

Assembly Bill No. 82

Passed the Assembly September 3, 2015

Chief Clerk of the Assembly

Passed the Senate September 2, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 82, 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 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.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) California has one of the lowest Selective Service System registration compliance rates in the nation.

(b) Males who are between 18 and 26 years of age who fail to register with the Selective Service System, as required by federal law, face possible federal penalties and loss of federal benefits, including student financial assistance, federal employment, such

as employment with the United States Postal Service, job training under the federal Workforce Investment Act (29 U.S.C. Sec. 2801 et seq.), and citizenship for immigrants.

(c) California law requires selective service registration for state student financial aid, including Cal grants and financial aid for immigrants under the California Dream Act.

(d) The failure of young men to register with the federal Selective Service System has resulted in the lifetime loss of over \$100,000,000 in potential benefits over the last three years for young men in California.

(e) Forty states, four territories, and the District of Columbia have enacted legislation related to the issuance of a driver's license in support of the federal Selective Service System registration. Most of these jurisdictions have selected optional registration consistent with the program design in this act.

(f) To promote the fairness and equity of any future draft, to ensure that important benefits associated with the registration requirement are not lost, and to promote compliance with federal law, the driver's license application process should be revised so that every male applicant for an original driver's license who is between 18 and 26 years of age may consent to his registration with the federal Selective Service System, as required by federal law.

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

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

(1) The following statement and a line by the statement for the applicant's signature:

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

(2) A notice indicating the following:

“Selective Service System Registration
Males between the ages 18 and 26 are required by federal law to register with the Selective Service System. Failure to register

will result in ineligibility for federal and state student loans and grants, federal job training benefits, federal employment, state and local law enforcement employment, and United States citizenship for male immigrants seeking citizenship. Failure to register is also punishable by up to five years imprisonment and a \$250,000 fine.”

(3) A notice indicating the following:

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

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

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

(d) The department shall, at least monthly, forward to the federal Selective Service System, in an electronic format, the necessary personal information required for the registration of a person who has consented to registration.

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

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

(ii) The federal Selective Service System executes a memorandum of understanding with the department that includes an agreement that the federal Selective Service System shall not refer any personal information submitted to it by the department to the U.S. Immigration and Customs Enforcement for any purpose.

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

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

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

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

(iv) Post a copy of the declaration on the department's Internet Web site.

(2) Subject to paragraph (1), the department shall implement subdivisions (a) to (d), inclusive, of this section on or before January 31, 2017.

Approved _____, 2015

Governor