

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Motor Vehicles**

**Regulatory Action:**

**Title 13, California Code of Regulations**

**Adopt sections:** 16.00, 16.02, 16.04, 16.06,  
16.08, 16.10, 16.12, 16.14

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL File No. 2014-1117-01 E**

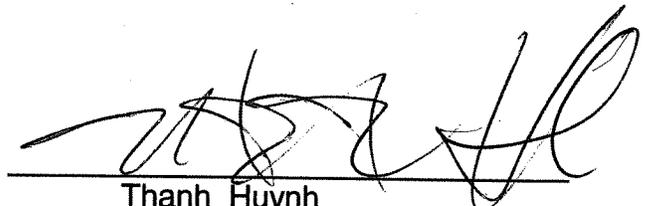
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The Department is adopting these emergency regulations to implement Assembly Bill 60 (Statutes 2013, chapter 524). These regulations govern the process and requirements for the issuance of an original driver's license to a person who is unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 12/1/2014 and will expire on 6/2/2015. The Certificate of Compliance for this action is due no later than 6/1/2015.

Date: 12/1/2014

  
\_\_\_\_\_  
Thanh Huynh  
Senior Attorney

For: DEBRA M. CORNEZ  
Director

Original: Jean Shiomoto  
Copy: Randi Calkins

# EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	<b>NOTICE FILE NUMBER</b> Z-	<b>REGULATORY ACTION NUMBER</b>	<b>EMERGENCY NUMBER</b> 2014-117-01E
For use by Office of Administrative Law (OAL) only		2014 NOV 17 AM 9:34 OFFICE OF ADMINISTRATIVE LAW	
<b>NOTICE</b>		<b>REGULATIONS</b>	
<b>AGENCY WITH RULEMAKING AUTHORITY</b> Department of Motor Vehicles			<b>AGENCY FILE NUMBER (if any)</b>

ENDORSED FILED IN THE OFFICE OF

2014 DEC -1 PM 1:50

Jessica Bowen  
JESSICA BOWEN  
SECRETARY OF STATE

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

<b>1. SUBJECT OF NOTICE</b>		<b>TITLE(S)</b>	<b>FIRST SECTION AFFECTED</b>	<b>2. REQUESTED PUBLICATION DATE</b>
<b>3. NOTICE TYPE</b> <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		<b>4. AGENCY CONTACT PERSON</b>	<b>TELEPHONE NUMBER</b>	<b>FAX NUMBER (Optional)</b>
<b>OAL USE ONLY</b>	<b>ACTION ON PROPOSED NOTICE</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		<b>NOTICE REGISTER NUMBER</b>	<b>PUBLICATION DATE</b>

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

<b>1a. SUBJECT OF REGULATION(S)</b> AB 60 - Driver's Licenses	<b>1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)</b>
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<b>2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)</b>	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	<b>ADOPT</b> 16.00, 16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14
	<b>AMEND</b>
<b>TITLE(S)</b> 13	<b>REPEAL</b>

<b>3. TYPE OF FILING</b>			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

**4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)**

**5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)**

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))  Effective on filing with Secretary of State  \$100 Changes Without Regulatory Effect  Effective other (Specify) January 1, 2015

**6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY.**

Department of Finance (Form STD. 399) (SAM §6660)  Fair Political Practices Commission  State Fire Marshal

Other (Specify)

<b>7. CONTACT PERSON</b> Randi Calkins	<b>TELEPHONE NUMBER</b> 916/657-8898	<b>FAX NUMBER (Optional)</b>	<b>E-MAIL ADDRESS (Optional)</b> Randi.Calkins@dmv.ca.gov
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**8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

<b>SIGNATURE OF AGENCY HEAD OR DESIGNEE</b> 	<b>DATE</b> 11/17/2014
<b>TYPED NAME AND TITLE OF SIGNATORY</b> Jean Shiomoto, Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 01 2014

Office of Administrative Law

per agency request 11/26/14 (TT)

Express Terms - Emergency  
Title 13, Division 1, Chapter 1,  
Article 2.0 – Driver Licenses and Identification Cards

**§ 16.00 Purpose**

A California driver's license shall not be issued to an applicant by the department except as permitted under Vehicle Code sections 12801, 12801.5, 12801.6, 12801.8, 12801.9, and the regulations of this article.

