

Order to Adopt
Title 13, Division 1, Chapter 1

Article 2. Driver's Licenses and Identification Cards

§ 15.00. Information Required to Establish Legal Presence in the United States (U.S.) for Purpose of Determining Eligibility for an Original Driver's License or Identification Card.

Except as otherwise provided by law, the department may not issue a driver's license or identification card to any person unless the person presents to the department proof of California residency, as specified in Section 15.01 of this Article, and proof of ~~his or her~~ their legal presence in the United States.

~~(a) U.S. citizens who apply for an original driver license or identification card shall submit one of the following documents that is legible and unaltered to establish proof of the person's legal presence in the United States:~~ Proof of legal presence is established when a person presents any one of the following genuine documents bearing the applicant's true full name to the department:

- (1) A certified copy of a United States birth certificate issued in or by a city, county, or state vital statistics department.
- (2) A U.S. Certificate of Birth Abroad (FS-545, DS-1350) or a Report of Birth Abroad of U.S. Citizen (FS-240).
- (3) A Proof of Indian Blood Degree issued by the federal government.
- (4) A Certified Birth Certificate issued from:
 - (A) Puerto Rico, on or after July 1, 2010.
 - (B) Guam, on or after April 10, 1899.
 - (C) U.S. Virgin Islands, on or after January 17, 1917.
 - (D) Northern Mariana Islands, after November 4, 1986.
 - (E) American Samoa.
 - (F) Swain's Island.
 - (G) District of Columbia.
- (5) A valid U.S. passport or passport card.
- (6) One of the following unexpired U.S. Military Identification Cards and documents:
 - (A) DD-2 or Common Access Card for active duty, reserve or retired Air Force, Army, Marine Corps, or Navy.
 - (B) DD-1173 for dependents of active duty military personnel, Air Force, Army, Marine Corps, or Navy.

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(C) AF-447, A-447, MC-447, N-447 for dependents of reserve duty military personnel, Air Force, Army, Marine Corps, or Navy.

(D) DD-1934 for Medical/Religious personnel.

(E) DD-214 Report of Separation for Air Force, Army, Marine Corps, or Navy personnel.

(7) Certificate of Naturalization (N-550, N-570, N-578).

(8) Certificate of Citizenship (N-560, N-561, N-645).

(9) Northern Mariana Card issued by DHS (I-551).

(10) American Indian Card issued by DHS (I-551).

(11) U.S. Citizen Identification Card (I-179, I-197).

~~(b) Immigrants shall submit one of the following Department of Homeland Security (DHS) documents or other document with a DHS notation to prove their legal presence in the United States. Immigrants are persons who have lawful permanent residency status as defined in the Code of Federal Regulations, Title 8; part 1; section 1.1(p). Documents must be legible and unaltered to establish proof of the person's legal presence in the United States.~~

~~(1) (12) Resident Alien Card (I-551, AR-3, AR-3A, AR-103).~~

~~(2) (13) Temporary Resident Identification Card (I-688).~~

~~(3) (14) Alien Registration Receipt Card (I-151) valid until declared invalid by DHS.~~

~~(4) (15) Permanent Resident Re-entry Permit (I-327).~~

~~(5) (16) U.S. Border Crossing Identification Card and Visa (Known as the "Mica") with a valid I-94.~~

~~(6) (17) A foreign passport stamped "Processed for I-551".~~

~~(7) (18) Record of Arrival and Departure (I-94) stamped Temporary Evidence of Lawful Admission for Permanent Resident.~~

~~(c) Immigrants may also submit one of the following unexpired U.S. Military Identification Cards and documents:~~

~~(1) DD-2 or Common Access Card for active duty, reserve or retired Air Force, Army, Marine Corps, or Navy.~~

~~(2) DD-1173 for dependents of active duty military personnel, Air Force, Army, Marine Corps, or Navy.~~

~~(3) AF-447, A-447, MC-447, N-447 for dependents of reserve duty military personnel, Air Force, Army, Marine Corps, or Navy.~~

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~~(4) DD-1934 for Medical/Religious personnel.~~

~~(5) DD-214 Report of Separation for Air Force, Army, Marine Corps, or Navy personnel.~~

~~(d) Non-immigrants shall submit one of the following Department of Homeland Security (DHS), Canadian documents or other document with a DHS notation to prove their legal presence in the United States. Non-immigrants are persons who have lawful temporary status for a specific purpose. Documents must be legible and unaltered to establish proof of the person's legal presence in the United States.~~

~~(1)~~(19) A valid Canadian passport

~~(2)~~(20) A certified copy of a Canadian birth certificate.

~~(3)~~(21) Non-Resident Alien Canadian Border Crossing Card (I-185, I-586).

~~(4)~~(22) Mexican Border Crossing Card (I-186 with a valid I-94 or I-586 with a valid I-94).

