

FINAL STATEMENT OF REASONS

1) The Update to the Initial Statement of Reasons

There are no changes to the initial statement of reasons, however, the department amended the adopted text and, pursuant to Government Code Section 11346.8 (c), made nonsubstantial grammatical changes to remove instances where the language refers to “his or her” and replaced them with “the applicant” or “their.” This change is in response to comments received at the public hearing.

The Initial Statement of Reasons incorrectly identified California’s Real ID compliance extension as October 2017. The correct date of California’s extension is October 10, 2018.

To ensure clarity, there are two effective dates related to Real ID requirements. Beginning January 22, 2018, passengers with a driver’s license issued by a non-compliant state will need to show an alternative form of acceptable identification for domestic air travel. Beginning October 1, 2020, *every* air traveler will need a REAL ID-compliant license, or another acceptable form of identification, for domestic air travel. Additionally, while airline enforcement will begin in January 2018, enforcement at federal buildings will not begin until October 2020.

2) Imposition of Mandate on Local Agencies or School Districts

The department’s regulatory action amending Sections 15.00 and 15.01, and adopting Sections 17.00, 17.02, 17.04, and 17.06 in Article 2.0, Chapter 1, Division 1, of Title 13, does not impose any mandate on local agencies or school districts and imposes (1) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, (2) no other discretionary cost or savings to local agencies, and (3) no cost or savings in federal funding to the state. No studies or data were relied upon to make this determination.

3) Summary of Comments Received and Department Response

The proposal was noticed on September 1, 2017, and made available to the public from September 1, 2017 through October 16, 2017. The department received five written comments during the 45-day comment period that were directly related to the proposed regulations, and heard from four interested parties at the public hearing that was held on October 16, 2017 in Sacramento.

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The following individuals provided written comment during the 45-day comment period.

Edward Hasbrouck	The Identity Project
starchild	Vice Chair, Libertarian Party of San Francisco
Andrew Roth	
Stacy Suh	Drive California
Lee Tien	Electronic Frontier Foundation

The following individuals provided oral comment at the public hearing.

Edward Hasbrouck	The Identity Project
Maya Ingram	American Civil Liberties Union
Becca Cramer-Mowder	American Civil Liberties Union
Ronald Coleman	California Immigrant Policy Center

Edward Hasbrouck submitted written comment that summarized the comments he provided at the public hearing. Commenters starchild and Andrew Roth submitted comments that agreed with and supported those of Mr. Hasbrouck. Additionally, many oral and written comments were related to a national ID database and were similar in nature to those provided by Mr. Hasbrouck. Comments provided by the ACLU are also similar to those raised by Mr. Hasbrouck and Drive California. Rather than respond to each commenter individually, the department is responding to those comments submitted by Mr. Hasbrouck and Drive California which were echoed by the other commenters. Oral comments given by Ronald Coleman at the public hearing are identical to the written comments received by Drive California, so the department is only responding to the written comments from Drive California.

<i>1. Electronic Frontier</i>	
<i>Public Comment</i>	<i>Department’s Response</i>
1A. The proposed regulations would permit the DMV to issue driver’s licenses and state identification (ID) cards that could comply with the REAL ID Act, they do not address the data-sharing requirement in the federal REAL ID Act.	To ensure that individuals hold only one REAL ID license or identification card, the federal REAL ID regulations require states to check with all other states to determine if the individual holds a license or identification card in another state. The federal REAL ID regulations do not address the creation of a federal database.
1B. The DMV proposal fails to address privacy issues for Californians that will likely emerge if the DMV attempts to comply fully with the REAL ID Act and should be rejected.	The Information Practices Act of 1977 (Civ. Code Sec. 1798 et seq.) specifically allows the DMV to disclose personal information maintained in its records to another governmental entity when required by federal law.

