

ASSEMBLY BILL

No. 772

Introduced by Assembly Member Cedillo

February 17, 2011

An act to amend Section 12801.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 772, as introduced, Cedillo. Vehicles: unlicensed drivers.

Existing law prohibits a peace officer from detaining or arresting a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under 16 years of age.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 12801.5 of the Vehicle Code is amended
- 2 to read:
- 3 12801.5. (a) Notwithstanding any other ~~provision of~~ law, the
- 4 department shall require an applicant for an original driver's license
- 5 or identification card to submit satisfactory proof that the
- 6 applicant's presence in the United States is authorized under federal
- 7 law.
- 8 (b) The department shall not issue an original driver's license
- 9 or identification card to a person who does not submit satisfactory

1 proof that the applicant's presence in the United States is authorized
2 under federal law.

3 (c) The department shall adopt regulations to carry out the
4 purposes of this section, including procedures for, but not limited
5 to, (1) verifying that the applicant's presence in the United States
6 is authorized under federal law, (2) issuance of a temporary license
7 pending verification of the applicant's status, and (3) appeal
8 hearings from a denial of a license, temporary license, or
9 identification card.

10 (d) On January 10 of each year, the department shall submit a
11 supplemental budget report to the Governor and the Legislature
12 detailing the costs of verifying the citizenship or legal residency
13 of applicants for driver's licenses and identification cards, in order
14 for the state to request reimbursement from the federal government.

15 (e) Notwithstanding Section 40300 or any other ~~provision of~~
16 law, a peace officer may not detain or arrest a person solely on the
17 belief that the person is an unlicensed driver, unless the officer has
18 reasonable cause to believe the person driving is under ~~the age of~~
19 16 years *of age*.

20 (f) The inability to obtain a driver's license pursuant to this
21 section does not abrogate or diminish in any respect the legal
22 requirement of every driver in this state to obey the motor vehicle
23 laws of this state, including laws with respect to licensing, motor
24 vehicle registration, and financial responsibility.