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Mandated by

Statutes 2013, Chapter 524, as amended by Statutes 2014, Chapter 452

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Executive Summary

Assembly Bill 60 (Stats. 2013, Ch. 524) – the Safe and Responsible Drivers Act – authorized driver’s licenses for applicants who could not submit proof of legal presence. The statute allowed undocumented immigrants in California to apply for and receive driving-only licenses starting January 1, 2015. The California Department of Motor Vehicles has issued 960,000 AB 60 licenses as of November 30, 2017.

Because the AB 60 driver’s license is inconsistent with the federal REAL ID Act, which sets standards for driver’s licenses that would be accepted for federal purposes (such as entering military bases or boarding commercial aircraft), the federal government required that the AB 60 license design be easily distinguishable from the standard driver’s license. As a result, the AB 60 statute also included provisions that prohibited discrimination against AB 60 licensees.

AB 60 required the California Research Bureau to report on incidents of discrimination against AB 60 licensees. Although nongovernmental stakeholders shared two instances of potential discrimination by California businesses, the Research Bureau found no complaints made to government agencies enforcing anti-discrimination laws. Undocumented immigrants do tend to underreport discrimination, and instances of discrimination involving an AB 60 license may be reported under a different discriminatory basis such as immigration status, race, ethnicity or national origin.
History of California Driver’s Licensing Laws

In 1993, California became the first state in the country to explicitly prohibit unauthorized immigrants from obtaining driver’s licenses with the passage of Senate Bill 976 (Stats. 1993, Ch. 820). Prior to SB 976, applicants for driver’s licenses did not have to prove lawful presence (although laws passed in 1991 and 1992 required applicants to submit Social Security numbers, these laws explicitly targeted parents who were delinquent with child support payments).

Efforts to repeal or amend the provisions in SB 976, notably those of former state legislator Gil Cedillo, had continually failed. (A brief chronology of related driver’s license laws is included as Appendix A.) The one successful bill, SB 60 (Cedillo, 2003), had allowed the substitution of federal individual taxpayer identification numbers in place of Social Security numbers and eliminated the proof of legal residency requirement for driver’s license applications. After the recall of Governor Davis, the Legislature repealed the bill with the understanding that Governor Schwarzenegger would engage in discussions for a replacement bill, “but only if the provisions of SB 60 [were] repealed.” Twenty years after SB 976, California passed Assembly Bill 60 (Stats. 2013, Ch. 524), also called the Safe and Responsible Drivers Act, which required driver’s licenses to be issued to applicants who could not submit proof of legal presence. The statute allowed undocumented immigrants in California, beginning on January 1, 2015, to again apply for and receive driver’s licenses.

Proponents of AB 60 focused on the traffic safety effects of licensing all drivers. The author of AB 60 referenced a 2012 study by the California Department of Motor Vehicles (DMV) that concluded unlicensed drivers were nearly three times more likely than licensed drivers to cause a fatal crash. Since undocumented immigrants accounted for a portion of unlicensed drivers, AB 60 would presumably “improve traffic safety by ensuring that drivers on the road are properly trained, have passed a background and driving test, know state driving laws, and become insured.” A Stanford study concluded that the rate of hit-and-run accidents decreased significantly after AB 60 was implemented, with the largest drops in hit-and-runs in counties with higher numbers of undocumented immigrants. There is also anecdotal evidence of a rise in auto insurance sales in 2015, and according to the California Department of Insurance, an unexpected increase of 200,000 more insured vehicles that year can likely, though not definitively, be attributed to AB 60 (Table 1). It is important to note, however, that insurance data are linked to

Table 1: Numbers of insured and registered vehicles in California, 2013-2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Insured Vehicles</th>
<th>Registered Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Change</td>
</tr>
<tr>
<td>2013</td>
<td>24,741,947</td>
<td>304,440 (1.2%)</td>
</tr>
<tr>
<td>2014</td>
<td>25,258,723</td>
<td>516,776 (2.1%)</td>
</tr>
<tr>
<td>2015</td>
<td>25,985,966</td>
<td>727,243 (2.9%)</td>
</tr>
</tbody>
</table>

Source: California Department of Insurance.

Figure 1: Sample AB 60 license

Cost courtesy: California Department of Motor Vehicles.

The front of the AB 60 license contains the phrase “Federal Limits Apply” in upper-right corner (highlighted above).
individual vehicles rather than to drivers and that before AB 60, an undocumented immigrant could register a vehicle with a matricula consular (Mexico’s consular identity card) or an out-of-state driver’s license.

The ability to drive legally expands access to jobs, housing and other opportunities. However, because AB 60 licenses do not comply with the federal REAL ID Act, the federal government requires that they are marked with language on the front of the card that differentiates them from standard driver’s licenses (see sample license in Figure 1). Using an AB 60 license therefore implies the unauthorized immigration status of the license holder and makes the licensee vulnerable to discriminatory acts. Recognizing this possibility, the Legislature included prohibitions against discrimination within AB 60.