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<p>1C. If the DMV sincerely wants public comment on the issue of REAL ID Act compliance, it should explain that such compliance requires sharing all DMV information with all other states, explain how this is consistent with privacy law in California—including Art. I, § 1 of our state constitution—and explain why this is good at a time when our state has enacted laws to protect Californians’ data from the federal government.</p>	<p>See response to 1.B.</p>
<p>1D. REAL ID compliance would jeopardize civil liberties and privacy rights by effectively creating a national ID database containing “super identifier” biometric IDs.</p>	<p>See response to 1A</p>
<p>1E. The REAL ID Act and its regulations create a national ID database.</p>	<p>See response to 1A</p>
<p>1F. For any single state to meet the Act’s requirements, all states must upload their motor vehicle ID databases to the national database. As such, no single state can at present be compliant with the Act until all states contribute to the database system. Only 14 states have uploaded their DMV databases to this database.</p>	<p>See response to 1A</p>
<p>1G. Though states may offer its residents non-compliant licenses, the REAL ID Act access requirement encompasses all records of driver’s licenses and IDs issued, including records of those who elect to receive such non-compliant licenses. States refusing to comply with AAMVA’s conditions, or who wish to cease participation in the shared database, are in violation of the REAL ID Act.</p>	<p>See response to 1A</p>
<p>1H. The database system fails to provide for public transparency and disclosure</p>	<p>See responses to 1A and 1B.</p>
<p>1I. Once the data of a state’s residents is uploaded to the national SPEXS database, it is out of the state’s control—it has no way of knowing what information from the pointer database is passed on, to which parties, and for what purposes.</p>	<p>See response to 1A</p>
<p>1J. The database is vulnerable to misuse and other privacy problems. Granting access to this information across the country invites potential for identify theft, insider fraud, and unauthorized insider issuance of false licenses. Both the Act and the DMV fail to address such</p>	<p>See responses to 1A and 1B.</p>

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<p>privacy and security issues, let alone set minimum standards for protection.</p>	
<p>1K. As EFF has previously asserted, “The standardized national driver’s licenses created by REAL ID would become a key part of a system of identity papers, databases, status and identity checks and access control points - an ‘internal passport’ that will increasingly be used to track and control individuals’ movements and activities. Such a system not only infringes privacy but the rights of free speech, association, and travel.</p>	<p>See response to 1. A. REAL ID establishes the minimum security features required for the issuance of driver’s licenses and identification cards that will be acceptable for federal purposes, specifically boarding a federally regulated commercial aircraft.</p>
<p>1L. If the Act later requires that all state DMVs maintain a database containing biometric identifiers, the problem of identity theft could be severely exacerbated. The amount of information accessible to thieves would encompass everything about an individual in the database: “A thief of biometric data would not only have access to an individual’s written personal records, but he or she could also combine spoofing to access any of the individual’s finances safeguarded by biometric technology.</p>	<p>The department cannot address a requirement that is not specified in the REAL ID regulations.</p>
<p>1M. Unlike traditional ID numbers such as Social Security Numbers or PIN numbers, one cannot create a replacement for biometric identifiers. Such a biometric database, once compromised, becomes useless and vulnerable to exploitation.</p>	<p>See response to 1L.</p>
<p>2. Edward Hasbrouck</p>	
<p><i>Comments</i></p>	<p><i>Department’s Response</i></p>
<p>2A. No current or proposed Federal law or regulation requires air travelers to show any ID.</p>	<p>Under 6 C.F.R. Part 37.5, on or after October 1, 2020, Federal agencies shall not accept a driver's license or identification card for official purposes from any individual unless such license or card is a REAL ID-compliant driver's license or identification card issued by a State that has been determined by DHS to be in full compliance as defined under this subpart. 6 C.F.R Part 37.3 defines “official purpose” as accessing Federal facilities, boarding Federally-regulated commercial aircraft, and entering nuclear power plants.</p>

