

Initial Statement of Reasons

Title 13, Division 1, Chapter 1

Article 2.0 – Driver’s Licenses and Identification Cards

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.

This proposed amendment will implement a streamlined online process in which driver’s license and identification card holders will be able to request a name change through the department’s digital service channels.

Consideration of Alternatives

The department must determine that no reasonable alternative considered, 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 this action is proposed, would be as effective and less burdensome to affected private persons that the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

§ 20.04. Information Required for a Name Change on a Driver License or Identification Card.

The purpose of Section 20.04 is to identify the information required by the department when an applicant is applying to change the name on their driver’s license or identification card. Section 20.04 identifies the documents the department has determined as sufficient to establish the applicant’s true full name prior to the name change being established in the department’s records. Approved documents include legal presence documents listed in Section 15.00 which includes, among other things, a certified copy of a birth certificate from the United States or one

of its territories, a United States Certificate of Birth Abroad, a valid United States passport or passport card, or an approved United States Military Identification Card. Section 20.04 identifies additional documents such as an adoption document, a marriage certificate, a name change document, a dissolution of marriage document, a registration document verifying the formation of a domestic partnership, or a judgment terminating a domestic partnership.

Subsection (e) is adopted to allow for an applicant who is requesting a name change on their federal non-compliant driver's license or identification card issued under Vehicle Code section 12801.5 or on their driver's license issued under Vehicle Code section 12801.9, to submit the name change documentation either in person at a field office or online. This adoption is necessary to allow a large portion of license holders another efficient method by which to facilitate their name change transaction. This adoption applies only to those applicants who have a non-federal compliant driver's license or a driver's license issued under the provisions of Assembly Bill 60 (Chapter 524; Statutes of 2013). Federal rules continue to require name changes to be completed in person at a field office for those who have a REAL ID driver's license.

DEPARTMENTAL DETERMINATIONS SUPPORTING GOVERNMENT CODE SECTIONS 11346.2(b)(3) THROUGH (b)(5)

Studies, Reports or Documents – Gov. Code Sec. 11346.2(b)(3)

- No studies, reports or other documents were relied upon.

Reasonable Alternatives and Department's Response – Gov. Code Sec. 11346.2(b)(4)(A)

- No alternatives have yet been presented that would be as effective.

Reasonable Alternatives that Would Lessen Any Adverse Impact on Small Businesses – Gov. Code Sec. 11346.2(b)(4)(B)

- No alternatives have yet been presented that would lessen any adverse impact on small businesses.

Evidence Supporting Determination of No Significant Adverse Economic Impact on Business – Gov. Code Sec. 11346.2(b)(5)

- This regulation will not have a significant adverse economic impact on businesses. This action allows additional service methods for certain driver's license transactions. None of the provisions are related to businesses.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

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.

Cost Impact on Representative Private Persons or Businesses

- The department is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action other than the costs of obtaining a driver's license or identification card reflecting the applicants requested name. Fees related to driver's licenses and identification cards are statutory and the department has no discretion related to the cost of a driver's license or identification card.

Effect on Housing Costs

- None.

Local Agency/School District Mandates

- 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.

Small Business Impact

- This proposed action will not impact small businesses. The proposed amendments allow for additional transaction methods related to certain driver's license or identification card transactions. None of the provisions are related to businesses.

Potential significant statewide adverse economic impact

- The department does not anticipate a significant statewide adverse economic impact. This proposed amendments allow for additional transaction methods related to certain driver's license or identification card transactions. None of the provisions impact businesses or California's ability to compete with other businesses.

ECONOMIC IMPACT ASSESSMENT (Government Code section 11346.3)

The department has made the following determinations related to this proposed regulatory action:

- Creation or Elimination of Jobs Within the State of California

This action will not impact the creation or elimination of jobs within California. The proposed amendments allow for additional transaction methods related to certain driver's license or identification card transactions. None of the provisions are related to businesses.

- Creation or Elimination of Existing Businesses Within the State of California

This action will not impact the creation or elimination of existing businesses within California. The proposed amendments allow for additional transaction methods related to certain driver's license or identification card transactions. None of the provisions are related to businesses.

- Expansion of Businesses Currently Doing Business Within the State of California

This action will not impact the expansion of businesses currently doing business in California. The proposed amendments allow for additional transaction methods related to certain driver's license or identification card transactions. None of the provisions are related to businesses.

- Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and 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.