

**SENATE BILL**

**No. 1**

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**Introduced by Senator Oller**

November 19, 2003

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An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of, and to repeal Sections 12801.2 and 12801.9 of, the Vehicle Code, and to repeal Section 9 of Chapter 326 of the Statutes of 2003, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as introduced, Oller. Vehicles: social security account number: driver's license and identification cards.

(1) Existing law requires an applicant for the issuance or renewal by the Department of Motor Vehicles of a driver's license or identification card to provide his or her social security account number. Existing law requires 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, and prohibits the department from issuing a license or card to a person who does not do so. Existing law also requires the department to adopt regulations including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards.

Effective January 1, 2004, Chapter 326 of the Statutes of 2003 (SB 60) would, among other things, allow an applicant for a driver's license or identification card, except an applicant for a commercial driver's license, who submits an affidavit, signed under penalty of perjury, attesting that he or she is presently not eligible for a social security account number, but who submits a federal individual taxpayer identification number or other number or identifier that is deemed

appropriate by the department, to submit those documents to the department in lieu of a social security account number, and those documents would be deemed acceptable until the applicant obtains a social security account number. Chapter 326 of the Statutes of 2003 would delete the requirement that an applicant for an original driver's license or identification card submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

This bill would repeal the substantive changes that would be made by Chapter 326 of the Statutes of 2003 and would reinstate the existing law.

(2) Chapter 326 of the Statutes of 2003 would have amended Section 12814.5 of the Vehicle Code relating to the renewal of a driver's license by mail, but that amendment will be superseded by a later unrelated enactment with a higher chapter number. Effective January 1, 2004, Chapter 326 would also make a technical, nonsubstantive change in Section 13000 of the Vehicle Code.

This bill would not affect either of those provisions.

(3) The bill would declare that it is to take effect immediately as an urgency statute, and would become operative on January 1, 2004.

Vote: <sup>2</sup>/<sub>3</sub>. 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 1653.5 of the Vehicle Code, as amended  
2 by Chapter 326 of the Statutes of 2003, is amended to read:  
3 1653.5. (a) Every form prescribed by the department for use  
4 by an applicant for the issuance or renewal by the department of  
5 a driver's license or identification card pursuant to Division 6  
6 (commencing with Section 12500) shall contain a section for the  
7 applicant's social security account number, ~~federal individual~~  
8 ~~taxpayer identification number, or other number or identifier~~  
9 ~~deemed appropriate by the department under paragraph (2) of~~  
10 ~~subdivision (a) of Section 12801.~~  
11 (b) Every form prescribed by the department for use by an  
12 applicant for the issuance, renewal, or transfer of the registration  
13 or certificate of title to a vehicle shall contain a section for the  
14 applicant's driver's license or identification card number.



1 (c) A person who submits to the department a form that,  
2 pursuant to subdivision (a), contains a section for the applicant's  
3 social security account number, ~~federal individual taxpayer~~  
4 ~~identification number, or other number or identifier deemed~~  
5 ~~appropriate by the department under paragraph (2) of subdivision~~  
6 ~~(a) of Section 12801, or pursuant to subdivision (b), the applicant's~~  
7 ~~driver's license or identification card number, if any, shall furnish~~  
8 ~~the appropriate number or identifier in the space provided.~~

9 (d) ~~(1) The department shall not complete an application for~~  
10 ~~the issuance or renewal by the department of a that does not~~  
11 ~~include the applicant's social security account number or driver's~~  
12 ~~license or identification card pursuant to Division 6 (commencing~~  
13 ~~with Section 12500) that does not include one of the following:~~

14 ~~(A) The applicant's social security account number.~~

15 ~~(B) Subject to paragraph (2) of subdivision (a) of Section~~  
16 ~~12801, a federal individual taxpayer identification number.~~

17 ~~(C) Subject to paragraph (2) of subdivision (a) of Section~~  
18 ~~12801, a number or identifier that is determined to be appropriate~~  
19 ~~by the department.~~

20 ~~(2) The department shall not complete an application for the~~  
21 ~~issuance or transfer of the registration or certificate of title to a~~  
22 ~~vehicle that does not include one of the following:~~

23 ~~(A) The applicant's driver's license number.~~

24 ~~(B) The applicant's identification card number as required~~  
25 ~~under subdivision (c).~~

26 (e) An applicant's social security account number ~~or federal~~  
27 ~~individual taxpayer identification number~~ shall not be included by  
28 the department on a driver's license, identification card,  
29 registration, certificate of title, or any other document issued by  
30 the department.

