entity covered by this part.

4 (4) Being regarded or treated by the employer or other entity
5 covered by this part as having, or having had, any mental condition
6 that makes achievement of a major life activity difficult.

7 (5) Being regarded or treated by the employer or other entity
8 covered by this part as having, or having had, a mental or
9 psychological disorder or condition that has no present disabling
10 effect, but that may become a mental disability as described in
11 paragraph (1) or (2).

12 “Mental disability” does not include sexual behavior disorders,
13 compulsive gambling, kleptomania, pyromania, or psychoactive
14 substance use disorders resulting from the current unlawful use of
15 controlled substances or other drugs.

16 (k) “Military and veteran status” means a member or veteran
17 of the United States Armed Forces, United States Armed Forces
18 Reserve, the United States National Guard, and the California
19 National Guard.

20 (l) “On the bases enumerated in this part” means or refers to
21 discrimination on the basis of one or more of the following: race,
22 religious creed, color, national origin, ancestry, physical disability,
23 mental disability, medical condition, genetic information, marital
24 status, sex, age, sexual orientation, or military and veteran status.

25 (m) “Physical disability” includes, but is not limited to, all of
26 the following:

27 (1) Having any physiological disease, disorder, condition,
28 cosmetic disfigurement, or anatomical loss that does both of the
29 following:

30 (A) Affects one or more of the following body systems:
31 neurological, immunological, musculoskeletal, special sense
32 organs, respiratory, including speech organs, cardiovascular,
33 reproductive, digestive, genitourinary, hemic and lymphatic, skin,
34 and endocrine.

35 (B) Limits a major life activity. For purposes of this section:

36 (i) “Limits” shall be determined without regard to mitigating
37 measures such as medications, assistive devices, prosthetics, or
38 reasonable accommodations, unless the mitigating measure itself
39 limits a major life activity.

1 (ii) A physiological disease, disorder, condition, cosmetic
2 disfigurement, or anatomical loss limits a major life activity if it
3 makes the achievement of the major life activity difficult.

4 (iii) “Major life activities” shall be broadly construed and
5 includes physical, mental, and social activities and working.

6 (2) Any other health impairment not described in paragraph (1)
7 that requires special education or related services.

8 (3) Having a record or history of a disease, disorder, condition,
9 cosmetic disfigurement, anatomical loss, or health impairment
10 described in paragraph (1) or (2), which is known to the employer
11 or other entity covered by this part.

12 (4) Being regarded or treated by the employer or other entity
13 covered by this part as having, or having had, any physical
14 condition that makes achievement of a major life activity difficult.

15 (5) Being regarded or treated by the employer or other entity
16 covered by this part as having, or having had, a disease, disorder,
17 condition, cosmetic disfigurement, anatomical loss, or health
18 impairment that has no present disabling effect but may become
19 a physical disability as described in paragraph (1) or (2).

20 (6) “Physical disability” does not include sexual behavior
21 disorders, compulsive gambling, kleptomania, pyromania, or
22 psychoactive substance use disorders resulting from the current
23 unlawful use of controlled substances or other drugs.

24 (n) Notwithstanding subdivisions (j) and (m), if the definition
25 of “disability” used in the federal Americans with Disabilities Act
26 of 1990 (Public Law 101-336) would result in broader protection
27 of the civil rights of individuals with a mental disability or physical
28 disability, as defined in subdivision (j) or (m), or would include
29 any medical condition not included within those definitions, then
30 that broader protection or coverage shall be deemed incorporated
31 by reference into, and shall prevail over conflicting provisions of,
32 the definitions in subdivisions (j) and (m).

33 (o) “Race, religious creed, color, national origin, ancestry,
34 physical disability, mental disability, medical condition, genetic
35 information, marital status, sex, age, sexual orientation, or military
36 and veteran status” includes a perception that the person has any
37 of those characteristics or that the person is associated with a
38 person who has, or is perceived to have, any of those
39 characteristics.

