



City Council

CONSENT CALENDAR

June 11, 2013

To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguín

Subject: Assembly Bill 60: Driver's Licenses Eligibility

RECOMMENDATION

Adopt a Resolution supporting Assembly Bill (AB) 60, authored by Assemblymember Luis Alejo, which would require the DMV to issue driver's licenses to persons ineligible for a Social Security Number (SSN) who provide alternative specified documentation. Copies of the Resolution to be sent to Governor Jerry Brown, Senate President Pro Tem Darrell Steinberg, Senator Loni Hancock, Assembly Speaker John A. Perez, Assemblymember Nancy Skinner and Assemblymember Luis Alejo.

BACKGROUND:

Many Californians are unable to obtain Driver Licenses through no fault of their own, yet must drive in constant fear on the way to work, dropping off their children at school, or simply going to the grocery store. Under State law, a simple stop by a law enforcement officer could mean a misdemeanor, and losing their vehicle and livelihood to a mandatory 30-day impoundment. With towing and storage fees running into the thousands, many simply walk away and start over.

AB 60 would make roughly 2 million undocumented immigrants eligible for driver's licenses. This bill will improve traffic safety by ensuring that drivers on the road are properly trained, have passed a background and driving test, know state driving laws, and become insured. The bill enjoys bi-partisan support and includes a Republican Coauthor (Senator Anthony Cannella).

Ultimately, AB 60 is simply a matter of fairness –our laws should not exclude and disproportionately penalize an entire population.

FISCAL IMPACTS

None.

CONTACT PERSON:

Jesse Arreguin, Councilmember, District 4

981-7140

Attachments:

1. Copy of AB 60
2. Resolution

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 60

Introduced by Assembly Member Alejo

~~(Coauthor: Coauthors: Assembly Member Members Garcia,~~
Roger Hernández, Mullin, V. Manuel Pérez, Rendon, and Williams)
(Coauthors: Senators Cannella, Correa, De León, and Lara)

January 7, 2013

An act to amend Sections 1653.5, 12800, 12801, *12801.5*, and 13002 of, and to repeal Sections ~~12801.5~~, 12801.6, ~~and 12801.8~~, *and 14610.7* of, the Vehicle Code, relating to ~~drivers~~² *driver's* licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 60, as amended, Alejo. ~~Drivers~~² *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. *Existing law makes it a misdemeanor for a person to knowingly assist in obtaining a driver's license or identification card for a person whose presence in the United States is not authorized under federal law.*

~~Existing law also requires the DMV to adopt regulations to carry out the purposes of this prohibition and requires the DMV to 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. 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.~~

~~Existing law provides that in the case of a legal, nonimmigrant driver's license applicant, the DMV is required to issue a temporary license if the applicant successfully completes the application and related requirements, including proof that the person is authorized under federal law to be in the United States, for issuance of a driver's license. The term of the driver's license is to coincide with dates for which the person is authorized to be in the United States.~~

~~This bill would repeal delete these provisions and related provisions, and would make other technical, and conforming changes to other related provisions. The bill would instead authorize an applicant for a driver's license who is not eligible for a social security account number, but who provides proof of identity, as specified, to receive an original driver's license if he or she meets all other qualifications for licensure.~~

(2) Existing law requires each form prescribed by the DMV for use by an applicant for the issuance or renewal of a driver's license or identification card to contain a section for the applicant's social security number. Existing law prohibits the inclusion of an applicant's social security number on a driver's license, identification card, registration, certificate of title, or other document issued by the DMV or the display of an applicant's social security number on the driver's license.

This bill would additionally provide that the section of the form for the applicant's social security number may also be used for ~~an applicant's individual taxpayer identification number, or other~~ a number associated with the identity a document that the DMV finds clearly establishes the identity of the applicant. The bill would additionally prohibit the inclusion or the displaying of the applicant's individual taxpayer identification number or other number associated with the identity document.

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:

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

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

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

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

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

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

20 SEC. 2. Section 1653.5 of the Vehicle Code is amended to
21 read:

22 1653.5. (a) Every form prescribed by the department for use
23 by an applicant for the issuance or renewal by the department of
24 a driver's license or identification card pursuant to Division 6
25 (commencing with Section 12500) shall contain a section for the
26 applicant's social security account number, ~~federal individual~~
27 ~~taxpayer identification number~~, or a number associated with any
28 document that the department finds clearly establishes the identity
29 of the applicant.

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

34 (c) A person who submits to the department a form that, pursuant
35 to subdivision (a), contains a section for the applicant's social
36 security account number, ~~federal individual taxpayer identification~~
37 ~~number~~, or a number associated with any document that the
38 department finds clearly establishes the identity of the applicant,
39 or pursuant to subdivision (b), the applicant's driver's license or

1 identification card number, if any, shall furnish the appropriate
2 number in the space provided.

