

Date of Hearing: March 25, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 269 (Quirk-Silva) – As Introduced January 24, 2019

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 for 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 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.
- 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.
- 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.

- 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.
- 5) Requires an applicant to provide satisfactory proof of California residency when applying for an original driver's license.
- 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.

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 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.

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.

According to the Author, "AB 269 seeks to take advantage of California's many partnerships with other nations to facilitate safe roads and responsible drivers. Authorizing DMV to recognize the reciprocal driving standards of other nations takes pressure off local offices and reduces the impediments to licensing all qualified drivers already on the roads in California. Waiving behind-the-wheel portion of the driver's license for those California residents who already are legally allowed on the road with another license only encourages them to participate in our concurrent driver's education and get a readily recognizable and valid CA license."

Last year when a substantially similar bill was heard in this committee a concern was raised by a member on the committee that by eliminating the driving portion of the exam for foreign applicants you would be removing a check on making sure the individual has car insurance. However, there is no requirement that the individual taking the driving test is insured. Rather, the test taker needs to show proof of insurance for the vehicle they are taking the exam in. Today, individuals can take the test in someone else's vehicle. In fact, some companies are even offering a service of providing vehicles to individuals who need to take a driving exam.

Committee comments: Last year Governor Brown vetoed almost every bill that would have resulted in increased operational costs to DMV. The Legislative Analyst Office predicts the Motor Vehicle Account (MVA), which accounts for 95% of DMV funding, will become insolvent by 2021-2022.

Last year there was a noticeable uptick in wait times at DMV. As a result, DMV began reporting monthly numbers on wait times to the Joint Legislative Budget Committee. In the last week of July of 2018, DMV reported that the average wait time for non-appointment customers was two hours and ten minutes. The top 20 most impacted DMV field offices saw average wait times of three hours and 21 minutes.

DMV attributes much of the increase in wait times to compliance with the Federal REAL ID Act of 2005, which requires in-person verification for a state issued driver's license or identification cards in order for a person to fly domestically or enter a federal building. While individuals traditionally only have to renew their state issued driver's license in person once every 15 years, individuals who wish to fly domestically have between January 2018 and October 2020 to renew in person, regardless of when their driver's licenses expire.

DMV began to hire significantly more staff as a result of the increase in wait times. Between July 1, 2018 and January 31, 2019, DMV made 1,130 civil service appointments, 698 emergency hires, and hired 148 retired annuitants. DMV made several technological changes as well, including allowing individuals to electronically fill out their information either online or while waiting for their appointment. These actions have sped up transactions.

By January, the statewide average wait time for those without an appointment dropped to 57 minutes and the top 20 offices saw an average wait time of 95 minutes. DMV has set a goal of reducing their average wait times to 45 minutes for those without an appointment, and 15 minutes for those with an appointment. So far DMV has not met that goal.

In addition, Governor Brown initiated an audit of DMV currently being conducted by the Department of Finance. Governor Newsom has indicated he will continue the audit, and announced on January 10, 2019 that a DMV Strike Team would be formed to look at reforms to DMV. These reforms are aimed at making DMV more customer friendly while also reducing wait times.

In light of Governor Newsom's reform efforts of DMV and the impending insolvency of the MVA, the Legislature may want to consider if now is a good time to increase operational costs to DMV.

Previous Legislation:

SB 1360 (Portantino) of 2018 was substantially similar to this bill. That bill passed out of this committee and Appropriations Committee but 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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