

Date of Hearing: April 27, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 82 (Cristina Garcia) – As Amended April 20, 2015

SUBJECT: Vehicles: driver's license: selective service

SUMMARY: Requires a person who is required to register with the federal Selective Service System (SSS) to automatically consent to SSS registration when applying for an original driver's license. Specifically, **this bill:**

- 1) Makes legislative findings and declarations regarding registration with the SSS.
- 2) Requires a person who is required to register with the SSS to automatically consent to SSS registration when submitting an application for an original driver's license.
- 3) Specifies that submission of an application for an original driver's license by an eligible SSS applicant establishes a conclusive presumption that the person has either:
 - a) Registered with the SSS; or,
 - b) Authorized the Department of Motor Vehicles (DMV) to forward to the SSS the necessary information in order to process SSS registration.
- 4) Requires DMV to include on the driver's license application a notice indicating the applicant's consent to register with the SSS.
- 5) Requires DMV to provide SSS with the necessary personal information required for an applicant to register with SSS.
- 6) Proclaims that the provisions specified in this bill apply to applicants that are United State Citizens and immigrants who are between age 16 and under 26 applying for an original driver's license and, or will be, qualified for SSS registration at age 18.
- 7) Provides that DMV implementation of SSS registration will only take effect if:
 - a) First year operating expenditures do not exceed \$350,000;
 - b) Federal funding is provided to sufficiently cover first year operating expenditures; and,

- c) SSS executes a memorandum of understanding with DMV stating SSS will not refer the personal information required for registration to the United States Citizenship and Immigration Services.
- 8) Specifies that by June 30, 2016, the Director of DMV is required to:
- a) Determine if sufficient federal funding is provided to offset first year operating expenditures;
 - b) Execute a declaration that sufficient federal funding is provided;
 - c) Submit the declaration to several state entities, as specified; and,
 - d) Post the declaration on DMV's Internet web page.
- 9) Requires DMV to implement the provisions specified in this bill on or before January 31, 2017, if all specified conditions have been met.

EXISTING LAW:

- 1) Requires driver's license and identification card applicants to provide their social security number and proof of legal presence in the United States.
- 2) Requires driver's license applicants unable to provide a social security number or sufficient proof of legal presence to provide various forms of documentation, as specified, to establish proof of identity and residency.
- 3) Requires all state agencies to cooperate with the SSS in efforts to publicize Selective Service information. Requires the SSS to reimburse the state for any costs associated with these efforts.
- 4) Prohibits DMV from issuing a driver's license to a minor unless the minor's driver's license application is signed and verified by a parent or legal guardian, as specified.

- 5) At the federal level, requires all men who are 18 through 25 years of age to register with the SSS. Males are required register with the SSS within 30 days of their 18th birthday.
- 6) At the federal level, prohibits a male not registered with the SSS from being eligible for specific education benefits including, financial aid and federal grants and loans. Additionally prohibits a non-registered male from being eligible for federal employment and certain government benefits.
- 7) At the federal level, establishes a felony violation for failure to register with the SSS including a fine of \$250,000 and/or up to 5 years of imprisonment.

FISCAL EFFECT: Unknown

COMMENTS: According to the author, "this bill would help men in California receive the federal benefits that can positively impact their lives and help them attain the American dream. It will help reduce roadblocks to education, employment, and citizenship, especially for those who need assistance the most."

SSS is an independent federal agency whose mission is to register men for a possible military draft. This, in turn, enables the nation to expand the military forces rapidly and efficiently during a period of warfare or other national emergency.

In 1989, the Legislature passed and the Governor signed SB 1557 (Deddeh), Chapter 496, to require all state agencies to cooperate with the SSS "in efforts to publicize the necessity of, and requirements for, compliance with the federal military Selective Service Act." In response to this legislation, DMV entered into a memorandum of understanding with the SSS in 1990 authorizing the release of personal information of license holders who are required to register with SSS. Since that time, DMV provides the SSS with certain personal information, including the name, address, birthdate, and driver's license number of men 17 to 25 years of age who apply for an original driver's license or identification card. DMV currently provides this information to SSS four times a year. Submittal of this information is not considered compliance with the registration requirement of the Military Selective Service Act; rather, SSS matches this information with its registry and notifies any person that has not registered of the requirement.