3 (d) The department shall not complete an application that does
4 not include the applicant's social security account number, ~~federal~~
5 ~~individual taxpayer identification number~~, a number associated
6 with any document that the department finds clearly establishes
7 the identity of the applicant, or driver's license or identification
8 card number as required under subdivision (c).

9 (e) An applicant's social security account number, ~~federal~~
10 ~~individual taxpayer identification number~~, or a number associated
11 with any document that the department finds clearly establishes
12 the identity of the applicant shall not be included by the department
13 on a driver's license, identification card, registration, certificate
14 of title, or any other document issued by the department.

15 (f) Notwithstanding any other provision of law, information
16 regarding an applicant's social security account number, ~~federal~~
17 ~~individual taxpayer identification number~~, or a number associated
18 with any document that the department finds clearly establishes
19 the identity of the applicant obtained by the department pursuant
20 to this section or Section 12800 or 12801, is not a public record
21 and may not be disclosed by the department except for any of the
22 following purposes:

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

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

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

32 SEC. 3. Section 12800 of the Vehicle Code is amended to read:
33 12800. Every application for an original or a renewal of a
34 driver's license shall contain all of the following information:

35 (a) The applicant's true full name, age, sex, mailing address,
36 residence address, and social security account number, ~~federal~~
37 ~~individual taxpayer identification number~~, or a number associated
38 with any document that the department finds clearly establishes
39 the identity of the applicant.

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

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

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

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

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

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

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

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

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

26 ~~SEC. 4. Section 12801 of the Vehicle Code is amended to read:~~

27 ~~12801. (a) Notwithstanding any other law, the department~~
28 ~~shall require an application for a driver's license to contain the~~
29 ~~applicant's social security account number, federal individual~~
30 ~~taxpayer identification number, or any other number or identifier~~
31 ~~determined to be appropriate by the department.~~

32 ~~(b) Notwithstanding any other law, the social security account~~
33 ~~number, federal individual taxpayer identification number, or a~~
34 ~~number associated with any document that the department finds~~
35 ~~clearly establishes the identity of the applicant collected on a~~
36 ~~driver's license application shall not be displayed on the driver's~~
37 ~~license including, but not limited to, inclusion on a magnetic tape~~
38 ~~or strip used to store data on the license.~~

39 ~~SEC. 5. Section 12801.5 of the Vehicle Code is repealed.~~

40 *SEC. 4. Section 12801 of the Vehicle Code is amended to read:*

1 12801. (a) Notwithstanding any other law, the department
2 shall require an application for a driver's license to contain the
3 applicant's social security account number and any other number
4 or identifier determined to be appropriate by the department.

5 (b) Notwithstanding subdivision (a), an applicant who provides
6 satisfactory proof that his or her presence in the United States is
7 authorized under federal law, *or who provides all of the following*
8 *documents*, but who is not eligible for a social security account
9 number, is eligible to receive an original driver's license if he or
10 she meets all other qualifications for ~~licensure~~ licensure:

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

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

17 (3) *A home utility bill, lease or rental agreement, or other proof*
18 *of California residence, as designated by the department.*

19 (4) *One of the following documents, which, if in a language*
20 *other than English, shall be accompanied by a certified translation*
21 *or an affidavit of translation into English:*

22 (A) *A marriage license or divorce certificate.*

23 (B) *A foreign federal electoral photo card issued on or after*
24 *January 1, 1991.*

25 (C) *An official school or college transcript that includes the*
26 *applicant's date of birth, or a foreign school record that is sealed*
27 *and includes a photograph of the applicant at the age the record*
28 *was issued.*

29 (D) *A United States Department of Homeland Security Form*
30 *I-20 or Form DS-2019.*

31 (E) *A deed or title to real property.*

32 (F) *A property tax bill or statement issued within the previous*
33 *12 months.*

34 (G) *An income tax return.*

35 (H) *Other proof of identity, as designated by the department.*

36 (c) *If the applicant faces particular barriers to securing the*
37 *documents specified in subdivision (b), including, but not limited*
38 *to, having fled from his or her home country to seek asylum, or if*
39 *those documents are not available from his or her home country,*

1 *the department shall have the discretion to accept other documents*
2 *it deems to be satisfactory proof of the applicant's identity.*

3 ~~(e)~~

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

9 ~~(e) Notwithstanding any other law, information collected~~
10 ~~pursuant to subdivision (b) is not a public record and may not be~~
11 ~~disclosed by the department for any purpose.~~

12 ~~SEC. 5. Section 12801.5 of the Vehicle Code is amended to~~
13 ~~read:~~

14 ~~12801.5. (a) Notwithstanding any other provision of law, the~~
15 ~~department shall require an applicant for an original driver's license~~
16 ~~or identification card to submit satisfactory proof that the~~
17 ~~applicant's presence in the United States is authorized under federal~~
18 ~~law.~~

