

AMENDED IN SENATE JUNE 23, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY MAY 13, 2015

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, except as specified, 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, at least monthly, 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 federal funding in an amount sufficient to pay for implementation and first-year operating costs has been provided 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

1 between 18 and 26 years of age consents to his registration with
2 the Selective Service System, as required by federal law, unless
3 the applicant declines automatic registration in the prescribed
4 method.

5 SEC. 2. Section 12801.3 is added to the Vehicle Code, to read:

6 12801.3. (a) Notwithstanding any other law, a person who is
7 required to be registered under the federal Military Selective
8 Service Act (50 U.S.C. App. Sec. 451 et seq.) and who submits
9 an application for an original driver's license is deemed to have
10 consented to registration with the federal Selective Service System,
11 unless the person complies with subdivision (d).

12 (b) Unless the person complies with subdivision (d), the
13 submission of an application for an original driver's license by a
14 person specified in subdivision (a) shall establish a conclusive
15 presumption that the person has done either of the following:

16 (1) Registered with the federal Selective Service System in
17 compliance with the federal Military Selective Service Act.

18 (2) Authorized the department to forward to the federal Selective
19 Service System the necessary information for the Selective Service
20 System registration when that person is required to register under
21 the federal Military Selective Service Act.

22 (c) The department shall require an application for an original
23 driver's license to include all of the following:

24 (1) A notice indicating the following:

25
26 "By submitting this application, I am consenting to registration
27 with the Selective Service System, if required by federal law. If I
28 am under 18 years of age, but at least 16 years of age, I understand
29 that I will be registered upon reaching 18 years of age."

30
31 (2) A notice indicating the following:

32
33 "For applicants who object to conventional military service for
34 religious or other conscientious reasons, alternative service
35 information is available from the Selective Service System Internet
36 Web site: <http://www.sss.gov/FSaltsvc.htm>"

37
38 (3) A notice with information regarding registration with the
39 federal Selective Service System, including, but not limited to, the
40 federal criminal penalties and potential loss of benefits for failing

1 to register. The notice shall include the federal Selective Service
2 System Internet Web site address that an applicant may use to
3 decline automatic registration and information relating to the
4 applicant's ability to decline automatic registration when applying
5 for his original driver's license.

6 (d) An applicant may indicate that he does not consent to
7 automatic registration with the Selective Service System by
8 declining automatic registration on the Selective Service System
9 Internet Web site described in paragraph (3) of subdivision (c)
10 within 21 days of submitting his application.

11 (e) The department shall, at least monthly, forward to the federal
12 Selective Service System, in an electronic format, the necessary
13 personal information required for the registration of a person
14 specified in subdivision ~~(a)~~: (f).

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

20 (g) (1) (A) This section shall be implemented by the department
21 only if both of the following conditions are satisfied:

22 (i) Federal funding in an amount sufficient to pay for all
23 implementation and first year operating costs has been provided.

24 (ii) The federal Selective Service System executes a
25 memorandum of understanding with the department that it will
26 not refer the personal information required for registration to the
27 United States Citizenship and Immigration Services.

28 (B) On or before June 30, 2016, the Director of Motor Vehicles
29 shall do all of the following:

30 (i) Determine whether the conditions specified in subparagraph
31 (A) are satisfied.

32 (ii) Execute a declaration stating his or her determination of
33 whether the conditions specified in subparagraph (A) are satisfied.
34 The declaration shall state that it is being made pursuant to this
35 section.

36 (iii) Retain the declaration and provide a copy within five
37 working days of the execution of the declaration to the fiscal and
38 appropriate policy committees of the Legislature, the Secretary of
39 State, the Secretary of the Senate, the Chief Clerk of the Assembly,
40 the Legislative Counsel, and the federal Selective Service System.

- 1 (iv) Post a copy of the declaration on the department's Internet
- 2 Web site.
- 3 (2) Subject to paragraph (1), the department shall implement
- 4 subdivisions (a) to (f), inclusive, of this section on or before
- 5 January 31, 2017.

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