~~(5)~~(23) Record of Arrival and Departure (I-94 or I-94W) with a valid foreign passport.

~~(6)~~(24) Record of Arrival and Departure (I-94) with one of the following types of unexpired foreign passports to Hong Kong residents:

(A) Certificate of Identity.

(B) Document of Identity.

(C) British National Overseas (BNO).

(D) Hong Kong Special Administrative Region (HKSAR).

~~(e) Other documents which may prove legal presence in the United States are:~~

~~(1)~~(25) A certified order or judgment from a court of competent jurisdiction stating the true full name, date of birth and that the applicant was born in the U.S. or U.S. Territories or that the applicant's presence in this country is authorized by Federal law.

~~(2)~~(26) Certification provided by the California Department of Corrections and Rehabilitation (CDCR) which verifies the legal presence of the applicant.

~~(3)~~(27) Employment Authorization Card (I-688A, I-688B, I-766).

~~(4)~~(28) Record of Arrival and Departure stamped "Refugee, or Asylee, Parolee or Parole" (I-94) coded: Section 207 (Refugee), 208 (Asylum), 209 (Refugees), 212d(5) (Parolee), HP (Humanitarian Parolee) or PIP (Public Interest Parolee).

~~(5)~~(29) An immigration Judge's Order Granting Asylum.

~~(6)~~(30) Refugee Travel Document (I-571).

~~(7)~~(31) Notice of Action (I-797) Approved Petition).

Note: Authority cited: Sections 1651 and 12801.5, Vehicle Code. Reference: Sections 12800 and 12801.5, Vehicle Code.

§ 15.01. Acceptable Proof of California Residency.

Except as otherwise provided by law, the~~The~~ department may not issue a driver's license or identification card to any person unless the person presents to the department proof of ~~his or her~~ their legal presence, as specified in Section 15.00 of this Article, and proof of California residency.

(a) An applicant for a driver's license or identification card under Section 15.00 shall submit ~~two different types of one~~ documents from subsection ~~(e)(d)~~ that contains the applicant's residence address. With the exception of documents listed in subsections ~~(e)(19) and (e)(20)~~ (d)(19) through (d)(21), the document must list the applicant's first and last name and the California residence address must match the residence address as listed on the driver's license or identification card application. If the applicant includes a separate mailing address on the driver's license or identification card application, the address on the document must match the mailing address included on the 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~~ their relationship to the individual to whom a residency document listed in subsection ~~(e)(d)~~ has been addressed.

(c) Notwithstanding subsection (a), a minor may use one of the following forms approved and issued by the California Department of Social Services and executed by an agency administering foster care duties to trace the applicant's relationship to the individual to whom a residency document listed in subsection (d) has been addressed:

(1) Agency – Group Home Agreement (Form SOC 154),

(2) Placement Agency - Foster Family Agency Agreement - Child Placed By Agency In Foster Family Agency (Form SOC 154A), or

(3) Agency – Foster Parents Agreement - Child Placed by Agency in Foster Home (Form SOC 156).

~~(e)(d)~~ An acceptable residency document is:

(1) Rental or lease agreement with the signature of the owner/landlord and the tenant/resident.

(2) Deed or title to residential real property.

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- (3) Mortgage bill.
- (4) Home utility bill including cellular phone bill.
- (5) School document, as defined in Section 16.06(a)(1).
- (6) Medical document.
- (7) Employment document.
- (8) Faith based document that includes the name and address of the issuing organization.
- (9) Insurance document, including medical, dental, vision, life, home, rental, and vehicle.
- (10) Internal Revenue Service or California Franchise Tax Board tax returns.
- (11) California Certificate of Vehicle or Vessel Titles or registration.
- (12) Change of Address Confirmation by the United States Postal Service (Form CNL 107).
- (13) A document issued by a government, as defined in Section 16.02(b).
- (14) A property tax bill or statement.
- (15) Record of a financial institution, as defined in Section 16.10(c)(16).
- (16) Voter registration confirmation letter or postcard issued by the California Secretary of State or a local California county elections officer.
- (17) Proof of payment of resident tuition at a public institution of higher education located in California.
- (18) An original copy of an approved homeowner's tax exemption (Form BOE-266) filed with a local California County Assessor.
- (19) Court documents that list the applicant as a resident of California.
- (20) 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.
- (21) A DMV form DL 933, completed and signed in compliance with Section 15.08.

~~(d)~~(e) The department may determine additional documents that will assist in verifying an applicant's true California residency on a case by case basis.

NOTE: Authority cited: Sections 1651 and 12801.5, Vehicle Code. Reference: Sections 12505, 12509, 12509.5, 12513, 12801.5, 12801.6, 12801.9, 13000 and 13001, Vehicle Code.

§ 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 one document 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.

