

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 397

Introduced by Senator ~~Block~~ Hueso

February 20, 2013

~~An act to add and repeal Section 78016.7 of the Education Code, relating to the California Community Colleges. An act to add Chapter 8 (commencing with Section 15400) to Division 6 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 397, as amended, ~~Block~~ Hueso. ~~The California Community Colleges: veterans education pilot program. Vehicles: enhanced driver's license.~~

Existing law requires the Department of Motor Vehicles, upon proper application, to issue driver's licenses and identification cards.

The federal Western Hemisphere Travel Initiative facilitates travel within the western hemisphere by authorizing the use of enhanced driver's licenses and identification cards meeting specified requirements as travel documents.

This bill would authorize the Department of Motor Vehicles to enter into a memorandum of understanding with a federal agency for the purpose of facilitating travels within the western hemisphere pursuant to the federal Western Hemisphere Travel Initiative through the issuance of an enhanced driver's license, instruction permit, provisional license, or identification card. The bill would authorize the department to issue or renew, upon request, an enhanced driver's license, instruction permit, provisional license, or identification card for specified persons. The bill would require a person applying for the initial issuance or renewal of an enhanced driver's license, instruction permit, provisional license,

or identification card to submit, under the penalty of perjury, additional proof of identity, residency, and citizenship that satisfies the requirements of the federal Western Hemisphere Travel Initiative. Because the knowledge of the submission of fraudulent information is a crime, the bill would create a new crime, thereby imposing a state-mandated local program. The bill would, except as specified, prohibit the disclosure of information submitted to the department. Because a violation of the Vehicle Code is a crime, this bill would impose a state-mandated local program.

The bill would prohibit an employer from requiring an employee to apply for, or use, an enhanced driver's license or identification card as a condition of employment or to discriminate or otherwise retaliate against an employee who refuses to apply for, or use, an enhanced driver's license or identification card. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

The bill would also require the department to submit an annual report to specified committees of the Legislature on the implementation of the enhanced driver's license and identification card. The bill would require a person applying for an enhanced driver's license, instruction permit, provisional license, or identification card to submit an additional application fee of \$75. The bill would establish the Enhanced Driver's License and Identification Card Subaccount in the Motor Vehicle Account and would require the additional fee to be deposited into the subaccount. The bill would, upon appropriation by the Legislature, require the moneys in the subaccount to be expended by the department in implementing the above provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by governing boards, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts.~~

~~This bill would require the Office of the Chancellor of the California Community Colleges to establish a voluntary pilot program, until January 1, 2018, to identify, explore, and develop best practices for statewide policy on credit for experiential learning for veterans for career technical education course credit, certificates, and associate degrees. The bill would require the chancellor to consider specified information to select no more than 3 to 5 applicant campuses to participate in the pilot program. The bill would require participating community college districts to report specified information to the Office of the Chancellor, which would be required to provide that information to the Legislative Analyst's Office by July 1, 2017. The bill would require the Legislative Analyst's Office to use this information to provide a report to the Legislature, by December 1, 2017, that assesses the pilot program's effect on student veterans' success in reaching their educational goals, as specified.~~

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

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) Each year, more than 45 million personal vehicle passengers*
- 4 *and 15 million pedestrians enter the state from Mexico.*
- 5 *(b) Border crossers have an economic impact on the state,*
- 6 *accounting annually for \$4,000,500,000 in economic benefits and*
- 7 *67,000 jobs.*
- 8 *(c) Border wait times during peak hours average 120 minutes*
- 9 *on weekdays and even longer on weekends.*
- 10 *(d) More than eight million trips are lost due to congestion each*
- 11 *year in the San Ysidro Port of Entry, the busiest port of entry in*
- 12 *the world.*
- 13 *(e) In the San Diego region alone, this translates into a revenue*
- 14 *loss of nearly \$1,000,300,000, three million potential working*
- 15 *hours, 35,000 jobs, and \$42,000,000 in wages.*
- 16 *(f) It is estimated that border wait times will significantly*
- 17 *increase in the future and an additional 15 minutes in border wait*
- 18 *times will affect productivity in the binational border region by*
- 19 *an additional \$1,000,000,000 in costs and a loss of 134,000 jobs.*

1 (g) Because border wait times impede international travel,
2 trade, and commerce, the Legislature must act to protect
3 California's jobs and economy.