- 1 (p) “Reasonable accommodation” may include either of the
2 following:
- 3 (1) Making existing facilities used by employees readily
4 accessible to, and usable by, individuals with disabilities.
- 5 (2) Job restructuring, part-time or modified work schedules,
6 reassignment to a vacant position, acquisition or modification of
7 equipment or devices, adjustment or modifications of examinations,
8 training materials or policies, the provision of qualified readers or
9 interpreters, and other similar accommodations for individuals
10 with disabilities.
- 11 (q) “Religious creed,” “religion,” “religious observance,”
12 “religious belief,” and “creed” include all aspects of religious
13 belief, observance, and practice, including religious dress and
14 grooming practices. “Religious dress practice” shall be construed
15 broadly to include the wearing or carrying of religious clothing,
16 head or face coverings, jewelry, artifacts, and any other item that
17 is part of the observance by an individual of his or her religious
18 creed. “Religious grooming practice” shall be construed broadly
19 to include all forms of head, facial, and body hair that are part of
20 the observance by an individual of his or her religious creed.
- 21 (r) (1) “Sex” includes, but is not limited to, the following:
- 22 (A) Pregnancy or medical conditions related to pregnancy.
23 (B) Childbirth or medical conditions related to childbirth.
24 (C) Breastfeeding or medical conditions related to breastfeeding.
- 25 (2) “Sex” also includes, but is not limited to, a person’s gender.
26 “Gender” means sex, and includes a person’s gender identity and
27 gender expression. “Gender expression” means a person’s
28 gender-related appearance and behavior whether or not
29 stereotypically associated with the person’s assigned sex at birth.
- 30 (s) “Sexual orientation” means heterosexuality, homosexuality,
31 and bisexuality.
- 32 (t) “Supervisor” means any individual having the authority, in
33 the interest of the employer, to hire, transfer, suspend, lay off,
34 recall, promote, discharge, assign, reward, or discipline other
35 employees, or the responsibility to direct them, or to adjust their
36 grievances, or effectively to recommend that action, if, in
37 connection with the foregoing, the exercise of that authority is not
38 of a merely routine or clerical nature, but requires the use of
39 independent judgment.

1 (u) “Undue hardship” means an action requiring significant
2 difficulty or expense, when considered in light of the following
3 factors:

4 (1) The nature and cost of the accommodation needed.

5 (2) The overall financial resources of the facilities involved in
6 the provision of the reasonable accommodations, the number of
7 persons employed at the facility, and the effect on expenses and
8 resources or the impact otherwise of these accommodations upon
9 the operation of the facility.

10 (3) The overall financial resources of the covered entity, the
11 overall size of the business of a covered entity with respect to the
12 number of employees, and the number, type, and location of its
13 facilities.

14 (4) The type of operations, including the composition, structure,
15 and functions of the workforce of the entity.

16 (5) The geographic separateness or administrative or fiscal
17 relationship of the facility or facilities.

18 (v) “*National origin*” discrimination includes, but is not limited
19 to, discrimination on the basis of possessing a driver’s license
20 granted under Section 12801.9 of the Vehicle Code.

21 SEC. 2. Section 1653.5 of the Vehicle Code, as added by
22 Section 4 of Chapter 524 of the Statutes of 2013, is amended to
23 read:

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

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

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

39 (d) Except as provided in Section 12801, the department shall
40 not complete an application that does not include the applicant’s

1 social security account number or driver's license or identification
2 card number as required under subdivision (c).

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

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

12 (1) Responding to a request for information from an agency
13 operating pursuant to, and carrying out the provisions of, Part A
14 (~~Aid to Families with Dependent Children~~), (*Block Grants to States*
15 *for Temporary Assistance for Needy Families*), 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 (g) This section shall become operative on January 1, 2015, or
23 on the date that the director executes a declaration pursuant to
24 Section 12801.11, whichever is sooner.

25 (h) This section shall become inoperative on the effective date
26 of 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. 3. Section 12800.7 of the Vehicle Code is amended to*
32 *read:*

33 12800.7. (a) Upon application for an original or duplicate
34 license the department may require the applicant to produce any
35 identification that it determines is necessary in order to ensure that
36 the name of the applicant stated in the application is his or her true,
37 full name and that his or her residence address as set forth in the
38 application is his or her true residence address.

39 (b) *Notwithstanding any other law, any document provided by*
40 *the applicant to the department for purposes of proving his or her*

1 *identity, true, full name, California residency, or that the*
2 *applicant's presence in the United States is authorized under*
3 *federal law, is not a public record and may not be disclosed by*
4 *the department except when requested by a law enforcement agency*
5 *as part of an investigation.*

6 SEC. 4. Section 12801.9 of the Vehicle Code is amended to
7 read:

8 12801.9. (a) Notwithstanding Section 12801.5, the department
9 shall issue an original driver's license to a person who is unable
10 to submit satisfactory proof that the applicant's presence in the
11 United States is authorized under federal law if he or she meets
12 all other qualifications for licensure and provides satisfactory proof
13 to the department of his or her identity and California residency.