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<p>2B. State’s required compliance is unfounded and Statement in the ISOR that require Real ID are unfounded and the threats from DHS and TSA that they will interfere with air travel are also unfounded.</p>	<p>See response to 2A.</p>
<p>2C. Alternatives – DMV should do nothing or DMV should work with the DOJ to defend the privacy rights and identity concerns of CA residents in the event that the federal government ever does require compliance with the Real ID.</p>	<p>The department proposed regulations to comply with the Real ID requirements out of concern that the alternatives such as initiating litigation or simply not complying posed a serious threat to California citizens’ ability to access commercial aviation which has been deemed a federal purpose under the Real ID Act.</p>
<p>2D. No state or Federal law requires the DMV to comply with the REAL-ID Act.</p>	<p>See response to 2A</p>
<p>2E. In order for California to comply with the REAL-ID Act, the DMV would have to upload information about all California driver’s licenses and state ID cards to a nationally accessible database ("SPEXS").</p>	<p>See response to 1A</p>
<p>2F. If SPEXS were operated by a California state or local government agency, these would be subject to the California Public Records Act. However, development and operation of S2S and the SPEXS database has been outsourced to the American Association of Motor Vehicle Administrators (AAMVA), a nominally private non-governmental organization, and a private contractor in the Washington, DC, area, Clerus Solutions. Neither AAMVA nor Clerus Solutions are subject to the Privacy Act, FOIA, or any state open meeting or public records law.</p>	<p>Documents maintained by the state regarding the conduct of or public business, unless specifically exempted, is subject to disclosure under the California Public Records Act. The comment does not identify how such records would be exempt from disclosure.</p> <p>REAL ID does not create a database of driver license information. Each jurisdiction continues to issue its own unique license, maintains its own records, and controls who gets access to those records and under what circumstances. .</p>
<p>2G. Participation in SPEXS is not required for REAL-ID Act compliance. But in practice, no other mechanism for compliance with the data-sharing provision of the REAL-ID Act is available or likely to become available.</p>	<p>See response to 1A.</p>
<p>2H. According to the DMV’s Notice of Proposed Action, “Under the proposed rulemaking, Californians will be able to apply for and receive a driver’s license or identification card that is compliant with the REAL ID Act.” This claim is clearly and unquestionably false. California does not make the contents of its</p>	<p>The department is aware of the requirements of the REAL ID Act and the REAL ID regulations. The proposed regulations establish the requirements that will be necessary for California residents to receive a driver’s license or identification card that meet the requirements of the Real ID federal regulations. See also the responses to 1A and 1B.</p>

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<p>driver’s license database available to all other U.S. states and territories. The proposed amendments to DMV regulations would not change this or bring the state into compliance with the REAL-ID Act.</p> <p>The DMV has neither requested nor received funding or authorization to upload information about all holders of California driver’s licenses or state ID cards to SPEXS, as would be required for compliance with the REAL-ID Act.</p> <p>The DMV and the state of California should not embark on a course of regulatory or other administrative action, the stated purpose of which is for the state to comply with the REAL-ID Act, without first considering all of the elements of “compliance”.</p> <p>The DMV has completely failed to recognize, or to assess the implications of, the ID database-sharing requirement if the state is to comply with the REAL-ID Act.</p>	
<p>2I. Compliance by the DMV with the data sharing provisions of the REAL-ID Act would violate the Constitution of the State of California.</p>	<p>See response to 1A and 1B.</p>
<p>2J. The DMV should publish, and provide a new opportunity for comment on, a new rulemaking proposal which includes this data sharing and assesses its economic and civil liberties impact and its compatibility with the state Constitution and other state laws.</p>	<p>See response to 1A and 1B. Existing California law addresses DMV’s ability to share information from its records. Vehicle Code Section 1808 (b) prohibits the disclosure of personal information unless the disclosure is in compliance with the Driver’s Privacy Protection Act of 1994 (18 U.S.C. Section 2721 et seq.) Under 18 U.S.C. Section 2721 (b)(14) a permissible use of personal information from DMV records is for use by any government agency in carrying out its functions. Similarly, California’s Information Practices Act of 1977 at Civil Code Section 1798.24 (f) allows the sharing of personal information with “a governmental entity when required by state or federal law.” The REAL ID Act and the REAL ID regulations require the state to allow access to personal information to other states for the purpose of issuing driver’s licenses or identification cards. The DMV does not need to provide a new opportunity to comment in a rulemaking proceeding on matters that are already authorized by statute.</p>

