

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 82

Introduced by Assembly Member Cristina Garcia
(Coauthor: Assembly Member Chávez)

January 6, 2015

An act to add Section 12801.3 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 82, as amended, Cristina Garcia. Vehicles: driver's license: selective service.

Existing law establishes the practices and procedures for the issuance of an original or a renewal of a driver's license. The federal Military Selective Service Act requires specified persons to register with the federal Selective Service System.

This bill would require a person who is required to be registered under the federal act and who submits an application for an original driver's license to be deemed to have consented to registration with the federal Selective Service System, as provided. The bill would require the Department of Motor Vehicles to include specified notices on an application for an original driver's license and would require the department to forward the necessary personal information required for registration to the federal Selective Service System in an electronic format.

This bill would require the Department of Motor Vehicles to implement the provisions of this bill by a certain date only if the first year operating costs do not exceed ~~\$350,000~~ and \$350,000, federal funding in an amount sufficient to pay for those costs has been provided,

~~as specified.~~ *specified, and the federal Selective Service System executes a memorandum of understanding with the department that it will not refer the personal information required for registration to the United States Citizenship and Immigration Services.*

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) California has one of the lowest Selective Service System
 4 registration compliance rates in the nation.
 5 (b) Males who are between 18 and 26 years of age who fail to
 6 register with the Selective Service System, as required by federal
 7 law, face possible federal penalties and loss of federal benefits,
 8 including student financial assistance, federal employment, such
 9 as employment with the United States Postal Service, job training
 10 under the federal Workforce Investment Act (29 U.S.C. Sec. 2801
 11 et seq.), and citizenship for immigrants.
 12 (c) California law requires selective service registration for state
 13 student financial aid, including Cal grants and financial aid for
 14 immigrants under the California Dream Act.
 15 (d) The failure of young men to register with the Selective
 16 Service System has resulted in the lifetime loss of over
 17 \$100,000,000 in potential benefits over the last three years for
 18 young men in California.
 19 (e) Forty states, four territories, and the District of Columbia
 20 have enacted legislation related to the issuance of a driver’s license
 21 in support of the Selective Service System registration.
 22 (f) To promote the fairness and equity of any future draft, to
 23 ensure that important benefits associated with the registration
 24 requirement are not lost, and to promote compliance with federal
 25 law, the driver’s license application process should be revised so
 26 that every male applicant for an original driver’s license who is
 27 between 18 and 26 years of age consents to his registration with
 28 the Selective Service System, as required by federal law.
 29 SEC. 2. Section 12801.3 is added to the Vehicle Code, to read:
 30 12801.3. (a) Notwithstanding any other law, a person who is
 31 required to be registered under the federal Military Selective

1 Service Act (50 U.S.C. App. Sec. 451 et seq.) and who submits
2 an application for an original driver's license is deemed to have
3 consented to registration with the federal Selective Service System.

4 (b) The submission of an application for an original driver's
5 license by a person specified in subdivision (a) shall establish a
6 conclusive presumption that the person has done either of the
7 following:

8 (1) Registered with the federal Selective Service System in
9 compliance with the federal Military Selective Service Act.

10 (2) Authorized the department to forward to the federal Selective
11 Service System the necessary information for the Selective Service
12 System registration when that person is required to register under
13 the federal Military Selective Service Act.

14 (c) The department shall require an application for an original
15 driver's license to include a notice indicating the following:

16
17 "By submitting this application, I am consenting to registration
18 with the Selective Service System, if required by federal law. If I
19 am under 18 years of age, but at least 16 years of age, I understand
20 that I will be registered upon reaching 18 years of age."

21
22 (d) The department shall require an application for an original
23 driver's license to include a notice indicating the following:

24
25 "For applicants who object to conventional military service for
26 religious or other conscientious reasons, alternative service
27 information is available from the Selective Service System Internet
28 Web site: <http://www.sss.gov/FSaltsvc.htm>"

29
30 (e) The department shall forward to the federal Selective Service
31 System, in an electronic format, the necessary personal information
32 required for the registration of a person specified in subdivision
33 (a).

34 (f) This section applies to United States citizens and immigrants
35 who are 16 years of age or older but less than 26 years of age who
36 are applying for an original driver's license and who are or will
37 be required to register with the Selective Service System in
38 accordance with the Military Selective Service Act.

39 (g) (1) (A) This section shall be implemented by the department
40 only if ~~both~~ *all* of the following conditions are satisfied:

- 1 (i) The implementation and first year operating costs do not
- 2 exceed three hundred fifty thousand dollars (\$350,000).
- 3 (ii) Federal funding in an amount sufficient to pay for all
- 4 implementation and first year operating costs has been provided.
- 5 (iii) *The federal Selective Service System executes a*
- 6 *memorandum of understanding with the department that it will*
- 7 *not refer the personal information required for registration to the*
- 8 *United States Citizenship and Immigration Services.*
- 9 (B) On or before June 30, 2016, the Director of Motor Vehicles
- 10 shall do all of the following:
 - 11 (i) Determine whether the conditions specified in subparagraph
 - 12 (A) are satisfied.
 - 13 (ii) Execute a declaration stating his or her determination of
 - 14 whether the conditions specified in subparagraph (A) are satisfied.
 - 15 The declaration shall state that it is being made pursuant to this
 - 16 section.
 - 17 (iii) Retain the declaration and provide a copy within five
 - 18 working days of the execution of the declaration to the fiscal and
 - 19 appropriate policy committees of the Legislature, the Secretary of
 - 20 State, the Secretary of the Senate, the Chief Clerk of the Assembly,
 - 21 the Legislative Counsel, and the federal Selective Service System.
 - 22 (iv) Post a copy of the declaration on the department’s Internet
 - 23 Web site.
- 24 (2) Subject to paragraph (1), the department shall implement
- 25 subdivisions (a) to (f), inclusive, of this section on or before
- 26 January 31, 2017.