31 (f) Notwithstanding any other provision of law, information  
32 regarding an applicant's social security account number, ~~federal~~  
33 ~~individual taxpayer identification number, or any other~~  
34 ~~information collected under Section 12801 or 12801.5, obtained~~  
35 ~~by the department pursuant to this section, is not a public record~~  
36 ~~and may not be disclosed by the department except for any of the~~  
37 ~~following purposes:~~

38 (1) Responding to a request for information from an agency  
39 operating pursuant to, and carrying out the provisions of, Part A  
40 (Aid to Families with Dependent Children), or Part D (Child



1 Support and Establishment of Paternity), of Subchapter IV of  
2 Chapter 7 of Title 42 of the United States Code.

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

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

7 SEC. 2. Section 12800 of the Vehicle Code, as amended by  
8 Chapter 326 of the Statutes of 2003, is amended to read:

9 12800. Every application for an original or a renewal of a  
10 driver’s license shall contain all of the following information:

11 (a) The applicant’s true full name, age, sex, mailing address,  
12 residence address, *and* social security account number, ~~federal~~  
13 ~~individual taxpayer identification number, or other number or~~  
14 ~~identifier number deemed appropriate by the department under~~  
15 ~~paragraph (2) of subdivision (a) of Section 12801.~~

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

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

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

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

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

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

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

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

38 (j) ~~Documentation acceptable to the department showing that~~  
39 ~~the applicant is presently residing in this state. The department~~



1 ~~shall develop regulations specifying those documents that are~~  
2 ~~acceptable for this purpose.~~

3 ~~(k) Any other information necessary to enable the department~~  
4 ~~to determine whether the applicant is entitled to a license under this~~  
5 ~~code.~~

6 SEC. 3. Section 12801 of the Vehicle Code, as amended by  
7 Chapter 326 of the Statutes of 2003, is amended to read:

8 12801. (a) ~~(1) The Notwithstanding any other provision of~~  
9 ~~law, the department shall require an application for the issuance or~~  
10 ~~renewal of a driver's license or identification card by the~~  
11 ~~department to contain one of the following:~~

12 ~~(A) The applicant's social security account number and any~~  
13 ~~other number or identifier determined to be appropriate by the~~  
14 ~~department.~~

15 ~~(B) Subject to paragraph (2), a federal individual taxpayer~~  
16 ~~identification number.~~

17 ~~(C) Subject to paragraph (2), a number or identifier that is~~  
18 ~~determined to be appropriate by the department.~~

19 ~~(2) If an applicant signs an affidavit under penalty of perjury~~  
20 ~~attesting that he or she is presently not eligible for a social security~~  
21 ~~account number and submits a federal individual taxpayer~~  
22 ~~identification number, or other number or identifier that is deemed~~  
23 ~~appropriate by the department, the submission of those documents~~  
24 ~~shall be acceptable to the department in lieu of a social security~~  
25 ~~account number until the applicant obtains a social security~~  
26 ~~account number. Upon obtaining a social security account number,~~  
27 ~~the applicant shall provide the department that number under~~  
28 ~~paragraph (1).~~

29 ~~(3) The department shall not complete an application for the~~  
30 ~~issuance or renewal by the department of a driver's license or~~  
31 ~~identification card that does not include one of the following:~~

32 ~~(A) The applicant's social security account number.~~

33 ~~(B) Subject to paragraph (2), a federal individual taxpayer~~  
34 ~~identification number.~~

35 ~~(C) Subject to paragraph (2), a number or identifier that is~~  
36 ~~determined to be appropriate by the department.~~

37 (b) Notwithstanding any other law, the social security *account*  
38 ~~number or federal individual taxpayer identification number~~  
39 ~~collected on a driver's license or identification card application~~  
40 ~~shall not be displayed on the driver's license or identification card;~~



1 including, but not limited to, inclusion on a magnetic tape or strip  
2 used to store data on the license.