4 (h) After the 9/11 attacks, the federal government enacted the
5 federal Western Hemisphere Travel Initiative (WHTI; Public Law
6 110-53), to facilitate entry for United States citizens and legitimate
7 foreign visitors, while strengthening United States border security,
8 by requiring United States and Canadian travelers to present a
9 passport or other documents that denote identity and citizenship
10 when entering the United States. The documentation requirements
11 of the WHTI went into effect in 2007 for air travel into the United
12 States and in 2009 for land and sea travel.

13 (i) In addition to a passport and other documents, the federal
14 government approved, for cross-border travel, the use of an
15 enhanced driver's license (EDL), which is a standard state-issued
16 driver's license that has been enhanced in process, technology,
17 and security to denote identity and citizenship for purposes of
18 entering the United States at the land and sea ports of entry. An
19 EDL contains radio frequency identification (RFID) technology,
20 which allows information contained in a wireless device or tag to
21 be read from a distance, and eliminates the need to key in travelers,
22 translating into 60 percent faster processing than manual queries.

23 (j) Another advantage of an EDL is that it can be used in Ready
24 Lanes, which were created by the United States Customs and
25 Border Protection and are used as primary vehicle lanes dedicated
26 to travelers who possess RFID-enabled travel documents.

27 (k) The use of an EDL as an RFID-enabled travel document is
28 already in place in the States of Washington, New York, Michigan,
29 and Vermont.

30 (l) The use of EDLs in the state will open the way for the United
31 States Customs and Border Protection to convert more vehicle
32 lanes into Ready Lanes, which will decrease border wait times by
33 an average of 30 minutes and thus provide a significant, long-term
34 economic benefit to the state, while strengthening border security.

35 SEC. 2. Chapter 8 (commencing with Section 15400) is added
36 to Division 6 of the Vehicle Code, to read:

1 *CHAPTER 8. ENHANCED DRIVER'S LICENSE AND IDENTIFICATION*
2 *CARD*

3
4 15400. *The department may enter into a memorandum of*
5 *understanding with a federal agency for the purposes of obtaining*
6 *approval for the issuance of an enhanced driver's license,*
7 *instruction permit, provisional license, or identification card that*
8 *is acceptable as proof of identity and citizenship pursuant to the*
9 *federal Western Hemisphere Travel Initiative (Public Law 110-53).*

10 15401. (a) *Upon the request of an applicant, the department*
11 *may issue an initial enhanced driver's license, instruction permit,*
12 *provisional license, or identification card to, or renew the*
13 *enhanced driver's license, instruction permit, provisional license,*
14 *or identification card of, a person who satisfies all of the following:*

15 (1) *Is 16 years of age or older.*

16 (2) *Is a resident of this state.*

17 (3) *Is a citizen of the United States.*

18 (b) (1) *In addition to other information required pursuant to*
19 *Chapter 1 (commencing with Section 12500), the applicant shall*
20 *submit sufficient proof that meets the requirements of the federal*
21 *Western Hemisphere Travel Initiative (Public Law 110-53) to*
22 *establish his or her identity, residency, and citizenship.*

23 (2) *The applicant shall certify, under the penalty of perjury,*
24 *that the information submitted pursuant to paragraph (1) is true*
25 *and correct to the best knowledge of the applicant.*

26 (3) *The applicant shall sign a declaration acknowledging his*
27 *or her understanding of radio frequency identification technology.*

28 (c) *The department shall include, in the enhanced driver's*
29 *license, instruction permit, provisional license, or identification*
30 *card, reasonable security measures, including tamper-resistant*
31 *features to prevent unauthorized duplication or cloning and to*
32 *protect against unauthorized disclosure of personal information*
33 *regarding the person who is the subject of the license, permit, or*
34 *card.*

35 (d) *The enhanced driver's license, instruction permit,*
36 *provisional license, or identification card shall include both of the*
37 *following:*

38 (1) *Radio frequency identification technology that will contain*
39 *only a randomly assigned number that shall be encrypted if agreed*
40 *to by the United States Department of Homeland Security, and*

1 shall not contain any personal data, biometric information, or
2 number other than the randomly assigned number.

3 (2) A machine readable zone or barcode that can be
4 electronically read by the cross border patrol and contains only
5 as much information as is required by the federal Western
6 Hemisphere Travel Initiative (Public Law 110-53) to permit a
7 border crossing.

8 (e) An enhanced driver's license may be suspended, revoked,
9 or restricted pursuant to this code.

10 (f) (1) An employer shall not require an employee to apply for,
11 or use, an enhanced driver's license or identification card as a
12 condition of employment.

