

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2113

Introduced by Assembly Member Hueso

February 23, 2012

An act to add Chapter 8 (commencing with Section 15400) to Division 6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, as amended, Hueso. Vehicles: driver's licenses: enhanced driver's license.

Existing law requires the Department of Motor Vehicles, upon proper application, to issue driver's licenses and identification cards.

The federal Western Hemisphere Travel Initiative facilitates travel within the western hemisphere by authorizing the use of enhanced driver's licenses and identification cards meeting specified requirements as travel documents.

~~This bill would declare the intent of the Legislature to enact subsequent legislation that would authorize the Department of Motor Vehicles to enter into a memorandum of understanding with one or more federal agencies a federal agency for the purposes of facilitating the crossing of the border and improving economic development between this state and Mexico and that would permit the department to issue travels within the western hemisphere pursuant to the Western Hemisphere Travel Initiative through the issuance of an enhanced driver's license, instruction permit, provisional license, or identification card for the purposes of crossing the border between this state and Mexico. The bill would authorize the department to issue or renew, upon request, an enhanced driver's license, instruction permit,~~

provisional license, or identification card for specified persons. The bill would require a person applying for the initial issuance or renewal of an enhanced driver’s license, instruction permit, provisional license, or identification card to submit, under the penalty of perjury, additional proof of identity, residency, and citizenship that satisfies the requirements of the Western Hemisphere Travel Initiative. Because the knowledge of the submission of fraudulent information is a crime, this bill would create a new crime, thereby imposing a state-mandated local program. The bill would, except as specified, prohibit the disclosure of information submitted to the department. Because a violation of the Vehicle Code is a crime, this bill would impose a state-mandated local program. The bill would require the person to submit an additional application fee of \$75. The bill would establish the Enhanced Driver’s License and Identification Card Subaccount in the Motor Vehicle Account and would require the additional fee to be deposited into the subaccount. The bill would, upon appropriation by the Legislature, require the moneys in the subaccount to be expended by the department in implementing the above provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Every year, there are over 45 million personal vehicle
- 4 passengers and 15 million pedestrians crossing into the state from
- 5 Mexico.
- 6 (b) Border crossers have an economic impact on the state,
- 7 accounting annually for four billion five hundred thousand dollars
- 8 (\$4,000,500,000) in economic benefits and 67,000 jobs.
- 9 (c) Border wait times during peak hours average 120 minutes
- 10 on weekdays and even longer on weekends.

1 (d) More than 8 million trips are lost due to congestion each
2 year in the San Ysidro Port of Entry, the busiest port of entry in
3 the world.

4 (e) In the San Diego region alone, this translates into a revenue
5 loss of nearly one billion three hundred thousand dollars
6 (\$1,000,300,000), 3 million potential working hours, 35,000 jobs,
7 and forty-two million dollars (\$42,000,000) in wages.

8 (f) It is estimated that border wait times will significantly
9 increase in the future and an additional 15 minutes in border wait
10 times will affect productivity in the binational border region by
11 an additional one billion dollars (\$1,000,000,000) in costs and a
12 loss of 134,000 jobs.

13 (g) Since border wait times impede international travel, trade,
14 and commerce, the Legislature must address this problem to protect
15 California's jobs and economy.

16 (h) After the 9/11 attacks, the federal government enacted the
17 Western Hemisphere Travel Initiative (WHTI; Public Law 110-53),
18 to facilitate entry for United States citizens and legitimate foreign
19 visitors, while strengthening United States border security, by
20 requiring United States and Canadian travelers to present a passport
21 or other documents that denote identity and citizenship when
22 entering the United States. The documentation requirements of
23 the WHTI went into effect in 2007 for air travel into the United
24 States and in 2009 for land and sea travel.

25 (i) In addition to a passport and other documents, the federal
26 government approved, for cross-border travel, the use of an
27 enhanced driver's license (EDL), which is a standard state-issued
28 driver's license that has been enhanced in process, technology,
29 and security to denote identity and citizenship for purposes of
30 entering the United States at the land and sea ports of entry. An
31 EDL contains radio frequency identification (RFID) technology,
32 which allows information contained in a wireless device or tag to
33 be read from a distance, and eliminates the need to key in travelers,
34 translating into a 60 percent faster processing than manual queries.

35 (j) Another advantage of an EDL is that it can be used in "Ready
36 Lanes," which were created by the United States Customs and
37 Border Protection and are used as primary vehicle lanes dedicated
38 to travelers who possess RFID-enabled travel documents.

1 (k) The use of an EDL as an RFID-enabled travel document is
2 already in place in the states of Washington, New York, Michigan,
3 and Vermont.

4 (l) The use of EDL's in the state will open the way for the United
5 States Customs and Border Protection to convert more vehicle
6 lanes into ready lanes, which will decrease border wait times by
7 an average of 30 minutes and thus provide a significant, long-term
8 economic benefit to the state, while strengthening border security.

