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**Assembly Bill No. 60**

## CHAPTER 524

An act to amend, repeal, and add Sections 1653.5, 12800, 12801, and 12801.5 of, and to add Sections 12801.9, 12801.10, and 12801.11 to, the Vehicle Code, relating to driver's licenses.

[ Approved by Governor October 03, 2013. Filed with Secretary of State October 03, 2013. ]

## LEGISLATIVE COUNSEL'S DIGEST

AB 60, Alejo. Driver's licenses: eligibility: required documentation.

(1) Existing law requires the Department of Motor Vehicles (DMV) to require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law. Existing law prohibits the department from issuing an original driver's license or identification card to a person who does not submit satisfactory proof that his or her presence in the United States is authorized under federal law.

This bill would require the department to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the department of his or her identity and California residency. The bill would require the department to adopt emergency regulations, in consultation with appropriate interested parties, as prescribed, to implement those provisions, including identifying documents acceptable for the purposes of providing identity and California residency and procedures for verifying the authenticity of the documents. The bill would require the department to accept various types of documentation for this purpose. The bill would require a license issued pursuant to those provisions, including temporary licenses, to include on the front of the card a recognizable feature and a specified notice. The bill would authorize the department to modify these licenses if these licenses do not meet federal requirements. The bill would provide that information collected pursuant to those provisions is not a public record and shall not be disclosed by the department, except as required by law.

This bill would make it a violation of law to discriminate against an individual because he or she holds or presents a license issued under these provisions. The bill would require, on or before January 1, 2018, the California Research Bureau to compile and submit to the Legislature and the Governor a report that, among other things, includes instances when these licenses are used to discriminate against an individual. The bill would provide that a person applying for a license pursuant to these provisions may be required to pay, only until June 30, 2017, an additional fee to offset the reasonable administrative costs of implementing these provisions. The bill would make other technical and conforming changes.

(2) Existing law requires the department to require an application for a driver's license to contain the applicant's social security number and any other number or identifier determined to be appropriate by the department. Existing law authorizes an applicant who provides satisfactory proof that his or her presence in the United States

is authorized under federal law, but who is not eligible for a social security number, to receive an original driver's license if he or she meets all other requirements for licensure.

This bill would authorize an applicant who is unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law to sign an affidavit attesting that he or she is both ineligible for a social security number and unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law in lieu of submitting a social security number. The bill would prohibit the use of this information to consider an individual's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention.

This bill would make these changes operative on January 1, 2015, or on the date the director of the department executes a specified declaration, whichever is sooner. The bill would make these provisions inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any of these provisions, or their application, are enjoined, found unconstitutional, or held invalid for any reason. The bill would require the department to post this information on its Internet Web site.

This bill would state that its provisions do not authorize an individual to apply for, or be issued, a commercial driver's license without submitting his or her social security account number with his or her application.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) According to a report by the AAA Foundation for Traffic Safety, car crashes rank among the leading causes of death in the United States.

(b) Previous studies done by the foundation have found that approximately one in five fatal crashes in the United States involve an unlicensed or invalidly licensed driver.

(c) The California Department of Motor Vehicles, Licensing Operations Division, Research and Development Branch has stated that unlicensed driving is a major California safety problem.

(d) In a report titled, "Estimating the Exposure and Fatal Crash Rates of Suspended/Revoked and Unlicensed Drivers in California" published in Accident Analysis and Prevention, 29(1), the Department of Motor Vehicles estimates that 12 percent of the drivers on the road do not have valid driver's licenses.

(e) In the State of California, there are potentially 1.4 million drivers who are unlicensed and uninsured.

(f) It is our responsibility to ensure that all California drivers are properly trained, tested, and insured in order to make our roads safer.

(g) In order to meet the operative date established in this act, it is necessary for the California Department of Motor Vehicles to promulgate regulations pursuant to the emergency rulemaking process.

(h) The California Department of Motor Vehicles currently issues approximately 900,000 original driver's licenses annually, and estimates there will be an additional 1.4 million original driver's license applicants over a three year period under the provisions of this act.