13 (2) An employer shall not discharge an employee or otherwise
14 discriminate or retaliate against an employee who refuses to apply
15 for, or use, an enhanced driver's license or identification card.

16 15402. (a) An applicant applying for an initial enhanced
17 driver's license, instruction permit, provisional license, or
18 identification card, or renewing an enhanced driver's license,
19 instruction permit, provisional license, or identification card, shall
20 have his or her facial image and signature captured or reproduced
21 by the department at the time of application or renewal.

22 (b) The facial image and signature shall only be available to
23 the United States Customs and Border Protection database or as
24 required by the United States Department of Homeland Security
25 for purposes of facilitating the purpose of the federal Western
26 Hemisphere Travel Initiative (Public Law 110-53).

27 (c) Except as provided in subdivision (b), the department shall
28 not disclose the person's facial image or signature, or copies of
29 a digital image of any document required pursuant to this chapter.

30 (d) (1) The department shall examine and verify the
31 genuineness, regularity, and legality of an application and proof
32 submitted to the department for an initial issuance or renewal of
33 an enhanced driver's license, instruction permit, provisional
34 license, or identification card.

35 (2) The department may require the submission of additional
36 information to establish identity, residency, and citizenship.

37 (3) The department shall deny an application or renewal of an
38 enhanced driver's license, instruction permit, provisional license,
39 or identification card if the department is not satisfied with the
40 genuineness, regularity, and legality of the application or

1 *supporting documentation or the truth of any statement contained*
2 *in the application or supporting documentation, or for any other*
3 *reason authorized by law.*

4 *(4) An applicant may, pursuant to Article 3 (commencing with*
5 *Section 14100) of Chapter 3, appeal the department's denial of*
6 *an application for the issuance or renewal of an enhanced driver's*
7 *license, instruction permit, provisional license, or identification*
8 *card.*

9 *(e) The department shall retain copies or digital images of*
10 *documents provided by the person pursuant to this chapter.*

11 *(f) Notwithstanding subdivision (e), and except as required by*
12 *other law, in the case of the denial of an application for the*
13 *issuance or renewal of an enhanced driver's license, instruction*
14 *permit, provisional license, or identification card, the department*
15 *shall retain the facial image of the applicant and the reason for*
16 *denial for not less than one year, unless fraud is suspected, in*
17 *which case the applicant's facial image and the reason for denial*
18 *shall be retained for not less than 10 years.*

19 *(g) The facial image, signature, copies, and digital image of*
20 *documents required pursuant to this section are exempt from public*
21 *disclosure pursuant to the California Public Records Act (Chapter*
22 *3.5 (commencing with Section 6250) of Division 7 of Title 1 of the*
23 *Government Code).*

24 *(h) Except as required by federal law, information submitted*
25 *by an applicant pursuant to this chapter shall not be disclosed to*
26 *a foreign nation.*

27 *15403. (a) In addition to fees required pursuant to this*
28 *division, a person requesting the initial issuance or renewal of an*
29 *enhanced driver's license, instruction permit, provisional license,*
30 *or identification card shall submit an additional nonrefundable*
31 *application fee of seventy-five dollars (\$75) with the application.*

32 *(b) Fees submitted shall be deposited into the Enhanced Driver's*
33 *License and Identification Card Subaccount established pursuant*
34 *to Section 15404.*

35 *15404. (a) There is hereby established the Enhanced Driver's*
36 *License and Identification Card Subaccount in the Motor Vehicle*
37 *Account. Moneys in the subaccount shall, upon appropriation by*
38 *the Legislature, be expended by the department to implement this*
39 *chapter.*

1 (b) Moneys in the subaccount, including any interest accrued,
2 shall remain in the subaccount at the end of each fiscal year.

3 15405. The department shall submit an annual report in
4 compliance with Section 9795 of the Government Code to the
5 Assembly and Senate Committees on Judiciary, the Senate
6 Committee on Transportation and Housing, and the Assembly
7 Committee on Transportation. The report shall include, but not
8 be limited to, information on the number of enhanced driver's
9 licenses and identification cards issued, the effect on wait times
10 and traffic congestion at points of entry, and whether or not there
11 have been any security or privacy breaches related to the use of
12 the enhanced driver's licenses and identification cards.