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<p>2K. We note that Federal agencies could obtain SPEXS data from AAMVA and/or Clerus Solutions, while ordering those private companies not to disclose to the California DMV that they have obtained this data. The DMV and the state of California would thus be unable to control access to this data about California residents, or to know to what other third parties it had been disclosed.</p>	<p>See response to 1A and 1B</p>
<p>2L. We also note that the REAL-ID Act requires that to be compliant, a state must provide nationwide access to information about all driver’s licenses and ID cards it has issued, including “noncompliant” licenses and ID cards.</p>	<p>See response to 1B.</p>
<p>2M. This means that data about all California residents will be exported to a private contractor outside the control of the state, for the convenience (but not necessity) of a subset of Californians who hope that this action by the state will influence Federal agencies not to carry out their threats to interfere unlawfully with Californians’ rights.</p>	<p>See response to 1L.</p>
<p>2N. We do not believe that the convenience of some justifies sacrificing the privacy of all, or that this is consistent with the right to privacy recognized by our state Constitution. The proper response by the state to these Federal threats is to prepare to challenge them, not for the state to become an accomplice to Federal infringement of our rights.</p>	<p>See response to 1B.</p>
<p>2O. Article 19 of our state Constitution restricts the expenditure of motor vehicle and driver’s license fees to, “The state administration and enforcement of laws regulating the use, operation, or registration of vehicles used upon the public streets and highways of this State.” Not for purposes of air travel.</p>	<p>The issuance of a driver’s license is related to the administration and enforcement of laws regulating the use of a vehicle on the public streets of California.</p> <p>The fees collected for Real ID-compliant driver’s licenses are consistent with standard driver’s licenses and identification cards. The fees collected for Real ID-compliant cards are not being used for purposes of air travel.</p>
<p>2P. The proposed amendments to state regulations would have adverse economic impacts on private persons and on businesses including small businesses. Many Californians don’t have a certified copy of their birth certificate or other required paperwork, and have never before (or not for many years) been</p>	<p>The proposed regulations do not create an adverse economic impact on private persons or on small businesses because existing California law (Vehicle Code Section 12801.5) provides that the department “shall not issue an original driver’s license or identification card to a person who does not submit satisfactory proof</p>

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<p>required to present documents to the government to prove who they are. Many people don't have, and can't readily obtain, the necessary documents for a compliant state ID card.</p>	<p>that the applicant’s presence in the United States is authorized by federal law, and “the department shall not issue an original driver’s license or identification card to a person who does not submit satisfactory proof of California residency. Moreover, existing California law at Vehicle Code Section 12800.7 provides that the “department may require the applicant to produce any identification that it determines is necessary in order to ensure that the name of the applicant stated in the application is his or her true full name and that his or her residence address as set forth in the application is his or her true residence address.” Existing law already requires applicants to provide required paperwork to the department. Section 15.00 provides additional identity documents that can be used by applicants who are unable to present a birth certificate and 15.01 provides additional documents that an applicant can present to establish residency.</p>
<p>2Q. Challenging the NOPA where the department says “The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.”</p>	<p>The department is not aware of any cost impacts because existing law requires applicant’s for a driver’s license to present documentary verification that their presence in the United States is authorized under federal law. The anticipated costs would be no different than what applicant’s currently incur.</p>
<p>2R. The burden of REAL-ID Act compliance falls disproportionately on the elderly, those with limited mobility, those who reside in a distant state from their place of birth, those who were born at home and whose birth was not recorded by a hospital (which is more common in some communities), and on those who were born in other countries and for whom it may be theoretically possible but practically impossible to obtain records from their country of birth.</p>	<p>The proposed action has an exemption process for those applicants who are unable to provide identity documents.</p>
<p>2S. In some countries and jurisdictions certified copies of birth certificates and other documents can only be obtained in person. As a result, obtaining these documents, even if it is possible, can entail expenses and time for out-of-state or international travel. The DMV states that in its belief, “This regulation will not have an economic or fiscal impact on small business because the propose action only impacts the driver’s license</p>	<p>This regulation will not have an economic impact any greater than what exists under current law because existing law requires that an applicant for a driver’s license must present documentation verifying that their presence in the United States is authorized under federal law.</p>