(i) To provide services to this added volume of original driver license applicants, the California Department of Motor Vehicles must undertake significant and costly activities, including, among others, the hiring of additional temporary staff, the training of existing and additional temporary staff, and obtaining and preparing new temporary facilities to process the applications.

(j) The California Department Motor Vehicles must promulgate regulations to determine the appropriate documentation necessary to prove identity and California residency under the provisions of this act, and procedures for verifying the authenticity of the documentation.

(k) The California Department of Motor Vehicles must also modify driver licenses issued under this act to satisfy the requirements of Section 37.71 of Title 6 of the Code of Federal Regulations, adopted pursuant to paragraph (11) of subdivision (d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13).

(l) Therefore, the California Department of Motor Vehicles may assess an additional fee to applicants applying under the provisions of this act in an amount sufficient to offset the reasonable costs of implementing the provisions of the act. If this additional fee is assessed, it shall be assessed only until June 30, 2017.

**SEC. 2.** The Legislature further finds and declares all of the following:

(a) The holder of a driver's license issued pursuant to Section 12801.9 shall not by reason of that driver's license be treated in a discriminatory manner pursuant to the Unruh Civil Rights Act (Section 51 of the Civil Code) or any other law.

(b) A driver's license issued pursuant to Section 12801.9 shall not be used as evidence of the holder's citizenship or immigration status, and shall not be used as a basis for a criminal investigation, arrest, or detention in circumstances where a person with a driver license that was not issued under Section 12801.9 would not be criminally investigated, arrested, or detained.

(c) The State of California is in the process of demonstrating its compliance with the requirements of the REAL ID Act of 2005 (Public Law 109-13).

**SEC. 3.** Section 1653.5 of the Vehicle Code is amended to read:

**1653.5.** (a) Every form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for the applicant's social security account number.

(b) Every form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) A person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number in the space provided.

(d) The department shall not complete an application that does not include the applicant's social security account number or driver's license or identification card number as required under subdivision (c).

(e) An applicant's social security account number shall not be included by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other law, information regarding an applicant's social security account number, obtained by the department pursuant to this section, is not a public record and may not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

(g) This section shall become inoperative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner, and as of January 1, 2015, is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

**SEC. 4.** Section 1653.5 is added to the Vehicle Code, to read:

**1653.5.** (a) Each form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for the applicant's social security account number.

(b) Each form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) Except as provided in Section 12801, a person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number in the space provided.

(d) Except as provided in Section 12801, the department shall not complete an application that does not include the applicant's social security account number or driver's license or identification card number as required under subdivision (c).

(e) An applicant's social security account number shall not be included by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other law, information regarding an applicant's social security account number, obtained by the department pursuant to this section, is not a public record and shall not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

(g) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(h) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

**SEC. 5.** Section 1653.5 is added to the Vehicle Code, to read:

**1653.5.** (a) Each form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for the applicant's social security account number.

(b) Each form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) A person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number in the space provided.

(d) The department shall not complete an application that does not include the applicant's social security account number or driver's license or identification card number as required under subdivision (c).

(e) An applicant's social security account number shall not be included by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other law, information regarding an applicant's social security account number, obtained by the department pursuant to this section, is not a public record and may not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

(g) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

**SEC. 6.** Section 12800 of the Vehicle Code is amended to read:

**12800.** Every application for an original or a renewal of a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and social security account number.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.

(k) This section shall become inoperative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner, and as of January 1, 2015, is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

**SEC. 7.** Section 12800 is added to the Vehicle Code, to read:

**12800.** Each application for an original or a renewal of a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and, except as provided in Section 12801, social security account number.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent

lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.

(k) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(l) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

**SEC. 8.** Section 12800 is added to the Vehicle Code, to read:

**12800.** Each application for an original or a renewal of a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and social security account number.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.