14 (b) The department shall adopt emergency regulations to carry
15 out the purposes of this section, including, but not limited to,
16 procedures for (1) identifying documents acceptable for the
17 purposes of proving identity and California residency, (2)
18 procedures for verifying the authenticity of the documents, (3)
19 issuance of a temporary license pending verification of any
20 document's authenticity, and (4) hearings to appeal a denial of a
21 license or temporary license.

22 (c) Emergency regulations adopted for purposes of establishing
23 the documents acceptable to prove identity and residency pursuant
24 to subdivision (b) shall be promulgated by the department in
25 consultation with appropriate interested parties, in accordance with
26 the Administrative Procedure Act (Chapter 3.5 (commencing with
27 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
28 Code), including law enforcement representatives, immigrant rights
29 representatives, labor representatives, and other stakeholders,
30 which may include, but are not limited to, the California Highway
31 Patrol, the California State Sheriffs' Association, and the California
32 Police Chiefs Association. The department shall accept various
33 types of documentation for this purpose, including, but not limited
34 to, the following documents:

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

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

- 1 (3) A home utility bill, lease or rental agreement, or other proof
2 of California residence, as designated by the department.
- 3 (4) The following documents, which, if in a language other than
4 English, shall be accompanied by a certified translation or an
5 affidavit of translation into English:
- 6 (A) A marriage license or divorce certificate.
- 7 (B) A foreign federal electoral photo card issued on or after
8 January 1, 1991.
- 9 (C) A foreign driver's license.
- 10 (5) A United States Department of Homeland Security Form
11 I-589, Application for Asylum and for Withholding of Removal.
- 12 (6) An official school or college transcript that includes the
13 applicant's date of birth, or a foreign school record that is sealed
14 and includes a photograph of the applicant at the age the record
15 was issued.
- 16 (7) A United States Department of Homeland Security Form
17 I-20 or Form DS-2019.
- 18 (8) A deed or title to real property.
- 19 (9) A property tax bill or statement issued within the previous
20 12 months.
- 21 (10) An income tax return.
- 22 (d) (1) A license issued pursuant to this section, including a
23 temporary license issued pursuant to Section 12506, shall include
24 a recognizable feature on the front of the card, such as the letters
25 "DP" instead of, and in the same font size as, the letters "DL,"
26 with no other distinguishable feature.
- 27 (2) The license shall bear the following notice: "This card is
28 not acceptable for official federal purposes. This license is issued
29 only as a license to drive a motor vehicle. It does not establish
30 eligibility for employment, voter registration, or public benefits."
- 31 (3) The notice described in paragraph (2) shall be in lieu of the
32 notice provided in Section 12800.5.
- 33 (e) If the United States Department of Homeland Security
34 determines a license issued pursuant to this section does not satisfy
35 the requirements of Section 37.71 of Title 6 of the Code of Federal
36 Regulations, adopted pursuant to paragraph (11) of subdivision
37 (d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13),
38 the department shall modify the license only to the extent necessary
39 to satisfy the requirements of that section.

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

5 (g) The inability to obtain a driver's license pursuant to this
6 section does not abrogate or diminish in any respect the legal
7 requirement of every driver in this state to obey the motor vehicle
8 laws of this state, including laws with respect to licensing, motor
9 vehicle registration, and financial responsibility.

10 (h) *It shall be a violation of law to discriminate against a person*
11 *because he or she holds or presents a license issued under this*
12 *section, including, but not limited to, the following:*

13 (1) It is a violation of the Unruh Civil Rights Act (Section 51
14 of the Civil Code), for a business establishment to discriminate
15 against a person because he or she holds or presents a license issued
16 under this section.

17 (2) (A) It is a violation of the California Fair Employment and
18 Housing Act (Part 2.8 (commencing with Section 12900) of
19 Division 3 of Title 2 of the Government-Code, Code) for an
20 employer or other covered person or entity, pursuant to Section
21 12940 of the Government-Code) Code and subdivision (v) of
22 Section 12926 of the Government Code, to discriminate against a
23 person because the person holds or presents a driver's license
24 issued pursuant to this section, or for an employer or other covered
25 entity to require a person to present a driver's license, unless
26 possessing a driver's license is required by law or is necessary to
27 perform the duties of the position. *required by the employer and*
28 *the employer's requirement is otherwise permitted by law. Nothing*
29 *in this section shall be construed to limit or expand an employer's*
30 *authority to require a person to possess a driver's license.*

31 ~~(3)~~

32 (B) Notwithstanding paragraph (2), subparagraph (A), nothing
33 in this section shall be construed to alter an employer's rights or
34 obligations under Section 1324a of Title 8 of the United States
35 Code regarding obtaining documentation evidencing identity and
36 authorization for employment. An action taken by an employer
37 that is required by the federal Immigration and Nationality Act (8
38 U.S.C. Sec. 1324a) is not a violation of law.

