

AMENDED IN ASSEMBLY AUGUST 31, 2007

AMENDED IN ASSEMBLY JULY 3, 2007

AMENDED IN SENATE MAY 23, 2007

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 60

Introduced by Senator Cedillo

(Coauthors: Senators Calderon, Kuehl, Oropeza, and Romero)

(Coauthors: Assembly Members Arambula, Coto, De Leon, Dymally, Hernandez, Mendoza, Parra, Saldana, Soto, and Torrico)

January 11, 2007

~~An act relating to the Department of Motor Vehicles. An act to amend Section 40000.11 of, to amend, repeal, and add Sections 12801.5 and 14610.7 of, and to add Sections 1653.6 and 12801.1 to, the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as amended, Cedillo. ~~Department of Motor Vehicles: federal Real ID Act. Vehicles: driver's licenses.~~

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

This bill would require the department, in the issuance of driver's licenses and identification cards, to issue licenses and cards that are in compliance with specified requirements of the federal Real ID Act of 2005 (Public Law 109-13).

The bill would require the department to issue a driver's license that permits driving and is acceptable by a federal agency for any official purpose, as certified by the federal Secretary of Homeland Security, to an applicant who is in compliance with specified requirements of

specified provisions of the federal act, no later than 240 days after the United States Secretary of Homeland Security approves the state's implementation plan of the federal act.

The bill also would require the department, in compliance with the federal act, and no later than 240 days after the United States Secretary of Homeland Security approves the state's implementation plan, to issue a driver's license that permits driving, and is not acceptable by a federal agency for federal identification or for any other official purpose, to an applicant who does not provide valid documentary evidence of lawful status under the federal act.

(2) Existing law requires the department to require every 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 requires the department to adopt regulations, including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards, and to make a specified annual report.

This bill would repeal those requirements on the date that the Secretary of State receives a notice from the Director of Motor Vehicles indicating the date that the department shall commence the issuance of driver's licenses in compliance with the implementation of the federal Real ID Act of 2005.

(3) 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.

This bill would repeal that provision, and, instead, would make it a misdemeanor to knowingly assist in obtaining documents for another person in violation of the federal Real ID Act of 2005. These changes would become operative on the date of receipt by the Secretary of State of the notice described above.

Because this bill would create a new crime, this bill would impose a state-mandated local program.

(4) 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.

(5) *The bill would provide that its provisions are severable.*

~~Existing law requires the Department of Motor Vehicles, upon proper application, to issue driver's licenses and identification cards. The federal Real ID Act of 2005 (Public Law 109-13), for federal purposes, establishes minimum standards for state-issued drivers' licenses and identification cards.~~

~~This bill would require the department to report to the Legislature on or before May 1, 2008, on certain issues concerning the implementation of that federal act.~~

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

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

1 *SECTION 1. This act shall be known, and may be cited, as the*
2 *California Real ID Act of 2007.*

3 *SEC. 2. The Legislature intends by the enactment of this act*
4 *to accomplish the following:*

5 *(a) Meet or exceed the document and issuance standards set*
6 *forth in the federal Real ID Act of 2005 (Public Law 109-13), to*
7 *ensure that California has a federally recognized and acceptable*
8 *driver's license and identification card.*

9 *(b) Provide driver's licenses that permit driving, but cannot be*
10 *used for federal identification purposes, consistent with the federal*
11 *Real ID Act of 2005, to California drivers that cannot meet the*
12 *minimum identity confirmation requirements necessary to obtain*
13 *a federally recognized driver's license or identification card.*

14 *SEC. 3. Section 1653.6 is added to the Vehicle Code, to read:*
15 *1653.6. In the issuance of a driver's license and identification*
16 *card under this code, the department shall issue a driver's license*
17 *and an identification card that are in compliance with Section 202*
18 *of Title II of the federal Real ID Act of 2005 (Public Law 109-13).*

19 *SEC. 4. Section 12801.1 is added to the Vehicle Code, to read:*
20 *12801.1. (a) No later than 240 days after the United States*
21 *Secretary of Homeland Security approves the state's*
22 *implementation plan of the federal Real ID Act of 2005 (Public*
23 *Law 109-13), the department shall issue a driver's license that*
24 *permits driving and is acceptable by a federal agency for any*
25 *official purpose, as certified by the Secretary of Homeland Security,*

1 to an applicant who is in compliance with the requirements of
2 Section 202 of Title II of the federal Real ID Act of 2005.

3 (b) The department, in compliance with the federal Real ID Act
4 of 2005, and no later than 240 days after the United States
5 Secretary of Homeland Security approves the state's
6 implementation plan, shall issue a driver's license that permits
7 driving, and is not acceptable by a federal agency for federal
8 identification or for any other official purpose pursuant to
9 paragraph (11) of subsection (d) of Section 202 of Title II of the
10 federal Real ID Act of 2005, to an applicant who does not meet
11 the requirements of subparagraph (B) of paragraph (2) of
12 subsection (c) of Section 202 of that federal act.

