

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
Z-			2019-0514-01E

For use by Office of Administrative Law (OAL) only

2019 MAY 14 A 10:03

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Department of Motor Vehicles

AGENCY FILE NUMBER (if any)

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

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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Real ID: Driver's Licenses and Identification Cards	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 17.00
	REPEAL
TITLE(S) 13	

3. TYPE OF FILING

<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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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 Resubmittal of disapproved or withdrawn emergency filing (Gov.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)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

Randi Calkins	TELEPHONE NUMBER 916/657-8898	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) 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.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5-13-2019
TYPED NAME AND TITLE OF SIGNATORY Kathleen K. Webb, Acting Director	

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Express Terms

Title 13, Division 1, Chapter 1

Article 2.0. Driver Licenses and Identification Cards

§ 17.00. Documentation Required to Obtain a REAL ID-Compliant Driver's License or Identification Card.

(a) To be issued a REAL ID-compliant driver's license or identification card, an applicant shall:

(1) Satisfy the requirements of sections 17.02 and 17.04; and,

(2) Submit two documents from the list of documents set forth in section 15.01.

(b) The department shall send the Real ID-compliant driver's license or identification card to the applicant by mail with a return service requested at the address provided in the application and verified with the document submitted pursuant to section 15.01.

(c) Applicants who do not receive their Real ID-compliant driver's license or identification card because it has been returned to the department may:

(1) Notify the department of their correct address; and,

(2) Submit one document from the list set forth in section 15.01 showing the applicant's correct California address.

(d) The department may not renew a Real ID-compliant driver's license or identification card issued to a person who submitted one document from the list of documents set forth in Section 15.01 unless the person provides additional proof of California residency.

(1) Customers who applied for a Real ID-compliant driver's license or identification card prior to April 29, 2019, submitted one document from the list of documents set forth in Section 15.01, and were issued a Real ID-compliant driver's license or identification card, must provide additional proof of California residency by providing a second document from the list of documents set forth in Section 15.01.

(A) Any person applying to change their address must provide two documents from the list of documents set forth in Section 15.01.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Section 681, Vehicle Code; and 6 C.F.R. Part 37.11.

Finding of Emergency

Title 13, Division 1, Chapter 1

Article 2.0. Driver Licenses and Identification Cards

The Department of Motor Vehicles (department) proposes to amend Section 17.00 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to documentation required to obtain a Real-ID compliant driver's license or identification card.

Authority and Reference: The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 12800.7 and 12801.5, and Section 37.11 of Part 37, Title 6 of the Code of Federal Regulations.

Policy Statement Overview/Informative Digest

The department adopted regulations, under the authority of Part 37, Title 6, of the Code of Federal Regulations (CFR), in 2017 to establish the process by which an applicant may apply to the department for issuance of a Real ID-compliant driver's license or identification card. Included in that adoption was Section 17.00 establishing the requirements for obtaining a driver's license or identification card compliant with the Real ID Act. Section 17.00, as initially adopted, required an applicant to submit one document that establishes their residency, which did not directly align with 6 CFR §37.11(f), which specifies that a person must present at least two residency documents. However, the department felt that the approach proposed in Section 17.00 would be less burdensome on all applicants and consulted with the DHS on whether California could mirror Wisconsin which implemented a similar procedure.

While DHS initially informed the department in June 2017 that this would be acceptable, in November 2018, they rescinded that approval. The DHS informed the department that not only would two residency documents be required of new applicants on a day forward basis but the department would need to collect additional documents from customers issued a REAL ID driver's license or identification card who only provided one document.

The department has since amended Section 17.00 to require two residency documents and comply with the federal rules. However, between the time that the regulations were initially adopted and the time that the department began requiring two residency documents, a large number of Californians applied for and received a REAL ID-compliant driver's license or identification card with only having provided one residency document.

The DHS recently granted California a "grace period" to allow time for the department to come into compliance with the Real ID Act by May 24, 2019. To enable the department to come into compliance with the Real ID Act, the department will mail existing Real ID cardholders a letter asking them to provide additional proof of California residency. The letter that the department sends to existing Real ID cardholders will allow the cardholder to confirm their current California residency and the cardholder may mail the letter back to the department in a pre-paid

Finding of Emergency
Real ID Driver's Licenses and Identification Cards

envelope to satisfy their second proof of California residency. This process will be the least burdensome to cardholders and will prevent them from having to visit a field office.

§ 17.00. Documentation Required to Obtain a REAL ID-Compliant Driver's License or Identification Card.

Subsection (d) is adopted to make clear that the department will not renew a Real ID-compliant driver's license or identification card to a person who has only submitted one residency document. This provision is necessary to make clear that any person who only provided one residency document will not have their driver's license or identification card renewed until they provide another residency document. This amendment will ensure all Real ID-compliant driver's license or identification card holders provide two residency documents as required by the federal rules.

Subsection (d)(1) is adopted to make clear that a customer issued a Real ID-compliant driver's license or identification card prior to April 29, 2019, must provide one additional proof of California residency. Currently, the department is preparing to mail each of the affected customers a letter regarding the second proof of residency. The customer will sign the letter and return the letter to the department in a pre-paid envelope. Once the department receives the signed letter, the customer's second proof of California residency will have been satisfied. This process will be the least burdensome to affected customers and will prevent those customers from having to visit a department field office as we approach the exceptionally busy summer months.

Subsection (d)(1)(A) is adopted to ensure that a person requesting a change of address while complying with subsection (d)(1) is aware that they are required to provide two residency documents.

Express Statement of Existence of Emergency

Pursuant to Government Code section 11342.545, an 'emergency' is a situation that calls for immediate action to avoid serious harm to the public peace, health, safety and general welfare.

Between January 22, 2018, and April 29, 2019, the department has issued approximately 3.7 million Real ID-compliant driver's licenses or identification cards to applicants who only provided one California residency document. The department is required to take immediate corrective action or risk having its federal compliance rescinded, leaving Californians unable to access federal buildings or board commercial airlines after May 24, 2019. Moreover, if the department is unable to secure the required additional residency document, the result will be approximately 3 million cardholders who think they have a valid Real ID-compliant card, while they have actually not provided sufficient documentation to have a valid Real ID card. The department has developed a corrective plan that will allow affected applicants to provide their second residency document without requiring the applicant to visit a field office, however, to ensure compliance, that process must be established in regulation.

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Other Matters Prescribed by Statutes Applicable to the Specific State Agency or to any Specific Regulation or Class of Regulations: No other matters are prescribed by statute applicable to the department or to any specific regulation or class of regulation pursuant to Government Code section 11346.1(b) or 11346.5(a)(4), pertaining to these emergency regulations or to the department.

Consistency and Compatibility with State Regulations: The department conducted a review of other regulations and has determined there are no other regulations related to the issuance of Real ID-compliant driver's licenses or identification cards.

Comparable Federal Statutes or Regulations: Part 37 in Title 6 of the Code of Federal Regulations identifies documentation required for a person to apply for and receive a Real ID-compliant driver's license or identification card. The department adopted rules to clarify the identity and residency requirements in the federal rules.

Identification of each technical, theoretical, and empirical study, report, or similar document, if any, relied upon: None.

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.

Fiscal Impact: The department has determined that the emergency amendments will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary costs or savings to local agencies.