

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 445

Introduced by Assembly Member Alejo

February 23, 2015

An act to amend Section ~~12815~~ 400 of the ~~Vehicle~~ Family Code, relating to ~~driver's licenses~~: *marriage*.

LEGISLATIVE COUNSEL'S DIGEST

AB 445, as amended, Alejo. ~~Driver's licenses~~: *Marriage*.

Existing law enumerates persons who are authorized to solemnize a marriage, including any priest, minister, rabbi, or authorized person of any religious denomination.

This bill would add a tribal court judge who has been authorized by tribal ordinance to solemnize marriages.

~~Existing law requires that each application for an original or a renewal of a driver's license contain certain information, including the applicant's true full name, age, and gender. Existing law also provides that if a driver's license is lost, destroyed or mutilated, or if a new true full name is acquired, the person to whom the driver's license was issued shall obtain a duplicate if the person provides satisfactory proof of the loss, destruction, or mutilation.~~

~~This bill would authorize the department to accept a marriage license issued by a tribal court to verify a new true full name.~~

~~This bill would make conforming changes.~~

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. Section 400 of the Family Code is amended to
2 read:

3 400. Although marriage is a personal relation arising out of a
4 civil, and not a religious, contract, a marriage may be solemnized
5 by any of the following who is 18 years of age or older:

6 (a) A priest, minister, rabbi, or authorized person of any religious
7 denomination. A person authorized by this subdivision shall not
8 be required to solemnize a marriage that is contrary to the tenets
9 of his or her faith. Any refusal to solemnize a marriage under this
10 subdivision, either by an individual or by a religious denomination,
11 shall not affect the tax-exempt status of any entity.

12 (b) A judge or retired judge, commissioner of civil marriages
13 or retired commissioner of civil marriages, commissioner or retired
14 commissioner, or assistant commissioner of a court of record in
15 this state.

16 (c) A judge or magistrate who has resigned from office.

17 (d) Any of the following judges or magistrates of the United
18 States:

19 (1) A justice or retired justice of the United States Supreme
20 Court.

21 (2) A judge or retired judge of a court of appeals, a district court,
22 or a court created by an act of Congress the judges of which are
23 entitled to hold office during good behavior.

24 (3) A judge or retired judge of a bankruptcy court or a tax court.

25 (4) A United States magistrate or retired magistrate.

26 (e) A legislator or constitutional officer of this state or a Member
27 of Congress who represents a district within this state, while that
28 person holds office.

29 (f) *A tribal court judge who has been authorized by tribal*
30 *ordinance to solemnize marriages.*

31 SECTION 1. ~~Section 12815 of the Vehicle Code is amended~~
32 ~~to read:~~

33 ~~12815. (a) (1) If a driver's license issued under this code is~~
34 ~~lost, destroyed or mutilated, or a new true full name is acquired,~~
35 ~~the person to whom it was issued shall obtain a duplicate upon~~
36 ~~furnishing to the department (A) satisfactory proof of that loss,~~
37 ~~destruction or mutilation, or new true full name and (B) if the~~
38 ~~licensee is a minor, evidence of permission to obtain a duplicate~~

1 secured from the parents, guardian, or person having custody of
2 the minor. Any person who loses a driver's license and who, after
3 obtaining a duplicate, finds the original license shall immediately
4 destroy the original license.

5 (2) The department may accept a marriage license issued by a
6 tribal court to verify a new true full name.

7 (b) A person in possession of a valid driver's license who has
8 been informed either by the department or by a law enforcement
9 agency that the document is mutilated shall surrender the license
10 to the department not later than 10 days after that notification.

11 (c) For purposes of this section, a mutilated license is one that
12 has been damaged sufficiently to render any or all of the elements
13 of identity set forth in Sections 12800.5 and 12811 unreadable or
14 unidentifiable through visual, mechanical, or electronic means.