9 ~~SEC. 2. The Legislature hereby declares its intent to enact
10 subsequent legislation that would authorize the Department of
11 Motor Vehicles to enter into a memorandum of understanding with
12 one or more federal agencies for the purposes of facilitating the
13 crossing of the border and improving economic development
14 between this state and Mexico and would permit the department
15 to issue an enhanced driver's license or identification card for the
16 purposes of crossing the border between this state and Mexico.~~

17 *SEC. 2. Chapter 8 (commencing with Section 15400) is added
18 to Division 6 of the Vehicle Code, to read:*

19
20 *CHAPTER 8. ENHANCED DRIVER'S LICENSE AND IDENTIFICATION*
21 *CARD*

22
23 *15400. The department may enter into a memorandum of*
24 *understanding with a federal agency for the purposes of obtaining*
25 *approval for the issuance of an enhanced driver's license,*
26 *instruction permit, provisional license, or identification card that*
27 *is acceptable as proof of identity and citizenship pursuant to the*
28 *Western Hemisphere Travel Initiative (Public Law No. 110-53).*

29 *15401. (a) (1) Upon the request of an applicant, the*
30 *department may issue an initial enhanced driver's license,*
31 *instruction permit, provisional license, or identification card to,*
32 *or renew an enhanced driver's license, instruction permit,*
33 *provisional license, or identification card to, a person who satisfies*
34 *all of the following:*

- 35 *(1) Is 16 years of age or older.*
- 36 *(2) Is a resident of this state.*
- 37 *(3) Is a citizen of the United States.*

38 *(b) (1) In addition to other information required pursuant to*
39 *Chapter 1 (commencing with Section 12500), the applicant shall*
40 *submit sufficient proof that meets the requirements of the Western*

1 *Hemisphere Travel Initiative (Public Law 110-53) to establish his*
2 *or her identity, residency, and citizenship.*

3 (2) *The applicant shall certify, under the penalty of perjury,*
4 *that the information submitted pursuant to paragraph (1) is true*
5 *and correct to the best knowledge of the applicant.*

6 (3) *The applicant shall sign a declaration acknowledging his*
7 *or her understanding of radio frequency identification technology.*

8 (c) *The department shall include in the enhanced driver's*
9 *license, instruction permit, provisional license, or identification*
10 *card reasonable security measures to protect against unauthorized*
11 *disclosure of personal information regarding the person who is*
12 *the subject of the license, permit, or card.*

13 (d) *The enhanced driver's license, instruction permit,*
14 *provisional license, or identification card shall include both of the*
15 *following:*

16 (1) *Radio frequency identification technology that will signal*
17 *a secure system to pull up the person's biographic and biometric*
18 *data for the cross border patrol.*

19 (2) *A machine readable zone or barcode that can be*
20 *electronically read by the cross border patrol.*

21 (e) *An enhanced driver's license may be suspended, revoked,*
22 *or restricted pursuant to this code.*

23 15402. (a) *An applicant applying for an initial enhanced*
24 *driver's license, instruction permit, provisional license, or*
25 *identification card, or renewing an enhanced driver's license,*
26 *instruction permit, provisional license, or identification card, shall*
27 *have his or her facial image and signature captured or reproduced*
28 *by the department at the time of application or renewal.*

29 (b) *The facial image and signature may be available to the*
30 *following entities:*

31 (1) *A federal, state, or local government agency for law*
32 *enforcement purposes authorized by law.*

33 (2) *Another state to the extent authorized by federal law.*

34 (3) *The department for purposes authorized by law.*

35 (4) *Any other entities, if the person provides written*
36 *authorization for the release of his or her facial image or signature.*

37 (c) *Except as provided in subdivision (b), the department shall*
38 *not disclose the person's facial image or signature, or copies of*
39 *a digital image of any document required pursuant to this chapter.*

1 (d) (1) The department shall examine and verify the
2 genuineness, regularity, and legality of an application and proof
3 submitted to the department for an initial or renewal of an
4 enhanced driver's license, instruction permit, provisional license,
5 or identification card.

6 (2) The department may require the submission of additional
7 information to establish identity, residency, and citizenship.

8 (3) The department shall deny an application or renewal of an
9 enhanced driver's license, instruction permit, provisional license,
10 or identification card if the department is not satisfied with the
11 genuineness, regularity, and legality of the application or
12 supporting documentation or the truth of any statement contained
13 in the application or supporting documentation, or for any other
14 reason authorized by law.

15 (4) An applicant may, pursuant to Article 3 (commencing with
16 Section 14100), appeal the department's denial of an application
17 for the issuance or renewal of an enhanced driver's license,
18 instruction permit, provisional license, or identification card.

19 (e) Except as provided in subdivision (f), the department shall
20 retain copies or digital images of documents provided by the person
21 pursuant to this chapter.

22 (f) Notwithstanding subdivision (e), and except as required by
23 other law, in the case of the denial of an application for the
24 issuance or renewal of an enhanced driver's license, instruction
25 permit, provisional license, or identification card, the department
26 shall retain the facial image of the applicant and the reason for
27 denial for not less than one year, unless fraud is suspected, in
28 which case the applicant's facial image and the reason for denial
29 shall be retained for not less than 10 years.

30 (g) The facial image, signature, copies, and digital image of
31 documents required pursuant to this section are exempt from public
32 disclosure pursuant to the Public Records Act (Chapter 3.5
33 (commencing with Section 6250) of Division 7 of Title 1 of the
34 Government Code).

35 (h) Except as required by federal law, information submitted
36 by an applicant pursuant to this chapter shall not be disclosed to
37 a foreign nation.

38 15403. (a) In addition to fees required pursuant to this
39 division, a person requesting the initial issuance or renewal of an
40 enhanced driver's license, instruction permit, provisional license,

1 or identification card shall submit an additional nonrefundable
2 application fee of seventy-five dollars (\$75) with the application.

3 (b) Fees submitted shall be deposited into the Enhanced Driver's
4 License and Identification Card Subaccount established pursuant
5 to Section 15404.

6 15404. (a) There is hereby established the Enhanced Driver's
7 License and Identification Card Subaccount in the Motor Vehicle
8 Account. Moneys in the subaccount shall, upon appropriation, be
9 expended by the department to implement this chapter.

10 (b) Moneys in the subaccount, including any interest accrued,
11 shall remain in the subaccount at the end of each fiscal year.

12 SEC. 3. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.