

Senate Bill No. 1

CHAPTER 1

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.

[Approved by Governor December 3, 2003. Filed
with Secretary of State December 4, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1, 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 the legal presence 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by mail, but that amendment will be superseded by a later unrelated enactment with a higher chapter number.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.

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

SECTION 1. Section 1653.5 of the Vehicle Code, as amended by Chapter 326 of the Statutes of 2003, 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 provision of 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.

SEC. 2. Section 12800 of the Vehicle Code, as amended by Chapter 326 of the Statutes of 2003, 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.

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

12801. (a) Notwithstanding any other provision of 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 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.

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 Section 12801.2 of the Vehicle Code, as added by Chapter 326 of the Statutes of 2003, is repealed.



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

12801.5. (a) Notwithstanding any other provision of 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 provision of 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 the age of 16 years.

(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.

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 Section 12801.9 of the Vehicle Code, as added by Chapter 326 of the Statutes of 2003, is repealed.

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 Section 9 of Chapter 326 of the Statutes of 2003 is repealed.

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

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

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