39 (3) *It is a violation of Section 11135 of the Government Code*
40 *for a state or local governmental authority, agent, or person acting*

1 *on behalf of a state or local governmental authority, or a program*
 2 *or activity that is funded directly or receives financial assistance*
 3 *from the state, to discriminate against an individual because he*
 4 *or she holds or presents a license issued pursuant to this section.*

5 ~~(4)~~

6 (i) Driver's license information obtained by an employer shall
 7 be treated as private and confidential, is exempt from disclosure
 8 under the California Public Records Act (Chapter 3.5 (commencing
 9 with Section 6250) of Division 7 of Title 1 of the Government
 10 Code), and shall not be disclosed to any unauthorized person or
 11 used for any purpose other than to establish identity and
 12 authorization to drive.

13 ~~(i) It is a violation of Section 11135 of the Government Code~~
 14 ~~for a state or local governmental authority, agent, or person acting~~
 15 ~~on behalf of a state or local governmental authority, or a program~~
 16 ~~or activity that is funded directly or receives financial assistance~~
 17 ~~from the state to discriminate against an individual because he or~~
 18 ~~she holds or presents a license issued pursuant to this section.~~

19 (j) Information collected pursuant to this section ~~by the~~
 20 ~~department is private and confidential, and is exempt from~~
 21 ~~disclosure under the California Public Records Act (Chapter 3.5~~
 22 ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~
 23 ~~Government Code); is not a public record and shall not be~~
 24 ~~disclosed by the department or used for any purpose other than~~
 25 ~~processing a driver's license application, except as required by~~
 26 ~~Section 1653.5: department, except as required by law.~~

27 (k) A driver's license issued pursuant to this section shall not
 28 be used as evidence of the holder's or presenter's *to consider an*
 29 *individual's* citizenship or immigration status, ~~and shall not be~~
 30 ~~used as a basis for a criminal~~ *an* investigation, arrest, or detention
 31 ~~in circumstances where a person whose driver's license was not~~
 32 ~~issued under this section would not be criminally investigated,~~
 33 ~~arrested, or detained: citation, or detention.~~

34 (l) On or before January 1, 2018, the California Research Bureau
 35 shall compile and submit to the Legislature and the Governor a
 36 report of any violations of subdivisions (h) and (k). Information
 37 pertaining to any specific individual shall not be provided in the
 38 report.

39 (m) In addition to the fees required by Section 14900, a person
 40 applying for an original license pursuant to this section may be

1 required to pay an additional fee determined by the department
2 that is sufficient to offset the reasonable administrative costs of
3 implementing the provisions of the act that added this section. If
4 this additional fee is assessed, it shall only apply until June 30,
5 2017.

6 (n) This section shall become operative on January 1, 2015, or
7 on the date that the director executes a declaration pursuant to
8 Section 12801.11, whichever is sooner.

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

15 *SEC. 5. The Legislature finds and declares that Section 2 of*
16 *this act, which amends Section 1653.5 of the Vehicle Code, Section*
17 *3 of this act, which amends Section 12800.7 of the Vehicle Code,*
18 *and Section 4 of this act, which amends Section 12801.9 of the*
19 *Vehicle Code, impose a limitation on the public's right of access*
20 *to the meetings of public bodies or the writings of public officials*
21 *and agencies within the meaning of Section 3 of Article I of the*
22 *California Constitution. Pursuant to that constitutional provision,*
23 *the Legislature makes the following findings to demonstrate the*
24 *interest protected by this limitation and the need for protecting*
25 *that interest:*

26 *Driver's license information obtained by an employer and*
27 *information obtained by the Department of Motor Vehicles*
28 *regarding the ineligibility of a driver's license applicant for a*
29 *social security number or for purposes of proving an applicant's*
30 *identity, true, full name, California residency, or authorized*
31 *presence in the United States, should not be released to the public*
32 *because the information is sensitive in nature and similar driver's*
33 *license information is exempt from disclosure under existing law.*

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