NOTE: Authority cited: Sections 1651 and 12801.9, Vehicle Code. Reference: Sections 12801, 12801.5, 12801.6, 12801.8, and 12801.9, Vehicle Code.

**§ 16.02 Definition**

As used in this article the following definitions apply:

- (a) "Applicant" means the person applying for the issuance of a driver's license.
  
- (b) "Government" means the entity, office, or authority governing over a country, state, county, city, municipality, district, agency, department, or any other political subdivision of a country or state.
  
- (c) "Foreign document" means a document issued by a government other than the federal government, a state, the District of Columbia, a possession or territory of the United States, or any of their political subdivisions.

NOTE: Authority cited: Sections 1651 and 12801.9, Vehicle Code. Reference: Sections 12801, 12801.9, Vehicle Code.

**§ 16.04 Primary Identification Documents**

Individuals who apply for an original driver's license but are unable to meet the requirements of Section 15.00 of this Article must comply with either subsection (a) or (b) of this section, or Section 16.06.

- (a) The applicant may present one of the following:
  - (1) A foreign document approved by the department pursuant to Section 16.08 of this Article. The document must be valid and electronically verified by the department with the country of origin.
  
  - (2) A valid foreign passport approved by the department pursuant to Section 16.08 of this Article, but that cannot be electronically verified by the department with the country of origin, accompanied with a social security account number that is electronically verifiable by the department with the Social Security Administration.
  
  - (3) A California driver's license or California identification card issued by the department on or after October 1, 2000.

(b) If unable to comply with subsection (a) of this section, the applicant may present the following documents:

- (1) Two foreign documents approved by the department pursuant to Section 16.08 of this Article, that are valid but that cannot be electronically verified by the department with the country of origin; or,
- (2) One foreign document approved by the department pursuant to Section 16.08 of this Article that is valid but that cannot be electronically verified by the department with the country of origin, and one foreign birth certificate that is either:

(A) A certified copy issued by a national civil registry within six (6) months of the date of application that contains an embedded photograph showing the applicant at the time of issuance, or

(B) Accompanied by an Apostille authentication and translated by the consulate of the applicant's country of origin.

NOTE: Authority cited: Sections 1651 and 12801.9, Vehicle Code. Reference: Sections 12800, 12800.7, 12801, 12801.9, Vehicle Code.

### **§16.06 Secondary Review**

(a) If an applicant is unable to comply with subsections (a) or (b) of Section 16.04, the applicant shall present sufficient information to enable the department's investigative division to verify the applicant's identity as stated in the application for a driver's license. The applicant shall establish identity by participating in an interview at the department's investigative division and submitting as many as possible of the following documents:

- (1) School documents, including any document issued by a public or private primary, or secondary, or post-secondary institution, college, or university that either includes the applicant's date of birth, or if a foreign school document, is sealed by the school and includes a photograph of the applicant at the age the record was issued.
- (2) Documents issued by or filed with a government within the United States or the United States government as follows:

(A) U.S. Department of Homeland Security (DHS) Form I-589, (Application for Asylum and for Withholding of Removal);

(B) U.S. DHS Form I-20 (Certificate of Eligibility for Nonimmigrant (F-1) Student Status – For Academic and Language Students or Certificate of

Eligibility for Nonimmigrant (M-1) Student Status – For Vocational Students);

(C) U.S. DHS Form DS-2019 (Certificate of Eligibility for Exchange Visitor (J-1) Status);

(D) Court documents where the applicant is named as a party to the court proceeding;

(E) Income tax returns;

(F) A driver's license.

- (3) Documents pertaining to civil marital status or civil unity, including marriage licenses or domestic partner registrations; if the language on the marriage license is in a language other than English, the marriage license shall be accompanied by a certified translation or an affidavit of translation into English.
- (4) Divorce decrees; if the language on the decree is in a language other than English, the decree shall be accompanied by a certified translation or an affidavit of translation into English.
- (5) Foreign passport, consular identification card, foreign national identification card, or a foreign driver's license. If the foreign driver's license is in a language other than English, it shall be accompanied by a certified translation or an affidavit of translation into English.
- (6) Identification cards that contain a photograph of the applicant issued by a government within the United States or the United States government.
- (7) Birth documents including a birth certificate or adoption records.
- (8) Any of the above documents that list the applicant's spouse, domestic partner, child, parent or legal guardian provided the applicant also provides a birth certificate, adoption records, marriage license, or domestic partner registration to trace the relationship.

