

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 Sections 20.04 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to a name change on a driver’s license or identification card.

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 **October 9, 2023**, the final day of the written comment period, in order 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, in order to implement, interpret, or make specific Vehicle Code sections

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 12801.5 authorizes the issuance of a federal non-compliant driver’s license or identification card to an applicant who has submitted satisfactory proof of the applicant’s legal presence and satisfactory proof of California residency. The department also issues federally compliant driver’s licenses and identification cards, commonly referred to as a REAL ID card, to applicants who have appeared at a department field office and have provided their social security number, sufficient proof of their identity, and sufficient proof of their California residency. A federal REAL ID card allows the cardholder to board commercial flights within the United States and enter secure federal facilities, such as military bases or federal courthouses.

Vehicle Code section 12801.9 authorizes the department to issue a driver’s license to an applicant who is unable to provide proof of legal presence but does meet other licensing requirements and is able to provide proof of their identity and California residency, commonly known as an AB 60 driver’s license.

Vehicle Code section 12800 requires every driver license application to contain the applicant’s true full name. Pursuant to Vehicle Code section 12800.7, the department is authorized to require a person applying for an original or duplicate driver license to produce necessary identification to ensure the name on the application is the applicant’s true full name.

Throughout the COVID-19 pandemic, the department took steps to provide enhanced options for customers and temporary relief for at-risk populations. These efforts included digitizing the department's internal processes and customer-facing services. As technology continues to evolve, the expectations and preferences of the department's customers have also changed. Today's customers expect instantaneous service and information to be readily available. As part of the department's goal to deliver simpler, faster ways to fulfill customer needs through expanded digital services, the department offers programs such as:

- **DMV Express:** allows customers applying for a REAL ID driver's license and identification card to electronically submit their identity, residency, name change, and tracing documents for review and pre-approval.
- **Virtual Test Center:** provides customers the option to complete their knowledge test online.
- **Mobile Technician:** allows customers to apply for their REAL ID driver's license and identification card outside of a field office, using a mobile tablet.
- **Self-Service Kiosk Expansion:** allows customer to request a driver record, process a driver's license and identification renewal, and request a duplicate driver's license.

Although the department has implemented these digital services for its customers, the department wants to continue to modernize and use technology to reduce in-person field office visits. However, a driver's license or identification card holder currently cannot request a name change through the department's various digital services, and must complete that transaction in-person at a field office.

This proposed amendment will expand the department's online request offerings while maintaining the reliability of the information contained on department issued driver's licenses and identification cards.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department has conducted a review of other state regulations related to driver's licenses and identification cards and have found that this proposed action is neither inconsistent nor incompatible with other state regulations.

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:* The applicant will be required to pay a fee for a duplicate driver's license that reflects their new name, which as of January 1, 2023 is \$33. This action will not impact businesses.
- *Small Business Impact:* This proposed action will not impact small businesses. This proposed regulatory change only impacts drivers.
- *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:* This proposed regulatory action allows for applicant's with non-federal compliant driver's licenses or identification cards to submit name change application and information online. The proposed amendments will have no significant statewide adverse economic impact 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 action will benefit the welfare of California residents by potentially allowing them to avoid visiting a field office for a name change transaction, which will save them time and transportation costs.

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:

Shelly Johnson Marker, Chief of Staff
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 strikeout 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.