(k) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

**SEC. 9.** Section 12801 of the Vehicle Code is amended to read:

**12801.** (a) Notwithstanding any other law, the department shall require an application for a driver's license to contain the applicant's social security account number and any other number or identifier determined to be appropriate by the department.

(b) Notwithstanding subdivision (a), an applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, but who is not eligible for a social security account number, is eligible to receive an original driver's license if he or she meets all other qualifications for licensure.

(c) Notwithstanding any other law, the social security account number collected on a driver's license application shall not be displayed on the driver's license including, but not limited to, inclusion on a magnetic tape or strip used to store data on the license.

(d) This section shall become inoperative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner, and as of January 1, 2015, is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

**SEC. 10.** Section 12801 is added to the Vehicle Code, to read:

**12801.** (a) Except as provided in subdivisions (b) and (c) and Section 12801.9, the department shall require an application for a driver's license to contain the applicant's social security account number and any other number or identifier determined to be appropriate by the department.

(b) An applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, but who is not eligible for a social security account number, is eligible to receive an original driver's license if he or she meets all other qualifications for licensure.

(c) (1) An applicant who is unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law may sign an affidavit attesting that he or she is both ineligible for a social security account number and unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law. This affidavit is not a public record.

(2) The submission of this affidavit shall be accepted by the department in lieu of a social security account number.

(3) This subdivision shall not apply to applications for a commercial driver's license. The department shall require all applications for a commercial driver's license to include the applicant's social security account number.

(4) Nothing in this section shall be used to consider an individual's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention.

(d) The department shall not complete an application for a driver's license unless the applicant is in compliance with the requirements of subdivision (a), (b) or (c).

(e) Notwithstanding any other law, the social security account number collected on a driver's license application shall not be displayed on the driver's license including, but not limited to, inclusion on a magnetic tape or strip used to store data on the license.

(f) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(g) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

**SEC. 11.** Section 12801 is added to the Vehicle Code, to read:

**12801.** (a) Notwithstanding any other law, the department shall require an application for a driver's license to contain the applicant's social security account number and any other number or identifier determined to be appropriate by the department.

(b) Notwithstanding subdivision (a), an applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, but who is not eligible for a social security account number, is eligible to receive an original driver's license if he or she meets all other qualifications for licensure.

(c) Notwithstanding any other law, the social security account number collected on a driver's license application shall not be displayed on the driver's license including, but not limited to, inclusion on a magnetic tape or strip used to store data on the license.

(d) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or

in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

**SEC. 12.** Section 12801.5 of the Vehicle Code is amended to read:

**12801.5.** (a) Notwithstanding any other law, the department shall require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(b) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

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

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

(e) Notwithstanding Section 40300 or any other law, a peace officer may not detain or arrest 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.

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

(g) This section shall become inoperative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner, and as of January 1, 2015, is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

**SEC. 13.** Section 12801.5 is added to the Vehicle Code, to read:

**12801.5.** (a) Except as provided in Section 12801.9, the department shall require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(b) Except as provided in Section 12801.9, the department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

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

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

(e) Notwithstanding Section 40300 or any other law, a peace officer shall not detain or arrest 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.

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

(g) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.



(h) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

**SEC. 14.** Section 12801.5 is added to the Vehicle Code, to read:

**12801.5.** (a) Notwithstanding any other law, the department shall require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(b) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

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

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

(e) Notwithstanding Section 40300 or any other law, a peace officer shall not detain or arrest 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.

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

(g) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

**SEC. 15.** Section 12801.9 is added to the Vehicle Code, to read:

**12801.9.** (a) Notwithstanding Section 12801.5, the department shall issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the department of his or her identity and California residency.

(b) The department shall adopt emergency regulations to carry out the purposes of this section, including, but not limited to, procedures for (1) identifying documents acceptable for the purposes of proving identity and California residency, (2) procedures for verifying the authenticity of the documents, (3) issuance of a temporary license pending verification of any document's authenticity, and (4) hearings to appeal a denial of a license or temporary license.

