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SB-1193 Department of Motor Vehicles: electronic notifications and transactions. (2021-2022)

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Senate Bill No. 1193

CHAPTER 838

An act to amend Sections 22, 23, 29, 11802, 11814, 12811, and 13106 of, and to add Section 1801.2 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, Newman. Department of Motor Vehicles: electronic notifications and transactions.

Existing law requires a state department, including the Department of Motor Vehicles (DMV), or a division, officer, employee, or agent, to give various notices or communications to persons and requires that whenever that notice is required to be given, the notice is to be given by personal delivery, by certified mail, or by mail.

This bill would, among other things, for a provision of the Vehicle Code or of Title 13 of the California Code of Regulations that requires the DMV to mail, notify, deliver via certified or first class mail, provide information in written form, or otherwise references the use of paper, a writing, or the mail to convey information to a person, authorize that requirement to be satisfied by electronic notification, if certain conditions are established by the DMV, including that the person consented to the electronic receipt of the document or information delivered. The bill would authorize the DMV to adopt regulations to implement these provisions and would make conforming changes.

Existing law requires a person to have a valid license or temporary permit issued by the DMV to act as a vehicle salesperson and requires the DMV to issue a license bearing a fullface photograph of the licensed vehicle salesperson, among other information, upon their application for the license.

This bill would authorize the DMV to require a photograph at the time of the license renewal.

This bill would incorporate additional changes to Section 12811 of the Vehicle Code proposed by SB 837 to be operative only if this bill and SB 837 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 22 of the Vehicle Code is amended to read:

22. Whenever notice is required to be given under this code by a department or any division, officer, employee, or agent, the notice shall be given either by personal delivery to the person to be notified, by certified mail, return receipt requested, or by

mailing the notice, postage prepaid, addressed to the person at their address as shown by the records of the department, or by electronic notification, as authorized pursuant to Section 1801.2.

SEC. 2. Section 23 of the Vehicle Code is amended to read:

23. The giving of notice by personal delivery is complete upon delivery of a copy of the notice to the person to be notified. The giving of notice by mail is complete upon the expiration of four days after deposit of the notice in the mail, except that in the case of a notice informing a person of an offense against them under Section 40001, the notice is complete 10 days after mailing. The giving of notice by electronic notification, as authorized pursuant to Section 1801.2, is complete upon sending the electronic notification.

SEC. 3. Section 29 of the Vehicle Code is amended to read:

29. Wherever a notice or other communication is required by this code to be mailed by registered mail by or to a person or corporation, the mailing of that notice or other communication by certified mail, or by electronic notification, as authorized pursuant to Section 1801.2, shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 4. Section 1801.2 is added to the Vehicle Code, to read:

1801.2. (a) For a provision of this code or of Title 13 of the California Code of Regulations that requires the department to mail, notify, deliver via certified or first class mail, provide information in written form, or otherwise references the use of paper, a writing, or the mail to convey information to a person, including to notify a person of any departmental actions related to a permit, license, identification card, endorsement, certificate, or vehicle registration, that requirement may be satisfied by electronic notification, including, but not limited to, email, if the all of the following are established by the department:

(1) The department identified the person prior to accepting their consent to receive the type of document or information that is electronically delivered.

(2) The person consented to the electronic receipt of the type of document or information delivered.

(3) The department permits a person to withdraw their consent to electronically receive the type of document or information.

(4) The department records do not indicate the person withdrew their consent to electronically receive this type of document or information as of the date the document or information was electronically sent.

(b) For a provision of this code that refers to an address for any kind of notice or mailing, and mailing is effected pursuant to this section, an email or electronic delivery address provided to the department by the recipient may be used.

(c) A person who provides an electronic delivery address to the department shall notify the department of any change to that address.

(d) The consent to accept electronic notification may be made electronically.

(e) The department may adopt regulations to implement this section.

SEC. 5. Section 11802 of the Vehicle Code is amended to read:

11802. (a) The department shall prescribe and provide forms to be used for application for licenses to be issued under this article and require of applicants, as a condition of the issuance of a license, information concerning the applicant's character, honesty, integrity, and reputation that it considers necessary. Every application for a vehicle salesperson's license shall contain, in addition to the information that the department requires, a statement of all of the following facts:

(1) The name and address of the applicant.