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<p>issuance process.” But this overlooks the fact that many California residents are engaged in small businesses as sole proprietors, freelancers, or independent contractors. Like it or not, motor vehicles are the primary means of transportation in our state, for small businesses as well as large ones. The inability to obtain a driver’s license is likely to have a profound effect, in many cases, on the ability of an individual to carry on a small business.</p>	
<p>2T. The DMV has failed to consider alternative responses to Federal threats to interfere with Californians’ rights, including litigation to defend those rights.</p>	<p>See response to 2C.</p>
<p>2U. According to the DMV’s Initial Statement of Reasons for its proposals, “No reasonable alternatives would be less burdensome and equally effective in achieving the purpose of the statute, so none were considered.” No California statute mandates the proposed actions or compliance with the Federal REAL-ID Act. And it is a policy choice which the state of California is entitled to make in its own judgment – and which our state legislature has not yet made – as to whether the state wishes to expend state resources to carry out the purposes of this Federal statute.</p>	<p>The department has determined that compliance with the Real ID provisions is the most effective and least cumbersome means by which California residents can continue accessing federal facilities and boarding federally-regulated commercial aircraft. Without the option of a Real ID card, Californians may be faced with potential delays while travelling or even face the possibility of being turned away at airports.</p>
<p>2V. DMV appears to have entirely ignored the obvious alternative of litigation by the state in opposition to the threatened Federal interference with state residents’ rights of assembly, movement, and travel by common carrier.</p>	<p>See response to 2T.</p>
<p>2W. At a minimum, an assessment of the possibility of such litigation should be carried out by the office of the Attorney General of California, and considered by the DMV, before the DMV or the state of California gives up on the possibility of resistance and capitulates to Federal threats to interfere with California residents’ rights. Both the substantive arguments regarding freedom of movement and Federal commandeering of state resources, and the arguments for state standing to defend state residents’ rights, are similar to those that the state of California, California municipalities,</p>	<p>See response to 2T and 2U.</p>

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and allied states have successfully raised in other recent and ongoing litigation.	
2X. We urge the DMV to withdraw the proposed amendments to the California Code of Regulations, or at a minimum to conduct and provide a new opportunity for comment on an assessment of the implications of the proposal, and the alternative actions, which were omitted from the Notice of Proposed Action and Initial Statement of Reasons.	See response to 2J and 2T.
3. Drive California	
<i>Comments</i>	<i>Department’s Response</i>
3A. Congratulates the DMV for reducing the number of documents required to establish residency from two to one	This comment does not require a response.
3B. Congratulates the DMV for Increasing the types of documents that are accepted to ensure that transient and homeless populations and foster youth are able to demonstrate their residency in California despite not having a permanent home or mailing address.	This comment does not require a response
3C. The application process should ensure that eligible Californians can choose whether to obtain a REAL ID Compliant driver’s license or identification card	Proposed sections 17.00 et seq. set forth the requirements for applicants desiring to obtain a REAL ID complaint driver’s license or identification card. The proposal does not mandate that an applicant must apply for a REAL ID compliant credential.
3D. The regulations should include due process protections for individuals whose verification is subject to delay.	Existing California Law at Vehicle Code Section 12506 provides that the department may issue a temporary license that permits the operation of a vehicle for a period of 60 days while the department completes its investigation and determination of all facts relative to the applicant’s right to receive a license. Vehicle Code Section 13951 provides that whenever the department proposes to refuse to issue or renew a license, it shall notify the applicant of the refusal and provide an opportunity to be heard. Existing law provides due process protections that do not need to be duplicated in the proposed regulations. Moreover, the federal REAL ID regulations at 6 CFR Part 37, Section 37.13 (b)(6) authorizes the state to issue an interim license or a non-REAL ID compliant license to allow an