(b) The department may determine that additional documents will assist in verifying an applicant's identity on a case-by-case basis.

(c) The applicant shall be informed by the department that the documents must be subjected to a secondary review before the application for license can be completed.

- (1) The applicant shall be given a Secondary Review Referral Notice, form DL 209A (6/2014), which is hereby incorporated by reference, and instructed to make an

appointment with the department's investigative division to complete the review process.

- (2) The secondary review may include, but not be limited to, an interview of the applicant, or the use of electronic verification systems and manual methods.

(d) When an applicant's identity has been verified by the secondary review, the applicant shall be instructed by the department to make an appointment with a department field office to complete the application and testing process.

Note: Authority cited: Sections 1651 and 12801.9, Vehicle Code. Reference: Sections 12800, 12800.7, 12801, 12801.9, Vehicle Code.

### **§ 16.08 Acceptable Document Approval Criteria**

(a) The department may identify and approve foreign documents that provide satisfactory proof of the applicant's identity. To obtain approval by the department, the department shall have received information from the country of origin that the foreign document meets the following criteria:

- (1) The applicant was required to provide proof of nationality and identity to the country of origin that issued the document.
- (2) In addition to verifying the authenticity of the documents presented by the applicant pursuant to subsection (a)(1), the country of origin verified the applicant's identity and nationality.
- (3) The document includes all of the following security features:
- (A) A unique identification number.
  - (B) An optically variable feature such as a hologram or color-shifting inks.
  - (C) An ultraviolet image.
  - (D) Encoded information that meets 2D barcode standards (PDF-417) in the machine readable zone.
  - (E) Micro printing.
  - (F) Secure laminate.
  - (G) Integrated photograph and signature.
- (4) The face of the document includes all of the following data:
- (A) Name of the individual to whom it is issued.
  - (B) Date of issuance.
  - (C) Date of expiration.
  - (D) Name of the issuing entity.
  - (E) Identification number.
  - (F) Date of birth.

(5) If the document is a foreign federal electoral photo card in addition to the requirements of (1) through (4) of this subsection it must also meet the following:

(A) Have an issuance date on or after January 1, 1991; and

(B) If in a language other than English, be accompanied by a certified translation or an affidavit of translation into English.

(b) Notwithstanding subsection (a), foreign passports that meet International Civil Aviation Organization (ICAO) standards, with an issue date of 2005 or later may be used to provide satisfactory proof of an applicant's identity.

(c) The Appendix lists the documents that have currently been deemed to provide satisfactory proof of an applicant's identity pursuant to the standards specified in subsection (a).

Note: Authority cited: Sections 1651 and 12801.9, Vehicle Code. Reference: Sections 12800, 12800.7, 12801, 12801.9, Vehicle Code.

### **§ 16.10 Residency**

(a) For all licenses issued under sections 16.04 and 16.06, applicants must submit one of the documents listed in subsection (c) to verify the applicant's residence address as set forth in the application as his or her true California residence address. With the exception of subsections (c) 17 and (c) 18, the document must list the applicant's first and last name and California residence address.

(b) Notwithstanding subsection (a), a parent, legal guardian, or child may use a birth certificate and a spouse or domestic partner may use a marriage license or domestic partner registration certificate to trace his or her relationship to the individual to whom a residency document listed in subsection (c) has been addressed.

(c) Acceptable residency documents are:

(1) Rental or lease agreements with the signatures of the owner/landlord and the tenant/resident.

(2) Deeds or titles to residential real property.

(3) Mortgage bills.

(4) Home utility bills including cellular phone bills.

(5) School documents as defined in Section 16.06(a)(1).

(6) Medical documents.

(7) Employment documents.

