

Initial Statement of Reasons

Title 13, Division 1, Chapter 1

Article 2. Driver Licenses and Identification Cards

Vehicle Code section 12801.5 requires an applicant to submit to the department satisfactory proof of their California residency and that their legal presence in the United States is authorized by federal law. Currently, the department has identified 31 types of documents as being sufficient to establish an applicant's legal presence, including birth certificates, passports, records of arrival and departure, military documents, and documents issued by the Department of Homeland Security.

This amendment will adopt the federal release identification card that can be used by individuals who are being released from federal custody to assist them in meeting the legal presence requirements of Vehicle Code section 12801.5.

§ 15.00. Information Required to Establish Legal Presence in the United States (U.S.) for Purpose of Determining Eligibility for an Original Driver's License or Identification Card.

The purpose of Section 15.00 is to identify the documents the department has determined as sufficient to establish an applicant's identity for purposes of issuing a driver's license or identification card.

Subsection (a)(32) is adopted to add the Federal Release Identification Card, issued by the Federal Bureau of Prisons (FBOP), as a document that can be used to establish an applicant's identity.

The department received a request from the Federal Bureau of Prisons asking that the department consider recognizing their release identification card as a valid proof of identity. Prior to being issued a release identification card, a person must be either a United States citizen or a naturalized citizen, and the FBOP must be able to verify the individual's full legal name, social security number, and a release address or halfway house address. The FBOP also notes the release identification card meets federal security standards and is compatible with common machine-readable technology, such as those used by the department in its field offices. The acceptance of this card will assist the ongoing effort to successfully reintegrate individuals to their communities after leaving the custody of the FBOP and as a way of ensuring they possess at least one form of photo identification when they are released.

Because issuance of a federal release ID Card requires the applicant to be a United States citizen, the federal release ID Card cannot be used for issuance of an AB 60 driver's license.

Furthermore, Section 17.02 in Article 2.0 identifies the documents that department, as directed by 6 C.F.R Section 37.11(c), has determined as sufficient to establish an applicant's identity for purposes of being issued a REAL ID driver's license or identification card. Because the federal release ID Card has not been recognized by the Department of Homeland Security as an approved identity document, the federal release ID Card cannot be used for issuance of a REAL ID license or identification card. The federal release ID Card can only be used when the applicant is applying for a non-federally compliant driver's license or identification card.

DEPARTMENTAL DETERMINATIONS

- Technical, Theoretical and/or Empirical Studies, Reports or Documents: The department is adding to the rulemaking record a letter received by the department from the Federal Bureau of Prisons, dated May 1, 2024, requesting the department consider accepting its federal release identification card to establish the identity of individuals who are being released from the custody of the FBOP and applying to the department for an identification card. The letter provides information related to the verification made by the FBOP to determine whether an individual qualifies for a federal release identification card.
- Reasonable Alternatives that Would Lessen any Adverse Impact on Small Business: None.
- Evidence Supporting Determination of No Significant Economic Impact of Business: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed change adds a federal release identification card to the list of documents an applicant can use to establish their legal presence when applying for a driver's license or identification card.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost of Savings to Local Agencies: None.
- Cost or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This proposed action allows specified applicants to provide a Federal Release card to establish their legal presence for purposes of applying for a driver's license or identification card. There is a charge for the issuance of a driver's license or identification card, however, that fee is established in regulation and fluctuates with changes to the Consumer Price Index and is not impacted by this proposed amendment.
- Effect on Housing Costs: None.
- Local Agency/School District Mandates: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

- **Small Business Impact:** This proposed action will not impact small businesses. This action only impacts driver's license and identification card applicants.
- **Potential significant statewide adverse economic impact:** The department is not aware of a potential significant statewide adverse economic impact associated with this proposed regulation.

ECONOMIC IMPACT ASSESSMENT

(Government Code section 11346.3)

The department has made the following determinations related to this proposed regulatory action:

- **Creation or Elimination of Jobs Within the State of California**

This regulatory proposal will have no impact on the creation or elimination of jobs in the State of California. This proposed amendment impacts driver's license and identification card applicants and is unrelated to jobs.

- **Creation or Elimination of Existing Businesses Within the State of California**

This regulatory proposal will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California. This proposed amendment impacts driver's license and identification card applicants and is unrelated to businesses.

- **Expansion of Businesses Currently Doing Business Within the State of California**

This regulatory proposal will not have an impact on the expansion of business businesses currently doing business in California. This proposed amendment impacts driver's license and identification card applicants and is unrelated to businesses.

- **Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and State's Environment**

This regulatory proposal may benefit the health and welfare of California residents by ensuring applicants have an accessible means by which to establish their legal presence for purposes of applying for a driver's license or identification card. This amendment will also have positive benefits by allowing individuals to reintegrate to their communities after leaving the custody of the FBOP.