According to the SSS's *2014 Annual Report to Congress*, the overall registration compliance rate for 2013 was 93% with the SSS reporting that California had an 84% compliance rate. The SSS report highlighted several methods by which a person may register with SSS including registering online, registering with a Selective Service high school registrar, or registering when filing for the Free Application for Federal Student Aid (FASFA). Additionally, the report notes that 40 states have enacted laws linking the driver's license to SSS registration, with many states offering applicants the option to "opt-in" to registering with the SSS while a number of other states automatically enroll driver's license applicants.

Writing in support of this bill, both the American GI Forum of California and United Mexican-American Veterans Association write that registration with the SSS "is a pathway to citizenship for immigrants and a doorway to educational, career, and community success for Chicanos and

Latinos in California." The American GI Forum further writes, "California has a large number of "dreamers" where brought to the U.S. as children. Many do not realize they have an obligation to register for the draft."

In opposition to this bill, the Friends Committee on Legislation of California asserts that "for reasons of conscience, whether on the basis of religious beliefs or strongly held personal convictions, some young men do not want their personal information sent to the Selective Service System. The law should not claim otherwise." The Friends Committee further notes, "there is no logical relationship between the privilege to operate a motor vehicle and registering with the Selective Service System. Despite this, AB 82 requires the State of California to go further than the federal government is itself willing to go in order to compel registration. On federal financial aid applications, applicants are given the choice of opting in to have their information forwarded to the Selective Service System."

Committee concerns: This bill raises a policy question as to whether it is the appropriate responsibility of DMV to register eligible males into the SSS. Specifically, this bill directs DMV to carry out a federal mandate currently required to be administered by SSS. Under current law, DMV is responsible for the administration and enforcement of laws related to the use, operation, and registration of vehicles. While DMV does in fact ask applicants if they are interested in enrolling in other programs, such as organ donation or registering to vote, applicants have the option to choose to enroll, with DMV or the applicant then sending the information to the appropriate organization. DMV is not responsible for the actual registration of the applicant; rather DMV facilitates and transmits specific information. Under DMV's current agreement with the SSS, specific information is already transferred four times a year. This bill will expand DMV's current responsibilities by requiring DMV to register all eligible applicants to the SSS. As a result, if enacted, this bill would require DMV to carry out additional procedures to register eligible applicants, such as modifying the driver's license application, administering additional staff training, and potentially increasing DMV field office wait times.

Furthermore, this bill creates legal ambiguity as to whether parents have the legal authority to pre-register male minors into SSS. Federal law requires a male at age 18 to register himself with SSS. Conversely, state law requires a parent or legal guardian to verify, sign, and agree to all statutory requirements and acknowledgements on a driver's license application prior to DMV issuing a provisional driver's license to a minor. The provisions in this bill would tie a minor obtaining a provisional driver's license to requiring a parent or legal guardian to pre-register a male minor to SSS before reaching age 18. Thus, if a parent refuses to consent to their child being registered to SSS, the minor will be prohibited from receiving a provisional driver's license.

Proposed amendment: the committee may wish to consider asking the author to amend the bill to provide applicants the option to "opt-in" to SSS when applying for a driver's license, which is the same process currently used for organ donations and voter registration and also the same method provided to students when applying for federal financial aid.

Previous legislation: AB 2201 (Chavez) of 2014, almost identical to this bill, would have required a person who is required to register with SSS to automatically consent to SSS registration when applying for an original or a renewal driver's license. AB 2201 was held in the Senate Appropriations Committee on the suspense file.

SB 251 (Correa) of 2011, was also similar to this bill. SB 251 was held in the Senate Appropriations Committee on the suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

The Honorable John Garamendi, Congressman
The Honorable Greg Pettis, Mayor Pro Tem, City of Cathedral City
The Honorable P. David Benavides, Councilmember, City of Santa Ana
American G.I. Forum
American Legion – Department of California
Asian Pacific American Institute for Congressional Studies
AMVETS – Department of California
California Community Colleges Chancellor's Office
League of United American Citizens
National Association of Latino Elected and Appointed Officials
United Mexican-American Veterans Association
U.S. India Foundation
Veterans of Foreign Wars – Department of California
Vietnam Veterans of American – California State Council
39 private citizens

Opposition

American Civil Liberties Union of California
American Friends Service Committee
Asian Americans Advancing Justice – Los Angeles
Automobile Club of Southern California
California Immigrant Policy Center
California Immigrant Youth Justice Alliance
Committee Opposed to Militarism and the Draft
Communities United for Restorative Youth Justice
Friends Committee on Legislation of California
Peace and Freedom Party of California
San Diego Immigrant Youth Collective
South Asian Network
451 private citizens

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