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

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

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

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

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

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

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

6 (g) (1) *The director shall determine the date that the department*
7 *shall commence the issuance of driver's licenses under Section*
8 *12801.1.*

9 (2) *The director shall submit a notice of the determination under*
10 *paragraph (1) to the Secretary of State, and on the date of the*
11 *receipt of that notice by the Secretary of State, this section is*
12 *repealed.*

13 SEC. 6. Section 12801.5 is added to the Vehicle Code, to read:

14 12801.5. (a) *Notwithstanding any other provision of law, a*
15 *peace officer shall not detain or arrest a person solely on the belief*
16 *that the person is an unlicensed driver, unless the officer has*
17 *reasonable cause to believe that the person driving is under 16*
18 *years of age.*

19 (b) *The inability to obtain a driver's license pursuant to this*
20 *code does not abrogate or diminish in any respect the legal*
21 *requirement of a driver in this state to obey the motor vehicle laws*
22 *of this state, including laws with respect to licensing, motor vehicle*
23 *registration, and financial responsibility.*

24 (c) *This section shall become operative upon the receipt by the*
25 *Secretary of State of the notice specified in paragraph (2) of*
26 *subdivision (g) of Section 12801.5, as amended by Section 5 of the*
27 *act that added this section.*

28 SEC. 7. Section 14610.7 of the Vehicle Code is amended to
29 read:

30 14610.7. (a) *It is a misdemeanor for any a person to knowingly*
31 *assist in obtaining a driver's license or identification card for any*
32 *a person whose presence in the United States is not authorized*
33 *under federal law.*

34 (b) *This section is repealed on the date that the Secretary of*
35 *State receives the notice described in paragraph (2) of subdivision*
36 *(g) of Section 12801.5, as amended by Section 5 of the act that*
37 *amended this section. The repeal of this section shall not be*
38 *construed to forgive or legalize conduct prohibited by this section*
39 *that was committed prior to the repeal date.*

40 Sec. 8. Section 14610.7 is added to the Vehicle Code, to read:

1 14610.7. (a) (1) A person shall not knowingly assist in
2 obtaining a driver's license, identification card, or any other
3 document for another person in violation of Section 202 of Title
4 II of the federal Real ID Act of 2005 (Public Law 109-13).

5 (2) A violation of paragraph (1) is a misdemeanor.

6 (b) This section is cumulative and shall not be construed as
7 restricting the application of any other law. However, an act or
8 omission punishable differently by this section and another section
9 of this code or any other code shall not be punished under more
10 than one of those sections.

11 (c) This section shall become operative upon the receipt by the
12 Secretary of State of the notice specified in paragraph (2) of
13 subdivision (g) of Section 12801.5, as amended by Section 5 of the
14 act that added this section.

15 SEC. 9. Section 40000.11 of the Vehicle Code is amended to
16 read:

17 40000.11. A violation of any of the following provisions is a
18 misdemeanor, and not an infraction:

19 (a) Division 5 (commencing with Section 11100), relating to
20 occupational licensing and business regulations.

21 (b) ~~Subdivision (a) of Section 12500, subdivision (a),~~ relating
22 to unlicensed drivers.

23 (c) ~~Subdivision (b) of Section 12515, subdivision (b),~~ relating
24 to persons under 21 years of age driving, and the employment of
25 those persons to drive, vehicles engaged in interstate commerce
26 or transporting hazardous substances or wastes material.

27 (d) Section 12517, relating to a special driver's certificate to
28 operate a schoolbus or school pupil activity bus.

29 (e) ~~Subdivision (a) of Section 12519, subdivision (a),~~ relating
30 to a special driver's certificate to operate a farm labor vehicle.

31 (f) Section 12520, relating to a special driver's certificate to
32 operate a tow truck.

33 ~~(g) Section 12804, subdivision (d), relating to medical~~
34 ~~certificates.~~

35 ~~(h)~~

36 (g) ~~Subdivision (b) of Section 12951, subdivision (b),~~ relating
37 to refusal to display a license.

38 ~~(i)~~

39 (h) Section 13004, relating to unlawful use of an identification
40 card.

1 ~~(j)~~

2 (i) Section 13004.1, relating to identification documents.

3 ~~(k)~~

4 (j) Sections 14601, 14601.1, 14601.2, and 14601.5, relating to
5 driving with a suspended or revoked driver's license.

6 ~~(l)~~

7 (k) Section 14604, relating to unlawful use of a vehicle.

8 ~~(m)~~

9 (l) Section 14610, relating to unlawful use of a driver's license.

10 ~~(n)~~

11 (m) Section 14610.1, relating to identification documents.

12 (n) Section 14610.7, relating to assisting in the unlawful
13 attainment of identification documents.

14 (o) Section 15501, relating to use of a false or fraudulent license
15 by a minor.

16 SEC. 10. *No reimbursement is required by this act pursuant*
17 *to Section 6 of Article XIII B of the California Constitution because*
18 *the only costs that may be incurred by a local agency or school*
19 *district will be incurred because this act creates a new crime or*
20 *infraction, eliminates a crime or infraction, or changes the penalty*
21 *for a crime or infraction, within the meaning of Section 17556 of*
22 *the Government Code, or changes the definition of a crime within*
23 *the meaning of Section 6 of Article XIII B of the California*
24 *Constitution.*

25 SEC. 11. *The provisions of this act are severable. If any*
26 *provision of this act or its application is held invalid, that invalidity*
27 *shall not affect other provisions or applications that can be given*
28 *effect without the invalid provision or application.*

29 SECTION 1. ~~It is the intent of the Legislature to review the~~
30 ~~provisions of the federal Real ID Act of 2005 (Public Law 109-13).~~

31 SEC. 2. ~~Notwithstanding Section 7550.5 of the Government~~
32 ~~Code, the Department of Motor Vehicles shall report to the~~
33 ~~Legislature on or before May 1, 2008, on the following issues~~
34 ~~concerning the implementation of the federal Real ID Act of 2005:~~

35 ~~(a) The measures that need to be taken to implement the act in~~
36 ~~California.~~

37 ~~(b) An estimate of the costs for that implementation.~~

- 1 ~~(c) Recommendations of funding mechanisms for that~~
- 2 ~~implementation.~~

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