(2) Whether the applicant has ever had a court judgment rendered for which they have been liable as a result of their activities in conjunction with an occupational license issued under this division, and whether that judgment remains unpaid or unsatisfied.

(3) Whether the applicant ever had a license, issued under this division, revoked, suspended, or subjected to other disciplinary action and whether the applicant was ever a partner in a partnership or an officer, director, or stockholder in a corporation licensed under this division, the license of which was revoked, suspended, or subjected to other disciplinary action.

(b) The department shall issue a license bearing a fullface photograph of the licensee and the following information:

(1) Name and address.

(2) Physical description.

(3) The licensee's usual signature.

(4) Distinguishing vehicle salesperson's license number.

(c) The department may require a new fullface photograph at the time of the renewal of the license.

SEC. 6. Section 11814 of the Vehicle Code is amended to read:

11814. (a) Every original vehicle salesperson's license issued, and every vehicle salesperson's license renewed, pursuant to subdivision (b) shall be valid for a period of three years from the date of issuance unless canceled, suspended, or revoked by the department.

(b) Renewal of a vehicle salesperson's license may be made prior to the expiration date. A vehicle salesperson may not renew their license after the date of expiration.

(c) A salesperson shall obtain a duplicate license when the original is either lost or mutilated.

SEC. 7. Section 12811 of the Vehicle Code is amended to read:

12811. (a) (1) (A) When the department determines that the applicant is lawfully entitled to a license, it shall issue to the person a driver's license as applied for. The license shall state the class of license for which the licensee has qualified and shall contain the distinguishing number assigned to the applicant, the date of expiration, the true full name, age, and mailing address or residence address of the licensee, a brief description and engraved picture or photograph of the licensee for the purpose of identification, and space for the signature of the licensee.

(B) Each license shall also contain a space for the endorsement of a record of each suspension or revocation of the license.

(C) The department shall use whatever process or processes, in the issuance of engraved or colored licenses, that prohibit, as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a picture or photograph on the license without ready detection.

(2) In addition to the requirements of paragraph (1), a license issued to a person under 18 years of age shall display the words "provisional until age 18."

(b) (1) All applications for a driver's license or identification card shall contain a space for an applicant to indicate whether they have served in the Armed Forces of the United States and to give their consent to be contacted regarding eligibility to receive state or federal veterans benefits. The application shall contain the following statement:

"By marking the veteran box on this application, I certify that I am a veteran of the United States Armed Forces and that I want to receive veterans benefits information from the California Department of Veterans Affairs. By marking the veteran box on this application, I also consent to DMV transmitting my name and mailing address to the California Department of Veterans Affairs for this purpose only, and I certify that I have been notified that this transmittal will occur."

(2) The department shall collect the information obtained pursuant to paragraph (1).

(3) As mutually agreed between the department and the Department of Veterans Affairs, the department shall electronically transmit to the Department of Veterans Affairs the following information on each applicant who has identified that they have served in the Armed Forces of the United States since the last data transfer and has consented to be contacted about veterans benefits:

(A) The applicant's true full name.

(B) The applicant's mailing address.

(4) Information obtained by the Department of Veterans Affairs for the purposes of this subdivision shall be used for the purpose of assisting individuals to access veterans benefits and shall not be disseminated except as needed for this purpose.

(5) An application for a driver's license or identification card shall allow an applicant to request the word "VETERAN" be printed on the face of the driver's license or identification card. A verification form shall be developed by the Department of Veterans Affairs in consultation with the Department of Motor Vehicles and the California Association of County Veterans Service Officers to acknowledge verification of veteran status. A county veterans service office shall verify the veteran's status as a veteran, sign

the verification form, and return it to the veteran. The Department of Motor Vehicles shall accept the signed verification form as proof of veteran status. Upon payment of the fee required pursuant to Section 14901.1, the word "VETERAN" shall be printed on the face of a driver's license or identification card, in a location determined by the department, and issued to a person who makes this request and presents the verification form to the department.

(c) A contract shall not be awarded to a nongovernmental entity for the processing of driver's licenses, unless the contract conforms to all applicable state contracting laws and all applicable procedures set forth in the State Contracting Manual.

