

Date of Hearing: March 13, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 639 (Low) – As Introduced February 9, 2023

**SUBJECT:** Foreign driver's licenses

**SUMMARY:** Allows a person with a driver's license from a foreign nation to be exempt from taking the behind-the-wheel examination when applying for a California driver's license, as specified. Specifically, **this bill:**

- 1) Allows the Department of Motor Vehicles (DMV) to waive the behind-the-wheel portion of the driver's license examination for a foreign national seeking a Class C license if it has found that he or she has an equivalent Class A, B or C driver's license from a country with a substantially similar driving examination to its own and that country has signed a memorandum of understanding that it will reciprocate the same benefit to California drivers.
- 2) Requires an applicant requesting a California driver's license with a driver's license from a foreign nation that is seeking the behind-the-wheel exemption to meet the following criteria:
  - a) Be 18 years of age or older;
  - b) Submit satisfactory proof of California residency;
  - c) Submit a notarized copy of the foreign driver's license and a five year driving record translated into English and notarized by the consulate general of the foreign nation within California; and,
  - d) Surrender their foreign driver's license to DMV.
- 3) Restricts DMV to only waive the behind-the-wheel portion of the exam if it verifies that the applicant does not have any stops, holds, or other impediments on the individual's foreign driver's license.

**EXISTING LAW:**

- 1) Permits a person over the age of 16 and is a resident of a foreign nation who possesses a driver's license from that nation to operate a motor vehicle within California without obtaining a driver's license from DMV for 10 days, or 30 days if over the age of 18. (Vehicle Code (VEH) 12503 and 12504)
- 2) Prohibits a person who is a resident in California from possessing more than one driver's license and further requires a person to surrender their driver's license from a foreign jurisdiction prior to being issued a driver's license from DMV. (VEH 12511)
- 3) Requires an applicant for an original driver's license to take and pass an examination which tests the applicant's knowledge of California's rules of the road, demonstrate their ability to satisfactorily control and operate a motor vehicle, and pass a visual and hearing exam. (VEH 12804.9)

- 4) Allows DMV to waive the behind-the-wheel portion of a driver's license examination if the department verifies the applicant's driving record from another state, territory, or possession of the United States does not have any stops, holds, or other impediments. (VEH 12804.9)
- 5) Requires an applicant to provide satisfactory proof of California residency when applying for an original driver's license. (VEH 12804.9)
- 6) Provides that an individual with a Class C license may drive a 2-axle vehicle with a gross vehicle weight rating of 26,000 pounds or less, a 3-axle vehicle weighing 6,000 pounds gross or less, a motorized scooter, or any housecar 40 feet or less. (VEH 12804.9)

**FISCAL EFFECT:** Unknown

**COMMENTS:** Americans from other states and foreign nationals are allowed to drive in California without a California driver's license if they are visiting the state and have a driver's license from their home state or country. California does not require visitors from a foreign nation to have an International Driver's Permit (IDP), also mistakenly referred to as an International Driver's License, in order to drive in the state of California. An IDP is a document that translates individual's driver's licenses into 19 different languages and is often required when visiting other countries.

Once someone becomes a resident of California, they are required to have a California driver's license in order to drive in this state. New residents from out-of-state are required to take the written examination on the rules of the road and pass a visual and hearing examination in order to obtain a California driver's license. They may have to take a behind-the-wheel portion of the driver's license exam, but that exam can be waived by DMV if the department verifies the applicant's driving record from another state, territory, or possession of the United States and does not have any stops, holds, or other impediments on their license. A licensee must surrender their out-of-state license in order to receive their California driver's license.

Foreign nationals, regardless of their country of origin, are required to take both the written and behind-the-wheel portion of the exam to obtain a California driver's license.

According to the author, "We have to ask ourselves why California — a state that embraces immigration more than any other state in the country — has failed to lead when it comes to the Department of Motor Vehicles and foreign drivers. States like Massachusetts, Vermont, Iowa, Michigan and even Texas have reciprocity agreements with countries that allow their residents to obtain a driver's license without being subjected to excessive delays and red tape. The pandemic has only exacerbated the situation, proving that we need to streamline the process and allow people to get on the road in a safe and thoughtful manner."

This bill takes several steps to protect public safety. While it allows foreign nationals to have the driving portion of DMV's exam waived, they must still pass the written exam and take the visual and hearing examination.

Further, a foreign country's residents will only be able to have their driving examination waived if DMV has made a finding that the foreign countries driving examination is substantially similar to its own and that country has signed a memorandum of understanding that they will provide the same treatment for California licensees in their territories.

If the DMV has verified that the foreign nation has a substantially similar behind-the-wheel examination and a memorandum of understanding has been signed, DMV must then verify that there are no stops, holds, or other impediments to the issuance of an applicant's existing license before it can waive the behind-the-wheel examination. DMV must also receive a copy of the individuals driving record for the last five years, translated into English, and a copy of his or her license translated into English, and both must be notarized by the consulate general's office of the country of origin in California. In addition, while a driver from a foreign nation can submit a commercial or non-commercial Class A, B or C license to have their examination waived, they will only be able to receive a non-commercial Class C license. Finally, the licensee will have to surrender their existing driver's license to DMV for destruction.

By having five years' worth of driving records, DMV will be able to assess any equivalent negligent operator points onto the individual's license as if they had committed the driving offense in California. DMV also does this for drivers from other states who exchange their license for a California driver's license.

*Committee concerns:* The Motor Vehicle Account (MVA), the primary funding source for DMV, remains structurally imbalanced. Although the MVA is projected to have a positive fund balance through the next three fiscal years, in 2023-24, 2024-25, 2025-26, expenditures are anticipated to outpace revenues, reducing the fund balance from \$515 million in 2021-22 to \$10 million in 2025-26. The structural imbalance remains even though all future DMV and California Highway Patrol capital outlay costs are being shifted away from the MVA to the General Fund in an attempt to keep the fund solvent. By 2026-2027, the MVA is projected to run a \$314 million deficit.

*Previous Legislation:*

AB 723 (Low) of 2021 was identical to this bill. That bill died in Assembly Appropriations Committee.

AB 269 (Quirk-Silva) of 2019 was sustainably similar to this bill. AB 269 was held in the Assembly Appropriations Committee.

SB 1360 (Portantino) of 2018 was substantially similar to this bill. SB 1360 was not taken up for a vote and died on the Assembly floor.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

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