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	individual an opportunity to resolve any document verification problems.
<p>3E. California Vehicle Code § 12801.5 (d) similarly requires the Department to issue regulations to ensure, not only that the applicant’s presence is authorized under federal law, but also that applicants will be issued a temporary license pending verification of status and a hearing process to appeal a denial of an original license or card. These regulations should make clear that any existing procedures and processes for ensuring a fair verification process apply to the issuance of Real ID compliant licenses and cards.</p>	<p>See response to 3D. The proposed regulations to not amend any existing requirement provided in statute.</p>
<p>3F. Some citizens are especially at risk of not having the proper paperwork to demonstrate citizenship. This is particularly true among low-income or rural communities and communities of color. We recommend the Department ensure their procedures for interviewing people who cannot provide documents to demonstrate citizenship are adequate for vulnerable populations to secure a license and card. We also recommend the Department make these procedures public and provide an opportunity for community input and public comment.</p>	<p>Existing California law at Vehicle Code Section 12801.5 provides that the department “shall not issue an original driver’s license or identification card to a person who does not submit satisfactory proof that the applicant’s presence in the United States is authorized by federal law, and “the department shall not issue an original driver’s license or identification card to a person who does not submit satisfactory proof of California residency. Moreover, existing California law at Vehicle Code Section 12800.7 provides that the “department may require the applicant to produce any identification that it determines is necessary in order to ensure that the name of the applicant stated in the application is his or her true full name and that his or her residence address as set forth in the application is his or her true residence address.” Existing law at Vehicle Code section 13000 (a) specifies that the department “may issue an identification card to any person attesting to the true full name, correct age, and other identifying data as certified by the applicant for the identification card. Proposed Section 17.06 establishes an exception process for applicants that may not be able to provide the required citizenship documents. Section 15.00 provides additional identity documents that can be used by applicants who are unable to present a birth certificate and 15.01 provides additional documents that an applicant can present to establish residency. With the various options available to establish legal presence and residency, the department</p>

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	does not anticipate applicants being unable to apply for a driver’s license or identification card. However, the department will take this comment under consideration during future amendments and make those amendments available for public comment as required by the Administrative Procedures Act.
4. Andrew Roth	
<i>Comments</i>	<i>Department’s Response</i>
4A. DMV's proposed compliance with the REAL-ID Act under duress threatens to expose Californians to inexcusable additional disruption and intrusion in their dealings with the DMV	This comment is unclear. The department is unable to respond.
4B. I have found it troubling to watch effectively the entire California state government capitulate to crude bluffs by unaccountable federal security services over the REAL-ID Act. This is disgraceful. The US Department of Homeland Security is playing chicken with the government of the largest state in the Union, and so far it is winning. If the states refuse to comply with REAL-ID they can easily shut the entire project down.	See response to 2T.
5. ACLU – Oral comment	
<i>Comments</i>	<i>Department’s Response</i>
5A. The use of “his or her” in the proposed regulations to describe applicants is problematic because it may prevent transgender and gender nonconforming persons from obtaining real ID compliant IDs or driver's license, should they desire to, due to the limited number of documents acceptable in Section 17.02. Applicants may not have been able to legally change their name on those documents, and therefore, would not be able to meet the requirement for a document bearing their true	The department has made the nonsubstantive, grammatical correction to the text of the regulation to replace the phrase “his or her” with “applicant.” Existing California law at Vehicle Code Section 12800 requires that each application for a driver’s license shall contain “the applicant’s true full name”. Similarly, Vehicle Code Section 13000 permits the department to issue an identification card to “any person attesting to the true full name”. The department cannot amend the existing provisions of statute