13 SEC. 3. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

22 SECTION 1. Section 78016.7 is added to the Education Code,
23 to read:

24 ~~78016.7. (a) The Office of the Chancellor of the California~~
25 ~~Community Colleges shall establish a voluntary pilot program to~~
26 ~~identify, explore, and develop best practices for a statewide policy~~
27 ~~on awarding credit for experiential learning for veterans for career~~
28 ~~technical education course credit, certificates, and associate~~
29 ~~degrees.~~

30 ~~(b) The governing board of a community college district may~~
31 ~~apply for a campus within its district to be selected to participate~~
32 ~~in the pilot program, and the chancellor shall select no more than~~
33 ~~three to five of those campuses to participate in the pilot program.~~
34 ~~In selecting campuses for the pilot program, the chancellor shall~~
35 ~~consider all of the following:~~

36 ~~(1) The geographic, socioeconomic, and demographic diversity~~
37 ~~of students attending the campus.~~

38 ~~(2) The percentage of veterans on the campus and the campus'~~
39 ~~existing veteran services and programs.~~

1 ~~(3) The community college district's program and planning~~
2 ~~capacity.~~

3 ~~(4) The potential for support from funding partners in industry,~~
4 ~~the military, labor, or other private funding sources to reduce the~~
5 ~~cost of attendance for students participating in the pilot program.~~

6 ~~(5) The community college district's plan to recognize federal~~
7 ~~training and education and to identify innovative options for~~
8 ~~expediting the attainment of degree and certificate goals by~~
9 ~~veterans.~~

10 ~~(e) The pilot program shall use resources and strategies, which~~
11 ~~include, but are not limited to, the American Council on~~
12 ~~Education's guidelines and recommendations, partnerships between~~
13 ~~the community college district and branches of the Armed Forces~~
14 ~~of the United States that facilitate the transition of veterans into~~
15 ~~workforce partnership jobs, course offerings that maximize the~~
16 ~~awarding of credit to complete academic requirements, and~~
17 ~~stackable credential programs, to determine the value of a veteran's~~
18 ~~prior professional military training, education, and experience.~~

19 ~~(d) Career technical education course credit and certificates for~~
20 ~~the pilot program may include credit earned as a result of prior~~
21 ~~military service.~~

22 ~~(e) For purposes of the pilot program, the governing board of~~
23 ~~a community college district may approve credit courses that are~~
24 ~~not part of an approved educational program for a campus that~~
25 ~~participates in the pilot program, in accordance with Section 70901,~~
26 ~~for the duration of the pilot program.~~

27 ~~(f) Community college districts participating in the pilot program~~
28 ~~shall report all of the following information to the Office of the~~
29 ~~Chancellor of the California Community Colleges, which shall~~
30 ~~provide this information to the Legislative Analyst's Office on or~~
31 ~~before July 1, 2017:~~

32 ~~(1) The geographic, socioeconomic, and demographic diversity~~
33 ~~of students participating in the pilot program.~~

34 ~~(2) Summary statistics on enrollment, financing sources,~~
35 ~~completion rates, and credit granted for prior learning experience~~
36 ~~for the pilot program.~~

37 ~~(g) (1) On or before December 1, 2017, the Legislative~~
38 ~~Analyst's Office shall provide a report to the Legislature that~~
39 ~~assesses the pilot program's effect on student veterans' success in~~
40 ~~reaching their educational goals using information provided~~

1 pursuant to subdivision (f). In preparing this report, the Legislative
2 Analyst's Office may draw upon campus reports; campus visits;
3 interviews with faculty, students, and administrators; and other
4 sources the Legislative Analyst's Office deems relevant. The report
5 shall include all of the following:

6 ~~(A) An identification of best practices that emerge from the~~
7 ~~pilot program that the Legislature may want to consider for~~
8 ~~statewide policy regarding credit for experiential learning for~~
9 ~~veterans.~~

10 ~~(B) The geographic, socioeconomic, and demographic diversity~~
11 ~~of students participating in the pilot program.~~

12 ~~(C) Summary statistics on enrollment, financing sources,~~
13 ~~completion rates, and credit granted for prior learning experience~~
14 ~~for the pilot program.~~

15 ~~(D) An assessment of the pilot program's effect on student~~
16 ~~veterans' success in reaching their educational goals.~~

17 ~~(E) Recommendations regarding the extension, expansion, or~~
18 ~~modification of the pilot program.~~

19 ~~(2) A report submitted pursuant to paragraph (1) shall be~~
20 ~~submitted in compliance with Section 9795 of the Government~~
21 ~~Code.~~

22 ~~(h) This section shall remain in effect only until January 1, 2018,~~
23 ~~and as of that date is repealed, unless a later enacted statute, that~~
24 ~~is enacted before January 1, 2018, deletes or extends that date.~~