SEC. 7.5. Section 12811 of the Vehicle Code is amended to read:

12811. (a) (1) (A) When the department determines that the applicant is lawfully entitled to a license, it shall issue to the person a driver's license as applied for. The license shall state the class of license for which the licensee has qualified and shall contain the distinguishing number assigned to the applicant, the date of expiration, the true full name, age, and mailing address or residence address of the licensee, a brief description and engraved picture or photograph of the licensee for the purpose of identification, and space for the signature of the licensee.

(B) Each license shall also contain a space for the endorsement of a record of each suspension or revocation of the license.

(C) The department shall use whatever process or processes, in the issuance of engraved or colored licenses, that prohibit, as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a picture or photograph on the license without ready detection.

(2) In addition to the requirements of paragraph (1), a license issued to a person under 18 years of age shall display the words "provisional until age 18."

(b) (1) All applications for a driver's license or identification card shall contain a space for an applicant to indicate whether they have served in the Armed Forces of the United States and to give their consent to be contacted regarding eligibility to receive state or federal veterans benefits. The application shall contain the following statement:

"By marking the veteran box on this application, I certify that I am a veteran of the United States Armed Forces and that I want to receive veterans benefits information from the California Department of Veterans Affairs. By marking the veteran box on this application, I also consent to DMV transmitting my name and mailing address to the California Department of Veterans Affairs for this purpose only, and I certify that I have been notified that this transmittal will occur."

(2) The department shall collect the information obtained pursuant to paragraph (1).

(3) As mutually agreed between the department and the Department of Veterans Affairs, the department shall electronically transmit to the Department of Veterans Affairs the following information on each applicant who has identified that they have served in the Armed Forces of the United States since the last data transfer and has consented to be contacted about veterans benefits:

(A) The applicant's true full name.

(B) The applicant's mailing address.

(4) Information obtained by the Department of Veterans Affairs for the purposes of this subdivision shall be used for the purpose of assisting individuals to access veterans benefits and shall not be disseminated except as needed for this purpose.

(5) An application for a driver's license or identification card shall allow an applicant to request the word "VETERAN" be printed on the face of the driver's license or identification card. A verification form shall be developed by the Department of Veterans Affairs in consultation with the Department of Motor Vehicles and the California Association of County Veterans Service Officers to acknowledge verification of veteran status. A county veterans service office shall verify the veteran's status as a veteran, sign the verification form, and return it to the veteran. The Department of Motor Vehicles shall accept the signed verification form as proof of veteran status. The word "VETERAN" shall be printed on the face of a driver's license or identification card, in a location determined by the department, and issued to a person who makes this request and presents the verification form to the department.

(c) A contract shall not be awarded to a nongovernmental entity for the processing of driver's licenses, unless the contract conforms to all applicable state contracting laws and all applicable procedures set forth in the State Contracting Manual.

SEC. 8. Section 13106 of the Vehicle Code is amended to read:

13106. (a) When the privilege of a person to operate a motor vehicle is suspended or revoked, the department shall notify the person by first-class mail of the action taken and of the effective date of that suspension or revocation, except for those persons personally given notice by the department, a court, a peace officer pursuant to Section 13388 or 13382, or otherwise pursuant to this code. It shall be a rebuttable presumption, affecting the burden of proof, that a person has knowledge of the suspension or revocation if notice has been sent by first-class mail by the department pursuant to this section to the most recent address reported to the department pursuant to Section 12800 or 14600, or any more recent address on file if reported by the person, a court, or a law enforcement agency, or to the most recent electronic delivery address provided in accordance with Section 1801.2, and the notice has not been returned to the department as undeliverable or unclaimed. It is the responsibility of a holder of a driver's license to report changes of address to the department pursuant to Section 14600.

(b) The department may utilize alternative methods for determining the whereabouts of a driver whose driving privilege has been suspended or revoked pursuant to this code for the purpose of providing the driver with notice of suspension or revocation. Alternative methods may include, but are not limited to, cooperating with other state agencies that maintain more current address information than the department's driver's license files.

SEC. 9. Section 7.5 of this bill incorporates amendments to Section 12811 of the Vehicle Code proposed by both this bill and Senate Bill 837. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 12811 of the Vehicle Code, and (3) this bill is enacted after Senate Bill 837, in which case Section 7 of this bill shall not become operative.