

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE JULY 2, 2015

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**

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

January 6, 2015

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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. would permit a person who is required to register under the federal act~~

to consent to registration with the federal Selective Service System by affirming his consent to that registration at a specified location on his application for a driver's license. 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, as specified.

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 *federal*
- 16 Selective 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 *federal* Selective Service System registration.

1 *Most of these jurisdictions have selected optional registration*  
2 *consistent with the program design in this act.*

3 (f) To promote the fairness and equity of any future draft, to  
4 ensure that important benefits associated with the registration  
5 requirement are not lost, and to promote compliance with federal  
6 law, the driver’s license application process should be revised so  
7 that every male applicant for an original driver’s license who is  
8 between 18 and 26 years of age ~~consents~~ *may consent* to his  
9 registration with the *federal* Selective Service System, as required  
10 by federal law, ~~unless the applicant declines automatic registration~~  
11 ~~in the prescribed method.~~ *law.*

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

13 ~~12801.3. (a) Notwithstanding any other law, a person who is~~  
14 ~~required to be registered under the federal Military Selective~~  
15 ~~Service Act (50 U.S.C. App. Sec. 451 et seq.) and who submits~~  
16 ~~an application for an original driver’s license is deemed to have~~  
17 ~~consented to registration with the federal Selective Service System,~~  
18 ~~unless the person complies with subdivision (d).~~

19 ~~(b) Unless the person complies with subdivision (d), the~~  
20 ~~submission of an application for an original driver’s license by a~~  
21 ~~person specified in subdivision (a) shall establish a conclusive~~  
22 ~~presumption that the person has done either of the following:~~

23 ~~(1) Registered with the federal Selective Service System in~~  
24 ~~compliance with the federal Military Selective Service Act.~~

25 ~~(2) Authorized the department to forward to the federal Selective~~  
26 ~~Service System the necessary information for the Selective Service~~  
27 ~~System registration when that person is required to register under~~  
28 ~~the federal Military Selective Service Act.~~

29 (e)

30 *12801.3. (a) The department shall require an application for*  
31 *an original driver’s license to include include, in a place deemed*  
32 *appropriate by the department, all of the following:*

33 (1) ~~A notice indicating the following:~~

34

35 ~~“By submitting this application, I am consenting to registration~~  
36 ~~with the Selective Service System, if required by federal law. If I~~  
37 ~~am under 18 years of age, but at least 16 years of age, I understand~~  
38 ~~that I will be registered upon reaching 18 years of age.”~~

39 (1) *The following statement and a line by the statement for the*  
40 *applicant’s signature:*

1  
 2       *“I am a man between 18 and 26 years of age and I consent to*  
 3 *registration with the Selective Service System. I understand that*  
 4 *my consent to registration with the Selective Service System is not*  
 5 *necessary in order to be granted a driver’s license.”*

6  
 7       (2) A notice indicating the following:

8  
 9       *“Selective Service System Registration*  
 10 *Males between the ages 18 and 26 are required by federal law*  
 11 *to register with the Selective Service System. Failure to register*  
 12 *will result in ineligibility for federal and state student loans and*  
 13 *grants, federal job training benefits, federal employment, state*  
 14 *and local law enforcement employment, and United States*  
 15 *citizenship for male immigrants seeking citizenship. Failure to*  
 16 *register is also punishable by up to five years imprisonment and*  
 17 *a \$250,000 fine.”*

18  
 19       ~~(2)~~

20       (3) A notice indicating the following:

21  
 22       “For applicants who object to conventional military service for  
 23 religious or other conscientious reasons, alternative service  
 24 information is available from the *federal* Selective Service System  
 25 Internet Web site: <http://www.sss.gov/FSaltsvc.htm>”

