

Initial Statement of Reasons

Title 13, Division 1, Chapter 1

Article 2. Driver Licenses and Identification Cards

SUMMARY AND BACKGROUND

The Department of Motor Vehicles (department) proposes to amend Sections 15.07 and 15.08 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to reduced fee and no fee identification cards.

Senate Bill (SB) 1098 (Ch. 212, St. 2004) amended Vehicle Code section 14902 to authorize the department to issue an identification card at a reduced fee to a person with an income level that would qualify him or her for specified assistance programs and requires that eligibility be determined by a governmental or nonprofit entity, as specified in regulations adopted by the department.

The department adopted regulations in 2004 implementing the process by which an applicant can apply to the department for a reduced fee identification card. The adopted regulations require a specified governmental or non-profit entity to complete and sign a verification form (DL 937) and require the applicant to submit that form to the department at the time they apply for an identification card. This action amends Section 15.07 to incorporate the updated eligibility verification form DL 937.

Assembly Bill (AB) 1733 (Ch. 764; St. 2014) further amended Vehicle Code section 14902 to authorize the department to issue, without a fee, an original or replacement identification card to any person who can verify his or her status as a homeless person or homeless child or youth and requires that status to be verified by a homeless services provider that has knowledge of the person's housing status and directs the department to adopt regulations that specify how eligibility is determined.

The department adopted regulations in 2016 implementing the process by which an applicant can apply to the department for a no fee identification card. The adopted regulations give specifics as to who qualifies as a homeless services provider that is eligible to verify a person's housing status (as a homeless person or homeless child or youth) and to sign a verification form (DL 933) that is submitted by the applicant at the time of application. This action amends Sections 15.07 and 15.08 to incorporate the updated eligibility verification forms DL 937 and DL 933, respectively.

PROBLEM THIS DEPARTMENT INTENDS TO ADDRESS

Currently applicants for a reduced fee or no fee identification card are required to present their signed, original verification form (DL 937 or DL933) in person at a department field office. If an applicant forgets or loses their verification form or submits a copy of their verification form, rather than the original, they are unable to complete the process and their appointment has to be

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rescheduled. Along with the other modernization efforts that the department has been addressing, the department is making a concerted effort to ensure that applicant appointments are utilized and efficient.

BENEFITS ANTICIPATED FROM THIS REGULATORY ACTION

This action will benefit applicants by allowing them to upload their completed eligibility verification form (DL 937 or DL 933) electronically to the department. This will help ensure that the applicant can complete the process in one field office visit.

ALTERNATIVES CONSIDERED

The department considered updating the revision date of the incorporated forms but ultimately decided to make the amendments to the regulations for the reason previously stated. The department will consider alternatives if any are presented during the public comment period.

§ 15.07 Reduced Fee Identification Cards

Subsection (a) is being amended to incorporate the 5/2021 updated revision of the Reduced Fee Identification Eligibility Verification form (DL 937).

Reduced Fee Identification Card Eligibility Verification

The form DL 937 is an existing departmental form (previously incorporated by reference - OAL #2016-0511-01) consisting of two sections and an “Instructions and Disclosures” page.

The department proposes to amend this form to change the phrase “presented in person” to “provided” to remove the requirement that the form be presented to the department in person and to delete the phrase “A photocopy of this form is not acceptable” to remove the prohibition of submitting a photocopy of the Reduced Fee Identification Card Eligibility Verification form (DL 937) in the **Instructions to the Applicant**.

Necessity: The department is continuing to move towards more online options for applicants to submit required forms when doing business with the department. Therefore, in order to be able to allow applicants to upload their completed DL 937 electronically to the department, these amendments are necessary.

Subsection (a) is further amended by moving the last sentence “A qualified low-income person...” and the list of six programs into new subsections (b) and (b)(1) – (6).

Necessity: the department decided this non-substantive change improves the formatting of the regulation.

New subsection (b)(5) is amended to add the term “and/or” at the end of the sentence.

Necessity: this addition removes any confusion that a verifier or applicant may have had previously.

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Existing subsections “(c)”, “(d)”, “(e)”, “(f)”, and “(g)” are renumbered to new subsections “(d)”, “(e)”, “(f)”, “(g)”, and “(h)” respectively, and the references to existing subsection (a), in new subsection (c) and (c)(2), are amended to read “(b)” to conform to the reformatting.

New subsection (f) is amended to change the term “may” to “shall”.

Necessity: Since the rule is not intended to be permissive the use of the term “may” is inaccurate, therefore it is necessary to amend to the term “shall” for clarity.

§ 15.08 No Fee Identification Cards

Subsection (a) is being amended to incorporate the 5/2021 updated revision of the No Fee Identification Eligibility Verification form (DL 933).

No Fee Identification Card Eligibility Verification

The form DL 933 is an existing departmental form (previously incorporated by reference - OAL #2016-0511-01) consisting of two sections and an “Instructions and Disclosures” page.

The department proposes to amend this form to change the phrase “presented in person” to “provided” to remove the requirement that the form be presented to the department in person and to delete the phrase “A photocopy of this form is not acceptable” to remove the prohibition of submitting a photocopy of the Reduced Fee Identification Card Eligibility Verification form (DL 933) in the **Instructions to the Applicant**.

Necessity: The department is continuing to move towards more online options for applicants to submit required forms when doing business with the department. Therefore, in order to be able to allow applicants to upload their completed DL 933 electronically to the department, these amendments are necessary.

Subsection (a) is further amended by moving the last sentence “A qualified homeless person...” to new subsection (b).

Necessity: the department decided this non-substantive change improves the formatting of the regulation.

Existing subsections “(b)”, “(c)”, “(d)”, “(e)”, “(f)” and “(g)” are renumbered to new subsections “(c)”, “(d)”, “(e)”, “(f)”, “(g)” and “(h)” respectively, and the reference to existing subsection (b), in new subsection (b), is amended to read “(c)” to conform to the reformatting.

New subsection (h) is amended to change the term “may” to “shall”.

Necessity: Since the rule is not intended to be permissive the use of the term “may” is inaccurate, therefore it is necessary to amend to the term “shall” for clarity.

DEPARTMENTAL DETERMINATIONS

- Technical, Theoretical and/or Empirical Studies, Reports or Documents: None.
- Reasonable Alternatives That Would Lessen Any Adverse Impact on Small Business: No alternatives were considered or presented that would lessen any adverse impact on small businesses.
- Evidence Supporting Determination of No Significant Economic Impact on Business: This regulation will increase accessibility of the requirements to all Californians. The department has no evidence that this regulation will have an adverse impact on businesses.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Cost or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: Individuals meeting the eligibility requirements identified in this regulation will be issued an identification card at a reduced fee or no fee.
- Effect on Housing Costs: None.
- Local Agency/School District Mandates: 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.
- 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: The department does not anticipate this action having an impact on small businesses.
- Potential significant statewide adverse economic impact: The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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

The department does not anticipate that this action will either create or eliminate jobs within the State of California. This action identifies the application process and eligibility requirements for reduced fee and no fee identification cards.

Creation or Elimination of Existing Businesses Within the State of California

The department does not anticipate that this action will either create or eliminate existing businesses within the State of California. This action identifies the application process and eligibility requirements for reduced fee and no fee identification cards.

Expansion of Businesses Currently Doing Business Within the State of California

The department does not anticipate that this action will expand businesses currently doing business in California. This action identifies the application process and eligibility requirements for reduced fee and no fee identification cards.