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

§ 17.02. Proof of Legal Presence in the United States and Identity Required to Obtain a REAL ID-Compliant Driver's License or Identification Card.

(a) An applicant for a REAL ID-compliant driver's license or identification card shall present to the department genuine document(s) bearing the applicant's true full name to establish legal presence in the United States and identity.

(b) Only the following categories of documents establish legal presence in the United States and identity:

- (1) A valid, unexpired U.S. passport or passport card.
- (2) A certified copy of a United States birth certificate issued in or by a city, county, or state vital statistics department or equivalent agency.
- (3) A Certification of Birth Abroad (FS-545), a Certification of Report of Birth (DS-1350), or a Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240), issued by the U.S. Department of State.
- (4) A certified birth certificate issued from:
 - (A) Puerto Rico, on or after July 1, 2010.
 - (B) Guam, on or after April 10, 1899.

(C) U.S. Virgin Islands, on or after January 17, 1917.

(D) Northern Mariana Islands, after November 4, 1986.

(E) American Samoa.

(F) Swain's Island.

(G) District of Columbia.

(5) A valid, unexpired Permanent Resident Card (I-551), issued by the Department of Homeland Security.

(6) An unexpired employment authorization document issued by Department of Homeland Security, Form I-766 or Form I-688B.

(7) An unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the U.S.

(8) A Certificate of Naturalization (N-550, N-570, or N-578) issued by the U.S. Department of Homeland Security.

(9) A Certificate of Citizenship (N-560, N-561, or N-645) issued by the U.S. Department of Homeland Security.

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

§ 17.04 Proof of Social Security Number Required to Obtain a REAL ID-Compliant Driver's License or Identification Card.

(a) The applicant for a REAL ID-compliant driver's license or identification card shall present a valid social security number, unless the applicant has non-work authorized status that is verified by the department with the Department of Homeland Security.

(b) Proof of social security account number is established when an applicant presents any of the following genuine documents bearing the name of the applicant and the social security number of the applicant:

(1) Social Security Administration (SSA) account card,

(2) A W-2 form,

(3) An SSA-1099 form,

(4) A non-SSA-1099 form, or

(5) A paystub with the applicant's name and social security number on it.

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

§ 17.06 Exceptions Process for Obtaining a Real ID-Compliant Driver's License or Identification Card.

(a) If an applicant for a REAL ID-compliant driver's license or identification card is, through no fault of the applicant, unable to produce a document to establish U.S. citizenship as described in section 17.02(b)(1), (b)(2), (b)(3), (b)(4), (b)(8), or (b)(9), the applicant shall present sufficient information to enable the department's investigative division to verify the applicant's U.S. citizenship, identity, and date of birth, consistent with the REAL ID Act, as referenced in Vehicle Code section 681. The applicant shall establish U.S. citizenship, identity, and date of birth by participating in an interview at the department's investigative division.

(b) The applicant shall provide the information described in subsection (c) by submitting a REAL ID Exception Process Application, form DL 206 (New 1/2018), which is hereby incorporated by reference, and certify, under penalty of perjury, that the information provided pursuant to subsection (c) is truthful to the best of the applicant's knowledge, and that the applicant is a U.S. Citizen and meets one or more of the following criteria:

- (1) Was born before 1935,
- (2) Is mentally disabled,
- (3) Was abandoned as a child,
- (4) Is a ward of the court,
- (5) Is homeless, or
- (6) Is unable to produce a document described in section 17.02(b)(1), (b)(2), (b)(3), (b)(4), (b)(8), or (b)(9) through no fault of the applicant.

(c) The applicant shall submit the following information to the department's investigative division:

- (1) True full name and any other names used by the applicant.
- (2) If known, the date of birth and the place of birth, including city and state, of the applicant.
- (3) Family history, to the extent known, including, but not limited to, biological mother and father's name, dates of birth, and places of birth, including city and state information.
- (4) If the applicant certifies to meeting the criteria under subsection (b)(6), the applicant must provide an explanation as to why the document(s) are unavailable.

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(A) An example of an acceptable explanation is that the official copy of the applicant's birth records were destroyed in a natural disaster and is not available from the issuing authority.

(B) An application will be denied if the explanation is that the applicant's copy has been lost, damaged, or destroyed, but it is still retained by the issuing authority.

(5) Documentation that is consistent with and supports the information submitted on the application, including the basis for certification.

(6) Other information as requested by the department relevant to a determination that the applicant is a U.S. citizen.

(d) Prior to receiving an exception, an applicant shall submit to an interview, assist the department as needed in its use of electronic verification systems and verification by manual methods of alternate documents, provide sworn informational statements as may be reasonably necessary to establish the citizenship of the applicant, and cooperate in other reasonable efforts undertaken by the department to verify the applicant is a U.S. citizen.

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