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Adopted Regulatory Text

§ 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 and 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 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.

Note: Authority cited: Sections 1651 and 12801.9, Vehicle Code. Reference: Sections 12800, 12800.7, 12801 and 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 residency by submitting a document as specified in Section 16.10. 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 (Rev. 4/2017), 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 and 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, color-shifting inks, or a look through element.

(C) An ultraviolet image.

(D) Encoded information that meets 2D barcode standards (PDF-417) in the machine readable zone, a Radio Frequency Identification Chip, or a Quick Response Code.

(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 at a minimum meet the 2005 International Civil Aviation Organization (ICAO) standards may be used to provide satisfactory proof of an applicant's identity.

(c) The department shall review foreign documents for compliance with this section and shall maintain a list of the compliant documents and publish this list through a variety of means, including posting the list on the department's internet web site.

Note: Authority cited: Sections 1651 and 12801.9, Vehicle Code. Reference: Sections 12800, 12800.7, 12801 and 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 the California residence address must match the mailing address listed on the driver license application.

(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) Documents issued by a government within the United States or the United States government.
- (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 and 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 and 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).
- (4) 2014 version of the Mexican Institute National Electoral Card (Instituto Nacional Electoral (INE) Credencial para Votar)

(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:

- (1) Argentinian Identification Card (Documento Nacional de Identidad (DNI) - 2009 or 2012 version).
- (2) Chilean Identification Card (Cedula de Identidad - 2013 version)
- (3) El Salvadorian Identification Card (Documento Unico de Identidad (DUI) - 2010 version).
- (4) Ecuadorian National Identification Card (Cédula dula de Ciudadanía - 2006 and 2009 versions).
- (5) Ecuador Consular Card (Tarjeta de Identificacion Consular - 2015 version).
- (6) Peruvian Identification Card (Documento Nacional de Identidad (DNI) - 2005 version).
- (7) Guatemalan National Identification Card (Documento Personal de Identificación (DPI) - 2012 version).
- (8) Guatemalan Consular Card (Tarjeta de Identificación Consular - 2002 and 2015 versions).
- (9) Brazilian Consular Card (Carteira de Matricula Consular - 2010 version).
- (10) Colombian Consular Card (Consular Registration - 2015 version).
- (11) Nicaraguan National Identification Card (Cédula de Identidad - 2010 version).
- (12) Korean Identification Card (09/2016 version).

(13) Foreign Passports (Listed in Table 1).

1 Two foreign documents.