

Order to Adopt

Title 13, Division 1, Chapter 1, Article 2.0 – Driver Licenses and Identification Cards

§ 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, 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 ~~the~~ following documents:

- ~~(1) 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;~~
- ~~(2) One foreign document approved by the department pursuant to Section 16.08 of this Article that is valid but that cannot be electronically verified by the department with the country of origin, and one foreign birth certificate that is either:
 - ~~(A) A certified copy issued by a national civil registry within six (6) months of the date of application that contains an embedded photograph showing the applicant at the time of issuance; or~~
 - ~~(B) Accompanied by an Apostille authentication and translated by the consulate of the applicant's country of origin.~~~~

NOTE: Authority cited: Sections 1651 and 12801.9, Vehicle Code. Reference: Sections 12800, 12800.7, 12801, 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. 6/2014), 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, 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, ~~or~~ 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 or a Radio Frequency Identification Chip.
 - (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 meet International Civil Aviation Organization (ICAO) standards, with an issue date of 2005 or later may be used to provide satisfactory proof of an applicant's identity.

(c) The Appendix, incorporated by reference herein, lists the documents that have currently been deemed to provide satisfactory proof of an applicant's identity pursuant to the standards specified in subsection (a).

Note: Authority cited: Sections 1651 and 12801.9, Vehicle Code. Reference: Sections 12800, 12800.7, 12801, 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) ~~Federal government issued documents~~ 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, 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, 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) .

(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 and (b)(2)²:

- (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) ~~Peruvian Identification Card (Documento Nacional de Identidad (DNI) – 2010 version).~~
Ecuadorian National Identification Card (Cédula de Ciudadanía – 2006 and 2009 versions).
- (5) ~~Guatemalan National Identification Card (Documento Personal de Identificacion (DPI) – 2012 version).~~
Ecuador Consular Card (Tarjeta de Identification Consular – 2015 version).
- (6) ~~Guatemalan Consular Card (Tarjeta de Identificacion Consular – 2002 version).~~
Peruvian Identification Card (Documento Nacional de Identidad (DNI) – 2005 version).

¹ Two foreign documents.

² ~~One foreign document and a foreign birth certificate that is either: a certified copy issued by a national civil registry within six (6) months of the application date that contains an embedded photograph showing the applicant at the time of issuance; or, accompanied by an Apostille authentication and translated by the consulate of the applicant's country of origin.~~

- (7) ~~Brazilian Consular Card (Carteira de Matrícula Consular – 2010 version).~~
Guatemalan National Identification Card (Documento Personal de Identificación (DPI) – 2012 version).
- (8) ~~Foreign Passports (Listed in Table 1).~~
Guatemalan Consular Card (Tarjeta de Identificación Consular – 2002 version).
- (9) Brazilian Consular Card (Carteira de Matrícula Consular – 2010 version).
- (10) Colombian Consular Card (Consular Registration – 2015 version).
- (11) Foreign Passports (Listed in Table 1).

Table 1: Foreign Passports

Issued By	Issued In / On or After	Issued By	Issued In / On or After
Afghanistan	2011	Finland	2006
Albania	2009	France	2006
Argentina	2009	Gabon	2009
Armenia	2011	Georgia	2005
Australia	2005	Germany	2007
Austria	2006	Ghana	2010
Azerbaijan	2013	Greece	2006
Bahamas	2010	Guatemala	2011
Bahrain	2011	Guinea-Bissau	2008
Bangladesh	2010	Honduras	2005
Belarus	2006	Hong Kong	2006
Belguim	2006	Hungary	2006
Belize	2005	Iceland	2006
Bolivia	2010	India	2008
Bosnia and Herzegovina	2009	Indonesia	2006
Botswana	2010	Interpol	2009
Brazil	2006	Iran	2011
Brunei	2008	Iraq	2009
Bulgaria	2010	Ireland	2006
Burkina Faso	2008	Israel	2011
Cabo Verde	2005	Italy	2006
Cambodia	2005	Jamaica	2009
Canada	2010	Japan	2006
Cayman Islands	2008	Kazakhstan	2009
Chile	2013	Kenya	2008
China	2007	Kosovo	2008
Colombia	10/2009	Latvia	2007
Comoros	2008	Libya	2009
Congo	2008	Lithuania	2006
Congo, Democratic Republic of the	2009	Luxembourg	2006
Costa Rica	2006	Macao	2009
Cote d'Ivoire	2008	Macedonia, FYR	2008
Croatia	2009	Madagascar	2007
Cyprus	2010	Malaysia	2010
Czech Republic	2005	Malta	2008
Denmark	2012	Mexico	2008
Dominican Republic	2006	Mongolia	2011
Ecuador	5/7/2013	Montenegro	2008
Egypt	2008	Morocco	2009
El Salvador	2009	Mozambique	2010
Equatorial Guinea	2011	Myanmar	2010
Eritrea	2010	Nepal	2010
Estonia	2005	Netherlands	2006
Fiji Islands	2012		

Issued by	Issued In/ On or After	Issued by	Issued In/ On or After
New Zealand	2009		
Nicaragua	2010		
Nigeria	2007	Virgin Islands	2007
Norway	2005	Zambia	2008
Palau	2008		
Palestinian Territory, Occupied	2008		
Panama	2010		
Paraguay	2012		
Peru	2010		
Philippines	2010		
Poland	2006		
Portugal	2006		
Qatar	2008		
<u>Republic of Korea</u>	<u>2008</u>		
Romania	2008		
Russia	2010		
Saint Helena	2012		
Saint Kitts and Nevis	2010		
San Marino	2009		
Sao Tome and Principe	2008		
Senegal	2008		
Serbia	2008		
Sierra Leone	2010		
Slovakia	2005		
Slovenia	2006		
Somalia	2007		
South Africa	2009		
South Korea	2008		
South Sudan	2012		
Spain	2006		
<u>Sri Lanka</u>	<u>1/2008</u>		
Sweden	2005		
Switzerland	2006		
Taiwan	12/29/2008		
Tajikistan	2010		
Thailand	2009		
<u>Tongan</u>	<u>7/2003</u>		
Turkey	2010		
Turkmenistan	2008		
Ukraine	2007		
United Arab Emirates	2011		
United Kingdom	2006		
Uruguay	2009		
Vanuatu	2010		
Vatican City	2008		