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<p>full name. So we encourage you to look for alternative language for this -- that language found in multiple sections of the proposed regs.</p>	<p>in the proposed regulations.</p>
<p>5B. We encourage the regulations to include any existing procedures for insuring a fair verification process to be applied to the procedures for Real ID compliant licenses. This is necessary because there may be delays, inaccuracies or incompleteness in the systematic alien verification for entitlements databases.</p>	<p>See response to 3D and 3E.</p>
<p>5C. California Legislature already weighed in on the problems with the Real ID, and in 2009 included language in one of the budget bills prohibiting the state from moving forward with the compliance because they recognized that this was not the right move. DMV should go back to that and follow through with that Legislature's wise statement.</p>	<p>See response to 2U.</p>
<p>5D. From the privacy perspective, we have concerns about the database. The database would be in violation of California regulations, statutes and the constitutional guarantee to the right of privacy for all Californians. It would create a treasure trove for hackers. Having all states driver's licenses and identity documents in one database would make it a huge target and that would be very profitable for hackers.</p>	<p>See response to 1A and 1B.</p>
<p>5E. All California driver's license and ID holders would be added to the database whether they have a real id compliant license or not. Even those opting out of the compliant license would have their information added to the database.</p>	<p>See response to 1A and 1B.</p>
<p>5F. While the regulations do allow for non-compliant licenses, though they would have some compliance issues as well, that would go away in the future and would leave Californians with a choice of either having no driver's license or of giving all of their information over to the federal government into a very vulnerable and risky database.</p>	<p>See response to 1A and 1B. This comment is too speculative. The department is unable to provide a response.</p>

4) Form Incorporated by Reference

This action incorporates by reference the REAL ID Exception Process Application, form DL 206 (New 1/2018).

The form DL 206 will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so.

During the comment period, the form DL 206 was made available by calling the department representative that was identified in the Notice of Proposed Action. The department received no requests related to the forms.

5) Determination of Alternatives

The department has determined 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.

6) Non substantive amendments made during OAL review

The following non substantive amendments were made to the regulation text during OAL review:

Section 17.00

- Subsection (b) and (c) are amended to change “driver’s license or identification card” to “Real ID-compliant driver’s license or identification card.” This change is non-substantive because it clarifies without materially altering the requirements, right, responsibilities, conditions, or prescriptions contained in the original text.

Section 17.02

- Subsection (a) is amended to add “in the United States” when referencing legal presence. This change is non-substantive because it clarifies without materially altering the requirements, right, responsibilities, conditions, or prescriptions contained in the original text.
- Subsection (b)(2) is amended to add the words “or equivalent agency.” This language is added to restate language in 6 C.F.R Part 37.11.

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- Subsection (b)(3), (b)(8) and (b)(9) are amended to correct the document names and formatted to remove unnecessary verbiage. This change is non-substantive because it clarifies without materially altering the requirements, right, responsibilities, conditions, or prescriptions contained in the original text.
- Subsection (b)(5) is amended to specify that the document is issued by the Department of Homeland Security. This change is non-substantive because it clarifies without materially altering the requirements, right, responsibilities, conditions, or prescriptions contained in the original text.
- Subsection (b)(a) is amended to add the form N-578. This change is non-substantive because it clarifies without materially altering the requirements, right, responsibilities, conditions, or prescriptions contained in the original text.
- Subsection (b)(9) is amended to add the form N-645. This change is non-substantive because it clarifies without materially altering the requirements, right, responsibilities, conditions, or prescriptions contained in the original text.

Section 17.04

- Subsection (a) is amended to change “driver’s license or identification card” to “Real ID-compliant driver’s license or identification card.” This change is non-substantive because it clarifies without materially altering the requirements, right, responsibilities, conditions, or prescriptions contained in the original text.
- Subsection (a) is amended to change “or demonstrate non-work authorized status, as verified by the Department of Homeland Security” to “unless the applicant has non-work authorized status that is verified by the department with the Department of Homeland Security.” This change is non-substantive because it clarifies without materially altering the requirements, right, responsibilities, conditions, or prescriptions contained in the original text.
- Subsection (b)(5) is amended to add the words “with the applicant’s name and social security number.”

Additionally, numerous non-substantive amendments have been made to heading titles, reference citations, punctuation, grammar, and to conform regulation text to existing California Code of Regulations text.