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

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

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

35 ~~(e)~~

36 ~~12801.5. (a) Notwithstanding Section 40300 or any other~~
37 ~~provision of law, a peace officer may not detain or arrest a person~~
38 ~~solely on the belief that the person is an unlicensed driver, unless~~
39 ~~the officer has reasonable cause to believe the person driving is~~
40 ~~under the age of 16 years.~~

1 ~~(f)~~

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

7 SEC. 6. Section 12801.6 of the Vehicle Code is repealed.

8 SEC. 7. Section 12801.8 of the Vehicle Code is repealed.

9 SEC. 8. Section 13002 of the Vehicle Code is amended to read:

10 13002. (a) Except as otherwise provided in subdivision (b),
11 every identification card shall expire, unless canceled earlier, on
12 the sixth birthday of the applicant following the date of application
13 for the identification card. Renewal of any identification card,
14 other than a senior citizen identification card, shall be made for a
15 term which shall expire on the sixth birthday of the applicant
16 following expiration of the identification card renewed, unless
17 surrendered earlier. Any application for renewal received after 90
18 days after expiration of the identification card, including a senior
19 citizen identification card, shall be considered the same as an
20 application for an original identification card. The department
21 shall, at the end of six years and six months after the issuance or
22 renewal of an identification card, other than a senior citizen
23 identification card, destroy any record of the card if it has expired
24 and has not been renewed.

25 (b) Every senior citizen identification card issued pursuant to
26 subdivision (b) of Section 13000 shall expire, unless canceled
27 earlier, on the 10th birthday of the applicant following the date of
28 application for the identification card. Renewal of any senior citizen
29 identification card shall be made for a term which shall expire on
30 the 10th birthday of the applicant following expiration of the senior
31 citizen identification card renewed, unless surrendered earlier. The
32 department shall, at the end of 10 years and six months after the
33 issuance or renewal of a senior citizen identification card, destroy
34 any record of the card if it has expired and has not been renewed.

35 (c) An identification card may be issued to a person in exchange
36 for the person's driver's license which is surrendered to the
37 department for either of the following reasons:

38 (1) The person has a physical or mental condition and requests
39 cancellation of the driver's license.

1 (2) The department has revoked the person's driving privilege
2 based on the person's physical or mental condition.

3 That card shall be issued without the payment of any additional
4 fee.

5 *SEC. 9. Section 14610.7 of the Vehicle Code is repealed.*

6 ~~14610.7. It is a misdemeanor for any person to knowingly assist~~
7 ~~in obtaining a driver's license or identification card for any person~~
8 ~~whose presence in the United States is not authorized under federal~~
9 ~~law.~~

RESOLUTION NO.

SUPPORTING ASSEMBLY BILL 60, WHICH WOULD REQUIRE THE DMV TO ISSUE DRIVER'S LICENSES TO PERSONS INELIGIBLE FOR A SOCIAL SECURITY NUMBER WHO PROVIDE ALTERNATIVE SPECIFIED DOCUMENTATION

WHEREAS, many Californians are unable to obtain Driver Licenses through no fault of their own, yet must drive in constant fear on the way to work, dropping off their children at school, or simply going to the grocery store; and

WHEREAS, under State law, a simple stop by a law enforcement officer for someone without a Driver's License could mean a misdemeanor, imprisonment, and losing their vehicle and livelihood to a mandatory 30-day impoundment; and

WHEREAS, the exclusion of millions of Californians from obtaining a Driver's License not only exacts disproportionate penalties on the immigrant community, but it is bad public policy; and

WHEREAS, allowing immigrants with alternative documentation to obtain Driver's Licenses would greatly improve traffic safety by ensuring that drivers on the road are properly trained, have passed a background and driving test, know state driving laws, and become insured; and

WHEREAS, Assembly Bill 60, authored by Assemblymember Luis Alejo, would make roughly 2 million undocumented immigrants eligible for driver's licenses; and

WHEREAS, Assembly Bill 60 will partly resolve the longstanding quandary of excluding a class of individuals who are a part of our community from obtaining the licenses needed for daily life, while our immigration broken system is a tacit admission of our need for these same individuals; and

WHEREAS, Assembly 60 is ultimately a matter of fairness to all who live, work and contribute to our communities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley does hereby support Assembly Bill 60, introduced by Assemblymember Luis Alejo, which would allow immigrants with alternative documentation to obtain Driver's Licenses.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Governor Jerry Brown, Senate President Pro Tem Darrell Steinberg, Senator Loni Hancock, Assembly Speaker John A. Perez, Assemblymember Nancy Skinner and Assemblymember Luis Alejo.