- (8) Faith based documents that include the name and address of the issuing organization.
- (9) Insurance documents, including medical, dental, vision, life, home, rental and vehicle.
- (10) Internal Revenue Service or California Franchise Tax Board tax returns.
- (11) California Certificates of Vehicle or Vessel Titles or registrations.
- (12) California driver's licenses or identification cards.
- (13) Change of Address Confirmations by the United States Postal Service (Form CNL 107).
- (14) Federal government-issued documents.
- (15) A property tax bill or statement.
- (16) Records of a financial institution. For the purposes of this section the term "financial institution" means any state or national banks, state or federal savings associations, trust companies, industrial loan companies, state or federal credit unions, and any institution or entity that has issued a credit card.
- (17) Court documents that list the applicant as a resident of California.
- (18) A letter, on letterhead from a homeless shelter, a shelter for abused women, a nonprofit entity, a faith based organization, an employer, or a government within the United States attesting that the applicant resides in California.

(d) The department may determine additional documents that will assist in verifying an applicant's true California residence address on a case-by-case basis.

Note: Authority cited: Sections 1651 and 12801.9 (b) Vehicle Code. Reference: Sections 12800.7, 12801.9, Vehicle Code.

#### **§ 16.12 Social Security Number**

(a) The applicant must present a valid social security number or waiver.

(b) Any social security number provided to the department will be verified with the Social Security Administration pursuant to Section 15.04 of this article.

Note: Authority cited: Sections 1651, 1653.5, 12801, and 12801.9, Vehicle Code. Reference: Sections 1653.5, 12801, 12801.9, Vehicle Code.

**§16.14 Temporary License**

The department shall issue a temporary driver's license valid for up to 60 days provided there is no other cause for refusal pending the verification of the documents submitted by the applicant to establish identity and California residency.

Note: Authority cited: Sections 1651 and 12801.9, Vehicle Code. Reference: Section 12801.9, Vehicle Code.

**Appendix**

(a) Documents that have currently been deemed to provide satisfactory proof of an applicant's identity for the purposes of Section 16.04 subsection (a)(1):

- (1) 2013 version of the Mexican Federal Electoral Card (Instituto Federal Electoral (IFE) Credencial para Votar).
- (2) Mexican Passport issued in 2008 or later.
- (3) 2006 or 2014 versions of the Mexican Consular Card (Matricula Consular) .

(b) Passports listed in Table 1 that have currently been deemed to provide satisfactory proof of an applicant's identity for the purposes of Section 16.04 subsection (a)(2), when accompanied with a social security account number that is electronically verifiable with the Social Security Administration.

(c) Documents that have currently been deemed to provide satisfactory proof of an applicant's identity for the purposes of Section 16.04 subsection (a)(3):

- (1) California Driver's License issued in or after October 2000.
- (2) California Identification Card issued in or after October 2000.

(d) Documents that have currently been deemed to provide satisfactory proof of an applicant's identity for the purposes of Section 16.04 subsections (b)(1)<sup>1</sup> and (b)(2)<sup>2</sup>:

- (1) Argentinian Identification Card (Documento Nacional de Identidad (DNI) – 2012 version).
- (2) Chilean Identification Card (Cedula de Identidad – 2013 version)
- (3) El Salvadorian Identification Card (Documento Unico de Identidad (DUI) – 2010 version).
- (4) Peruvian Identification Card (Documento Nacional de Identidad (DNI) – 2010 version).
- (5) Guatemalan National Identification Card (Documento Personal de Identificacion (DPI) – 2012 version).
- (6) Guatemalan Consular Card (Tarjeta de Identificacion Consular – 2002 version).
- (7) Brazilian Consular Card (Carteira de Matricula Consular – 2010 version).
- (8) Foreign Passports (Listed in Table 1).

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<sup>1</sup> Two foreign documents.

<sup>2</sup> One foreign document and a foreign birth certificate that is either: a certified copy issued by a national civil registry within six (6) months of the application date that contains an embedded photograph showing the applicant at the time of issuance; or, accompanied by an Apostille authentication and translated by the consulate of the applicant's country of origin.

