

TITLE 13: DEPARTMENT OF MOTOR VEHICLES
Division 1, Chapter 1
Article 2.0 – Driver’s Licenses and Identification Cards

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Section 15.00 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to driver’s licenses and identification cards.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **November 18, 2024**, the final day of the written comment period, for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt/amend/repeal these regulations under the authority granted by Vehicle Code section 1651, to implement, interpret, or make specific Vehicle Code section 12801.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 12801.5 requires the department to require a driver’s license or identification card applicant to submit satisfactory proof of California residency and that the applicant’s presence in the United States is authorized under federal law.

Section 15.00 in Article 2.0 identifies documents an applicant can submit to the department to establish their legal presence and identity. Those documents include, but are not limited to, a certified copy of a U.S birth certificate, a U.S. Certificate of Birth Abroad, a valid U.S. passport, various military identification documents, various cards issued by the Department of Homeland Security, and a certification provided by the California Department of Corrections and Rehabilitation verifying the legal presence of the applicant.

The department is amending Section 15.00 to add a federal release identification card to the list of documents that can be used to establish an applicant’s legal presence and identity. The federal release identification card is issued to individuals who are leaving the custody of the Federal Bureau of Prisons (FBOP) and is currently recognized by 20 other states as document that will establish an individual’s proof of identity. To qualify for the federal release identification card, an individual must be either a U.S. 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 or halfway house address.

In consultation with the FBOP, the department has determined that an individual who has been issued a federal release identification card has been verified in a manner sufficient for the department to be satisfied that the applicant's identity has been appropriately verified.

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.

BENEFITS OF THE PROPOSED REGULATION

The department anticipates this proposed action will benefit individuals who are leaving the custody of the FBOP by assisting them to successfully reintegrate to their communities by removing potential barriers to receiving a driver's license or identification card. This regulatory amendment will ensure they will be able to sufficiently establish their identity by using a document they already have in their possession.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department has conducted a review of comparable regulations and has determined this is the only state regulation related to documents that can be used to establish an applicant's legal presence for purposes of driver's license or identification card issuance.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

The department has conducted a search and has determined that there are no compatible federal regulations or statutes related to establishing legal presence for the issuance of driver's licenses and identification cards.

DOCUMENTS RELIED UPON

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. This document can be requested from the department by contacting the department's representative identified in this Notice of Proposed Action.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* This proposed action will not have a cost impact on representative private persons or businesses. This action authorizes the use of a federal release identification card for individuals who are applying for a driver's license or identification card. This action only impacts individuals and not businesses. There is a cost for the issuance of a driver's license or an identification card, however, that fee is in regulation and is subject to fluctuate with changes to the Consumer Price Index. This proposed action does not change and is unrelated to issuance fees.
- *Small Business Impact:* This action will not impact small businesses. The proposed amendment only impacts driver's license and identification card applicants.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* There are no significant statewide adverse economic impacts directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has made the initial determination that this action will not impact, 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the 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.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Specialist
Department of Motor Vehicles
Legal Affairs Division
PO Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 282-7294
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Peggy Gibson, Attorney IV
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikethrough to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.