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**SB-383 Driver's licenses and identification cards.** (2025-2026)

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AMENDED IN SENATE MARCH 20, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**SENATE BILL**

**NO. 383**

Introduced by Senator Cervantes

February 14, 2025

An act to amend Section ~~36509~~ 12801.9 of the Vehicle Code, relating to ~~vehicles~~ the Department of Motor Vehicles.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 383, as amended, Cervantes. ~~Vehicles: implements of husbandry and farm vehicles.~~ *Driver's licenses and identification cards.*

*Existing law authorizes the Department of Motor Vehicles to issue and renew driver's licenses, as specified. Existing law also authorizes the department to issue identification cards. Existing law requires the department to, by no later than July 1, 2027, issue an identification card to an eligible applicant who is unable to submit satisfactory proof that their presence in the United States is authorized under federal law if they provide satisfactory proof of identity and California residency, as specified.*

*This bill would expedite the date by which the department is required to issue an identification card to the above-described eligible applicants to January 15, 2026.*

~~Existing law regulates the operation of various vehicles, including implements of husbandry, farm vehicles, and vehicles escorting or towing an implement of husbandry or a farm vehicle.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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

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

**SECTION 1.** *Section 12801.9 of the Vehicle Code is amended to read:*

**12801.9.** (a) (1) Notwithstanding Section 12801.5, the department shall issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if the person

meets all other qualifications for licensure and provides satisfactory proof to the department of the person's identity and California residency.

(2) Notwithstanding Section 12801.5 and commencing no later than ~~July 1, 2027~~, **January 15, 2026**, the department shall issue an identification card to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if the person provides satisfactory proof to the department of the person's identity and California residency.

(b) The department shall adopt regulations to carry out the purposes of this section, including, but not limited to, procedures for (1) identifying documents acceptable for the purposes of proving identity and California residency, (2) procedures for verifying the authenticity of the documents, (3) issuance of a temporary license pending verification of any document's authenticity, and (4) hearings to appeal a denial of a license or temporary license, or identification card.

(c) Regulations adopted for purposes of establishing the documents acceptable to prove identity and residency pursuant to subdivision (b) shall be promulgated by the department in consultation with appropriate interested parties, in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), including law enforcement representatives, immigrant rights representatives, labor representatives, and other stakeholders, which may include, but are not limited to, the Department of the California Highway Patrol, the California State Sheriffs' Association, and the California Police Chiefs Association. The department shall accept various types of documentation for this purpose, including, but not limited to, the following documents:

(1) A valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship, or a valid, unexpired passport from the applicant's country of citizenship.

(2) An original birth certificate, or other proof of age, as designated by the department.

(3) A home utility bill, lease or rental agreement, or other proof of California residence, as designated by the department.

(4) The following documents, which, if in a language other than English, shall be accompanied by a certified translation or an affidavit of translation into English:

(A) A marriage license or divorce certificate.

(B) A foreign federal electoral photo card issued on or after January 1, 1991.

(C) A foreign driver's license.

(5) A United States Department of Homeland Security Form I-589, Application for Asylum and for Withholding of Removal.

(6) An official school or college transcript that includes the applicant's date of birth or a foreign school record that is sealed and includes a photograph of the applicant at the age the record was issued.

(7) A United States Department of Homeland Security Form I-20 or Form DS-2019.

(8) A deed or title to real property.

(9) A property tax bill or statement issued within the previous 12 months.

(10) An income tax return.

(d) (1) (A) A license issued pursuant to this section shall bear the following notice: "This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits."

(B) An identification card issued pursuant to this section shall bear the following notice: "This card is not acceptable for official federal purposes. This identification card is issued only as a means of identification. It does not establish eligibility for employment, voter registration, or public benefits."

(2) The notice described in paragraph (1) shall be in lieu of the notice provided in Section 12800.5.

(3) Paragraphs (1) and (2) shall become inoperative upon the department's next scheduled revision of the driver's license or identification card on or after January 1, 2023, at which time, a driver's license and identification card issued pursuant to this section shall bear the notice described in Section 12800.5 or 13005.5, respectively, as added by the act that added this paragraph.