26  
 27       ~~(3) A notice with information regarding registration with the~~  
 28 ~~federal Selective Service System, including, but not limited to, the~~  
 29 ~~federal criminal penalties and potential loss of benefits for failing~~  
 30 ~~to register. The notice shall include the federal Selective Service~~  
 31 ~~System Internet Web site address that an applicant may use to~~  
 32 ~~decline automatic registration and information relating to the~~  
 33 ~~applicant’s ability to decline automatic registration when applying~~  
 34 ~~for his original driver’s license.~~

35       ~~(d) An applicant may indicate that he does not consent to~~  
 36 ~~automatic registration with the Selective Service System by~~  
 37 ~~declining automatic registration on the Selective Service System~~  
 38 ~~Internet Web site described in paragraph (3) of subdivision (e)~~  
 39 ~~within 21 days of submitting his application.~~

1 (b) Notwithstanding any other law, a person who is required  
2 to be registered under the federal Military Selective Service Act  
3 (50 U.S.C. App. Sec. 451 et seq.) and who submits an application  
4 for an original driver's license with his signature on the line  
5 described in paragraph (1) of subdivision (a) is deemed to have  
6 consented to registration with the federal Selective Service System  
7 and the submission of that application shall establish a conclusive  
8 presumption that the person has authorized the department to  
9 forward to the federal Selective Service System the necessary  
10 information for the federal Selective Service System to register  
11 him.

12 (c) The department shall not forward to the federal Selective  
13 Service System the personal information of a person who did not  
14 consent to registration, except that the department may provide  
15 to the federal Selective Service System personal information that  
16 is provided in accordance with a memorandum of understanding  
17 between the department and the federal Selective Service System  
18 for the purpose of that memorandum of understanding.

19 (e)

20 (d) The department shall, at least monthly, forward to the federal  
21 Selective Service System, in an electronic format, the necessary  
22 personal information required for the registration of a person  
23 ~~specified in subdivision (f): who has consented to registration.~~

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

29 ~~(g)~~

30 (e) (1) (A) This section shall be implemented by the department  
31 only if both of the following conditions are satisfied:

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

34 (ii) The federal Selective Service System executes a  
35 memorandum of understanding with the department that includes  
36 ~~all of the following: an agreement that the federal Selective Service~~  
37 ~~System shall not refer any personal information submitted to it by~~  
38 ~~the department to the U.S. Immigration and Customs Enforcement~~  
39 ~~for any purpose.~~

- 1 ~~(I) The federal Selective Service System will not refer the~~  
2 ~~personal information required for registration to the United States~~  
3 ~~Immigration and Customs Enforcement or the United States~~  
4 ~~Citizenship and Immigration Services.~~
- 5 ~~(H) The federal Selective Service System will not register any~~  
6 ~~person whose personal information has been sent pursuant to~~  
7 ~~subdivision (e) until 21 days have passed since every person whose~~  
8 ~~personal information was included in that monthly transmission~~  
9 ~~submitted his application.~~
- 10 ~~(HH) The federal Selective Service System will not register any~~  
11 ~~person who has complied with the provisions of subdivision (d).~~
- 12 (B) On or before June 30, 2016, the Director of Motor Vehicles  
13 shall do all of the following:
- 14 (i) Determine whether the conditions specified in subparagraph  
15 (A) are satisfied.
- 16 (ii) Execute a declaration stating his or her determination of  
17 whether the conditions specified in subparagraph (A) are satisfied.  
18 The declaration shall state that it is being made pursuant to this  
19 section.
- 20 (iii) Retain the declaration and provide a copy within five  
21 working days of the execution of the declaration to the fiscal and  
22 appropriate policy committees of the Legislature, the Secretary of  
23 State, the Secretary of the Senate, the Chief Clerk of the Assembly,  
24 the Legislative Counsel, and the federal Selective Service System.
- 25 (iv) Post a copy of the declaration on the department's Internet  
26 Web site.
- 27 (2) Subject to paragraph (1), the department shall implement  
28 subdivisions (a) to ~~(f)~~; (d), inclusive, of this section on or before  
29 January 31, 2017.