(c) Emergency regulations adopted for purposes of establishing the documents acceptable to prove identity and residency pursuant to subdivision (b) shall be promulgated by the department in consultation with appropriate interested parties, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), including law enforcement representatives, immigrant rights representatives, labor representatives, and other stakeholders, which may include, but are not limited to, the California Highway Patrol, the California State Sheriffs' Association, and the California Police Chiefs Association. The department shall accept various types of documentation for this purpose, including, but not limited to, the following documents:

(1) A valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship, or a valid, unexpired passport from the applicant's country of citizenship.

(2) An original birth certificate, or other proof of age, as designated by the department.

- (3) A home utility bill, lease or rental agreement, or other proof of California residence, as designated by the department.
- (4) The following documents, which, if in a language other than English, shall be accompanied by a certified translation or an affidavit of translation into English:
- (A) A marriage license or divorce certificate.
  - (B) A foreign federal electoral photo card issued on or after January 1, 1991.
  - (C) A foreign driver's license.
- (5) A United States Department of Homeland Security Form I-589, Application for Asylum and for Withholding of Removal.
- (6) An official school or college transcript that includes the applicant's date of birth, or a foreign school record that is sealed and includes a photograph of the applicant at the age the record was issued.
- (7) A United States Department of Homeland Security Form I-20 or Form DS-2019.
- (8) A deed or title to real property.
- (9) A property tax bill or statement issued within the previous 12 months.
- (10) An income tax return.
- (d) (1) A license issued pursuant to this section, including a temporary license issued pursuant to Section 12506, shall include a recognizable feature on the front of the card, such as the letters "DP" instead of, and in the same font size as, the letters "DL," with no other distinguishable feature.
- (2) The license shall bear the following notice: "This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits."
- (3) The notice described in paragraph (2) shall be in lieu of the notice provided in Section 12800.5.
- (e) If the United States Department of Homeland Security determines a license issued pursuant to this section does not satisfy the requirements of Section 37.71 of Title 6 of the Code of Federal Regulations, adopted pursuant to paragraph (11) of subdivision (d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13), the department shall modify the license only to the extent necessary to satisfy the requirements of that section.
- (f) Notwithstanding Section 40300 or any other law, a peace officer shall not detain or arrest 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.
- (g) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.
- (h) It shall be a violation of law, including, but not limited to, a violation of the Unruh Civil Rights Act (Section 51 of the Civil Code), to discriminate against an individual because he or she holds or presents a license issued under this section.
- (i) Information collected pursuant to this section is not a public record and shall not be disclosed by the department, except as required by law.
- (j) A license issued pursuant to this section shall not be used to consider an individual's citizenship or **immigration** status as a basis for a criminal investigation, arrest, or detention.
- (k) On or before January 1, 2018, the California Research Bureau shall compile and submit to the Legislature and the Governor a report of any violations of subdivisions (h) and (j). Information pertaining to any specific individual shall not be provided in the report.
- (l) In addition to the fees required by Section 14900, a person applying for an original license pursuant to this section may be required to pay an additional fee determined by the department that is sufficient to offset the

reasonable administrative costs of implementing the provisions of the act that added this section. If this additional fee is assessed, it shall only apply until June 30, 2017.

(m) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(n) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

**SEC. 16.** Section 12801.10 is added to the Vehicle Code, to read:

**12801.10.** (a) Nothing in Section 1653.5, 12800, 12801, 12801.5, or 12801.9 authorizes an individual to apply for, or be issued, a commercial driver's license without the submission of his or her social security account number upon application.

(b) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(c) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

**SEC. 17.** Section 12801.11 is added to the Vehicle Code, to read:

**12801.11.** (a) If the director determines that the department is prepared to begin issuing driver's licenses pursuant to Section 12801.9 on a date sooner than January 1, 2015, the director shall execute a declaration stating that determination and date and, within five business days, provide a copy of that declaration to the appropriate fiscal and policy committees of the Legislature and to the Governor, and shall post this information on its Internet Web site.

(b) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.