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CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2189

**Introduced by Assembly Member Skinner Members Cedillo and
Skinner**

(Principal coauthor: Assembly Member Alejo)

(Principal coauthor: Senator Leno)

**(Coauthors: Assembly Members Beall, Bonilla, Bradford,
Charles Calderon, Chesbro, Eng, Fong, Hall, Lara, Mitchell,
Monning, V. Manuel Pérez, Swanson, and Yamada)**

(Coauthors: Senators Alquist, De León, and Yee)

February 23, 2012

An act to add Section 1936.5 to the Civil Code, and to amend ~~Section 14608~~ *Sections 12801 and 14608* of, and to add Section 12801.6 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2189, as amended, ~~Skinner Cedillo. Vehicles: rentals: driver's licenses. Vehicles: driver's licenses.~~

(1) Existing law requires the Department of Motor Vehicles to issue driver's licenses to applicants who meet specified criteria and provide

the department with the required information. Existing law requires the department to establish that the applicant's presence in the United States is authorized under federal law.

Under existing federal law, the Secretary of the Department of Homeland Security has issued a directive allowing certain undocumented individuals who meet several key criteria for relief from removal from the United States or from entering into removal proceedings to be eligible to receive deferred action for a period of 2 years, subject to renewal, and who will be eligible to apply for work authorization.

This bill would allow persons who provide satisfactory proof, as described, that their presence in the United States is authorized under federal law, but who are not eligible for a social security account number, to receive an original driver's license from the Department of Motor Vehicles if they meet all other qualifications for licensure.

Existing

(2) Existing law prohibits a person from renting a motor vehicle to another unless the person to whom the vehicle is rented is a validly licensed driver, as specified, and the person renting to that driver has inspected the person's driver's license and compared the signature on the license with the signature of the driver written in his or her presence.

This bill would delete the requirement that the signature of the driver be written in his or her presence and would allow the person renting the vehicle to instead compare the photograph on the driver's license of the person with the person to whom the vehicle is to be rented.

The bill would also exempt, a "rental company," as defined, from these requirements if the rental is subject to the terms of a membership agreement that allows the renter to gain physical access to a car without a key through use of a code, key card, or by other means that allow the car to be accessed at a remote location or at a business location of the rental company outside of that location's regular hours of operation.

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

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

- 1 SECTION 1. Section 1936.5 is added to the Civil Code, to
- 2 read:
- 3 1936.5. A "rental company" as defined in paragraph (1) of
- 4 subdivision (a) of Section 1936 is not subject to the requirements

1 of Section 14608 of the Vehicle Code if the rental is subject to the
2 terms of a membership agreement that allows the renter to gain
3 physical access to a car without a key through use of a code, key
4 card, or by other means that allow the car to be accessed at a remote
5 location, or at a business location of the rental company outside
6 of that location's regular hours of operation.

7 *SEC. 2. Section 12801 of the Vehicle Code is amended to read:*

8 12801. (a) Notwithstanding any other ~~provision of~~ law, the
9 department shall require an application for a driver's license to
10 contain the applicant's social security account number and any
11 other number or identifier determined to be appropriate by the
12 department.

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

18 ~~(b)~~

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

24 *SEC. 3. Section 12801.6 is added to the Vehicle Code, to read:*

25 12801.6. (a) Any federal document demonstrating favorable
26 action by the federal government for acceptance of a person into
27 the deferred action for childhood arrivals program shall satisfy
28 the requirements of Section 12801.5.

29 (b) The department may issue an original driver's license to
30 the person who submits proof of presence in the United States as
31 authorized under federal law pursuant to subdivision (a) and either
32 a social security account number or ineligibility for a social
33 security account number.

34 ~~SEC. 2:~~

35 *SEC. 4. Section 14608 of the Vehicle Code is amended to read:*

36 14608. (a) A person shall not rent a motor vehicle to another
37 person unless both of the following requirements have been met:

38 (1) The person to whom the vehicle is rented is licensed under
39 this code or is a nonresident who is licensed under the laws of the
40 state or country of his or her residence.

1 (2) The person renting to another person has inspected the
2 driver's license of the person to whom the vehicle is to be rented
3 and compared either the signature thereon with that of the person
4 to whom the vehicle is to be rented or the photograph thereon with
5 the person to whom the vehicle is to be rented.

6 (b) This section does not prohibit a blind or disabled person
7 who is a nondriver from renting a motor vehicle if both of the
8 following conditions exist at the time of rental:

9 (1) The blind or disabled person either holds an identification
10 card issued pursuant to this code or is not a resident of this state.

11 (2) The blind or disabled person has a driver present who is
12 either licensed to drive a vehicle pursuant to this code or is a
13 nonresident licensed to drive a vehicle pursuant to the laws of the
14 state or country of the driver's residence.

15 *SEC. 5. It is the intent of the Legislature in enacting Sections*
16 *2 and 3 of this act to codify the holding in Lauderbach v. Zolin*
17 *(1995) 35 Cal.App.4th 578, that persons whose presence in the*
18 *United States is authorized by federal law, but who are ineligible*
19 *for social security account numbers, are entitled to an original*
20 *driver's license if they are otherwise qualified for the license.*