(e) Notwithstanding Section 40300 or any other law, a peace officer shall not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under 16 years of age.

(f) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

(g) It is a violation of law to discriminate against a person because the person holds or presents a license or identification card issued under this section, including, but not limited to, the following:

(1) It is a violation of the Unruh Civil Rights Act (Section 51 of the Civil Code), for a business establishment to discriminate against a person because the person holds or presents a license or identification card issued under this section.

(2) (A) It is a violation of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code) for an employer or other covered person or entity, pursuant to Section 12940 of the Government Code and subdivision (v) of Section 12926 of the Government Code, to discriminate against a person because the person holds or presents a driver's license or identification card issued pursuant to this section, or for an employer or other covered entity to require a person to present a driver's license, unless possessing a driver's license is required by law or is required by the employer and the employer's requirement is otherwise permitted by law. This section shall not be construed to limit or expand an employer's authority to require a person to possess a driver's license.

(B) Notwithstanding subparagraph (A), this section shall not be construed to alter an employer's rights or obligations under Section 1324a of Title 8 of the United States Code regarding obtaining documentation evidencing identity and authorization for employment. An action taken by an employer that is required by the federal Immigration and Nationality Act (8 U.S.C. Sec. 1324a) is not a violation of law.

(3) It is a violation of Section 11135 of the Government Code for a state or local governmental authority, agent, or person acting on behalf of a state or local governmental authority, or a program or activity that is funded directly or receives financial assistance from the state, to discriminate against an individual because the individual holds or presents a license or identification card issued pursuant to this section, including by notifying a law enforcement agency of the individual's identity or that the individual carries a license or identification card issued under this section if a notification is not required by law or would not have been provided if the individual held a license issued pursuant to Section 12801 or an identification card issued pursuant to Section 13000.

(h) Driver's license or identification card information obtained by an employer shall be treated as private and confidential, is exempt from disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), and shall not be disclosed to any unauthorized person or used for any purpose other than to establish identity and authorization to drive, as applicable.

(i) Information collected pursuant to this section is not a public record and shall not be disclosed by the department, except as required by law.

(j) Documents provided by applicants to prove identity or residency pursuant to this section are not public records and shall not be disclosed except in response to a subpoena for individual records in a criminal proceeding or a court order, or in response to a law enforcement request to address an urgent health or safety need if the law enforcement agency certifies in writing the specific circumstances that do not permit authorities time to obtain a court order. Immigration enforcement, as defined in Section 7284.4 of the Government Code, does not constitute an urgent health and safety need for purposes of this subdivision.

(k) A license or identification card issued pursuant to this section shall not be used as evidence of an individual's citizenship or immigration status for any purpose.

(l) In addition to the fees required by Section 14902, a person applying for an identification card pursuant to this section may be required to pay an additional fee determined by the department that is sufficient to offset the reasonable administrative costs of implementing the provisions of the act that authorized the issuance of identification cards pursuant to this section. If this additional fee is assessed, it shall only apply until June 30, 2030.

(m) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its internet website.

**SECTION 1. Section 36509 of the Vehicle Code is amended to read:**

~~36509. (a) An implement of husbandry, a farm vehicle, or a vehicle escorting or towing an implement of husbandry or farm vehicle, may display flashing amber warning lamps or flashing amber turn signals:~~

~~(1)When the vehicle is required to display a "slow moving vehicle" emblem as defined in Section 24615.~~

~~(2)When the width, length, height, or speed of the vehicle may cause a hazard to other traffic on the highway.~~

~~(b)An implement of husbandry, a farm vehicle, or a vehicle towing an implement of husbandry or farm vehicle, when the load upon the vehicle exceeds 120 inches in width, shall display any of the following:~~

~~(1)Flashing amber warning lamps.~~

~~(2)Flashing amber turn signals.~~

~~(3)During daylight hours, red flags, each of which shall be not less than 16 inches square, mounted at the left and right outer extremities of the vehicle or load, whichever has the greater horizontal dimension.~~