3 SEC. 4. Section 12801.2 of the Vehicle Code, as added by  
4 Chapter 326 of the Statutes of 2003, is repealed.

5 ~~12801.2.—(a) The department shall require every applicant for  
6 an original driver's license or identification card to present an  
7 identification document acceptable to the department, for the  
8 purpose of establishing identity prior to completing an application.~~

9 ~~(b) Any applicant who furnishes the department with his or her  
10 federal individual taxpayer identification number pursuant to  
11 Section 1653.5, shall present to the department a birth certificate  
12 or record of birth, determined to be acceptable by the department,  
13 issued by a foreign jurisdiction, and, in addition, one of the  
14 following documents, determined acceptable by the department:~~

15 ~~(1) Matricula consular issued by the government of the United  
16 States of Mexico.~~

17 ~~(2) A passport issued by a foreign jurisdiction.~~

18 ~~(3) A military identification card bearing the applicant's  
19 photograph, from the county of origin.~~

20 ~~(4) A driver's license, bearing the applicant's photograph,  
21 issued by a foreign jurisdiction.~~

22 ~~(5) A driver's license, bearing the applicant's photograph,  
23 issued by another state, possession or territory of the United States.~~

24 ~~(e) The department may, through regulations, accept  
25 documents in addition to those specified in subdivision (b),  
26 provided that those additional documents accurately confirm the  
27 identity of the applicant.~~

28 ~~(d) An applicant who does not possess a birth certificate or birth  
29 record from his or her country of origin may present two or more  
30 of the documents specified in subdivision (b) or referenced in  
31 subdivision (e).~~

32 ~~(e) An applicant who presents to the department a birth  
33 certificate or record of birth issued by his or her country of origin,  
34 but who does not possess any of the other documents specified in  
35 subdivision (b), may present, in addition to the birth certificate, a  
36 letter from the Consulate General of the applicant's home country  
37 that confirms the authenticity of the birth record.~~

38 SEC. 5. Section 12801.5 of the Vehicle Code, as amended by  
39 Chapter 326 of the Statutes of 2003, is amended to read:



1 12801.5. (a) *Notwithstanding any other provision of law, the*  
2 *department shall require an applicant for an original driver's*  
3 *license or identification card to submit satisfactory proof that the*  
4 *applicant's presence in the United States is authorized under*  
5 *federal law.*

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

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

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

23 (e) *Notwithstanding Section 40300 or any other provision of*  
24 *law, a peace officer may not detain or arrest a person solely on the*  
25 *belief that the person is an unlicensed driver, unless the officer has*  
26 *reasonable cause to believe the person driving is under the age of*  
27 *16 years.*

28 ~~(b)~~

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

34 SEC. 6. *Section 12801.9 of the Vehicle Code, as added by*  
35 *Chapter 326 of the Statutes of 2003, is repealed.*

36 ~~12801.9. Notwithstanding any other provision of law, a~~  
37 ~~commercial driver's license applicant shall include the applicant's~~  
38 ~~social security account number in the application.~~

39 SEC. 7. *Section 9 of Chapter 326 of the Statutes of 2003 is*  
40 *repealed.*



1 ~~SEC. 9.—(a) The Department of Justice, in consultation with~~  
2 ~~the Department of Motor Vehicles and other interested parties,~~  
3 ~~shall study the cost, feasibility, technological capacity, and privacy~~  
4 ~~implications for developing a biometrics system that guarantees~~  
5 ~~that applicants for a driver’s license or identification card are~~  
6 ~~issued only one driver’s license or identification card.~~

7 ~~(b) On or before January 1, 2005, the Department of Justice~~  
8 ~~shall provide the findings of the study described in subdivision (a)~~  
9 ~~to the Legislature.~~

10 SEC. 8. This act shall become operative on January 1, 2004.

11 SEC. 9. This act is an urgency statute necessary for the  
12 immediate preservation of the public peace, health, or safety  
13 within the meaning of Article IV of the Constitution and shall go  
14 into immediate effect. The facts constituting the necessity are:

15 In order to negate the substantive provisions of Chapter 326 of  
16 the Statutes of 2003 as soon as possible, it is necessary that this act  
17 take effect immediately.