**Table 1: Foreign Passports**

<b>Issued By</b>	<b>Issued In/After</b>	<b>Issued By</b>	<b>Issued In/After</b>
Afghanistan	2011	Finland	2006
Albania	2009	France	2006
Argentina	2009	Gabon	2009
Armenia	2011	Georgia	2005
Australia	2005	Germany	2007
Austria	2006	Ghana	2010
Azerbaijan	2013	Greece	2006
Bahamas	2010	Guatemala	2011
Bahrain	2011	Guinea-Bissau	2008
Bangladesh	2010	Honduras	2005
Belarus	2006	Hong Kong	2006
Belgium	2006	Hungary	2006
Belize	2005	Iceland	2006
Bolivia	2010	India	2008
Bosnia and Herzegovina	2009	Indonesia	2006
Botswana	2010	Interpol	2009
Brazil	2006	Iran	2011
Brunei	2008	Iraq	2009
Bulgaria	2010	Ireland	2006
Burkina Faso	2008	Israel	2011
Cabo Verde	2005	Italy	2006
Cambodia	2005	Jamaica	2009
Canada	2010	Japan	2006
Cayman Islands	2008	Kazakhstan	2009
Chile	2013	Kenya	2008
China	2007	Kosovo	2008
Columbia	10/2009	Latvia	2007
Comoros	2008	Libya	2009
Congo	2008	Lithuania	2006
Congo, Democratic Republic of the	2009	Luxembourg	2006
Costa Rica	2006	Macao	2009
Cote d'Ivoire	2008	Macedonia, FYR	2008
Croatia	2009	Madagascar	2007
Cyprus	2010	Malaysia	2010
Czech Republic	2005	Malta	2008
Denmark	2012	Mexico	2008
Dominican Republic	2006	Mongolia	2011
Ecuador	5/7/2013	Montenegro	2008
Egypt	2008	Morocco	2009
El Salvador	2009	Mozambique	2010
Equatorial Guinea	2011	Myanmar	2010
Eritrea	2010		
Estonia	2005		
Fiji Islands	2012		

<b>Issued By</b>	<b>Issued In/After</b>
Nepal	2010
Netherlands	2006
New Zealand	2009
Nicaragua	2010
Nigeria	2007
Norway	2005
Palau	2008
Palestinian Territory, Occupied	2008
Panama	2010
Paraguay	2012
Peru	2010
Philippines	2010
Poland	2006
Portugal	2006
Qatar	2008
Romania	2008
Russia	2010
Saint Helena	2012
Saint Kitts and Nevis	2010
San Marino	2009
Sao Tome and Principe	2008
Senegal	2008
Serbia	2008
Sierra Leone	2010
Slovakia	2005
Slovenia	2006
Somalia	2007
South Africa	2009
South Korea	2008
South Sudan	2012
Spain	2006
Sweden	2005
Switzerland	2006
Taiwan	12/29/2008
Tajikistan	2010
Thailand	2009
Turkey	2010
Turkmenistan	2008
Ukraine	2007
United Arab Emirates	2011
United Kingdom	2006
Uruguay	2009
Vanuatu	2010
Vatican City	2008

<b>Issued By</b>	<b>Issued In/After</b>
Virgin Islands (British)	2007
Zambia	2008



**SECONDARY REVIEW  
REFERRAL NOTICE**

<b>IDENTITY/RESIDENCY DOCUMENT(S)</b>
DOC. CODE
DOC. NUMBER(S)

APPLICANT NAME \_\_\_\_\_

PENDING DRIVER LICENSE NUMBER \_\_\_\_\_

Further review of the identity/residency document(s) you have presented is necessary. The document(s) must be verified before a driver license can be issued. To request to have your document(s) reviewed and your identity/residency verified, please call toll free at 1-855-421-1001.

**Submitting a false application for a driver license is a felony violation of Penal Code Sections 115 and 118. Violators will be prosecuted.**

OFFICE/DATE LINE STAMP \_\_\_\_\_  
(Staple applicant's receipt to this form)

DL 209 A (NEW 6/2014)



**SECONDARY REVIEW  
REFERRAL NOTICE**

<b>IDENTITY/RESIDENCY DOCUMENT(S)</b>
DOC. CODE
DOC. NUMBER(S)

APPLICANT NAME \_\_\_\_\_

PENDING DRIVER LICENSE NUMBER \_\_\_\_\_

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