

ATTACHMENT A – PROPOSED CHANGES TO STATE LAW

Existing Law

- 1) Requires the DMV to issue an original driver's license to applicants who cannot provide satisfactory proof that their presence in the United States is authorized under federal law if they meet all other qualifications and provide satisfactory proof to the DMV of their identity and California residency. (Veh. Code § 12801.9 (a)(1).)
- 2) Prohibits the DMV from disclosing information submitted to the department for purposes of obtaining a driver's license or ID card absent a subpoena for individual records in a criminal court proceeding or a court order, or in response to a law enforcement request to address an urgent health or safety need if the law enforcement agency certifies in writing the specific circumstances that do not permit authorities time to obtain a court order. Also establishes that such documents and information is not a public record. (Veh. Code § 12800.7.)
- 3) Makes it unlawful to discriminate against a person because the person holds or presents a license issued under specified sections of the Vehicle Code. (Vehicle Code Section 12801.9 (h).)

AB 1766

- 1) Requires the DMV to issue restricted identification cards to eligible applicants who are unable to verify their legal presence in the United States as authorized under federal law, commencing no later than January 1, 2024.
- 2) Establishes that information collected pursuant to this section is not a public record and shall not be disclosed by the department, except where necessary to comply with an order, warrant, or subpoena, each if issued by a court.
- 3) Establishes that documents provided by applicants to prove identity or residency pursuant to the provisions of this bill are not public record and shall not be disclosed except where necessary to comply with an order, warrant, or subpoena, each if issued by a court.
- 4) Requires identification cards to include a recognizable feature on the front of card, such as the letters "IC" instead of, and in the same font size as the letters "ID."
- 5) Requires identification cards to bear the following notice: "This card is not acceptable for official federal purposes. It does not establish eligibility for employment, voter registration, or public benefits.
- 6) Prohibits discrimination against a person because the person holds or presents an identification card issued under the provisions of this bill.
- 7) Prohibits the use of an identification card issued under the provisions of this bill from being used as evidence of an individual's citizenship or immigration status for any purpose.