Numbers of AB 60 License Applications and Issuances

Extensive outreach campaigns by the DMV, law enforcement, elected officials, community organizations and foreign language news media about the AB 60 driver’s license helped encourage half a million undocumented immigrants to apply in the first three months of 2015. Approximately 43 percent of total licenses issued in that first year were AB 60 licenses (see Appendix B).

As of November 30, 2017, the DMV issued 960,000 AB 60 driver’s licenses. Although the opening spike in applications and issuances in early 2015 has now declined, the DMV still issues roughly 11,000 AB 60 licenses every month. At this rate, the total number of AB 60 licenses issued in the first three years of the program (2015-2017) is likely to fall below DMV’s initial estimate of 1.4 million for that time period, a pattern that is the same in nearly all of the other 11 states and the District of Columbia that provide licenses to undocumented residents (see Appendix C).

<table>
<thead>
<tr>
<th>Year</th>
<th>Driving privilege cards issued</th>
<th>Undocumented population</th>
<th>Percent licensed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>38,724</td>
<td>95,000</td>
<td>40.8%</td>
</tr>
<tr>
<td>2010</td>
<td>38,320</td>
<td>110,000</td>
<td>34.8%</td>
</tr>
<tr>
<td>2011</td>
<td>38,949</td>
<td>110,000</td>
<td>35.4%</td>
</tr>
<tr>
<td>2012</td>
<td>36,899</td>
<td>100,000</td>
<td>36.9%</td>
</tr>
<tr>
<td>2013</td>
<td>36,254</td>
<td>100,000</td>
<td>36.3%</td>
</tr>
<tr>
<td>2014</td>
<td>35,024</td>
<td>100,000</td>
<td>35.0%</td>
</tr>
</tbody>
</table>

Sources: Utah Department of Public Safety (license data) and Pew Research Center (population estimates).

Currently, the estimated percentage of undocumented California residents who have AB 60 licenses (36.0 percent) is almost half of the percentage of total California residents who have driver’s licenses (Table 2). Among the other states providing driving-only licenses for undocumented residents, Utah provides an interesting case for comparison because its licenses are valid for only one year. In California, the number of AB 60 licensees continues to grow and accumulate, but because

Table 2: Driver’s licensing percentages for subgroup populations in California

<table>
<thead>
<tr>
<th>Year</th>
<th>Estimate for California</th>
<th>Driver’s licenses</th>
<th>Percent licensed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total state population</td>
<td>39,250,017 (2016)</td>
<td>26,484,646 (2016)</td>
<td>67.5%</td>
</tr>
<tr>
<td>Undocumented immigrants</td>
<td>2,667,000 (2014)</td>
<td>960,000 (Nov 2017)</td>
<td>36.0%</td>
</tr>
<tr>
<td>State DACA residents</td>
<td>197,900 (2017)</td>
<td>157,726</td>
<td>79.7% (2017)</td>
</tr>
</tbody>
</table>

Sources: U.S. Census Bureau, California Department of Motor Vehicles, Public Policy Institute of California, U.S. Citizenship and Immigration Services, and Center for American Progress.

Note that the total state and undocumented population estimates include children under 16 years of age.
undocumented immigrants must re-apply for driving privilege cards every year in Utah, each year provides a complete percentage of licensed undocumented immigrants. The annual percentages of licensed undocumented Utah residents range from 35 percent to 41 percent of all undocumented residents (Table 3). If the same pattern is true for California, then that range suggests 1.1 million (41 percent of 2.667 million estimated undocumented in California) is a reasonable maximum number of AB 60 licensees to expect at any given time. 

Discrimination against Holders of AB 60 Licenses

Statutory Requirements in AB 60

AB 60, as codified in Vehicle Code Section 12801.9, declares that discrimination against an individual presenting an AB 60 license is a violation of the Unruh Civil Rights Act (which outlaws discrimination by a business establishment). The law also bars authorities from inferring the citizenship or immigration status of the license holder as a basis for criminal investigation proceedings. 

The statute was amended by AB 1660 (Stats. 2014, Ch. 452) to include additional anti-discrimination protections under the California Fair Employment and Housing Act (which prohibits discrimination by an employer) and of Government Code Section 11135 (if the discrimination is by a state or local governmental authority, agent or funded program). These laws require the California Research Bureau to “compile and submit to the Legislature and the Governor a report of any violations” of these anti-discrimination provisions.

Discrimination Complaints Reported to Government Agencies

Anti-discrimination provisions under the Unruh Civil Rights Act and the Fair Employment and Housing Act (as well as hate violence prohibition under the Ralph Act) are enforced by the California Department of Fair Employment and Housing. The Department does not currently track AB 60 licenses as a distinct category or basis for discrimination, but any discriminatory incidents resulting from AB 60 licenses would be recorded under the basis of national origin (before 2016) or as citizenship or immigration-based discrimination (categories added in January 2016). 

As of December 15, 2017, no cases filed with the Department have explicitly involved AB 60 licenses, and no complainant has ever claimed discrimination on the basis of citizenship or immigration status (Table 4). 

Beginning in 2018, immigrants will have an alternative source to address discrimination as a result of AB 291 (Stats. 2017, Ch. 489), the Immigrant Tenant Protection Act. This law prohibits discrimination based on immigration status, specifically targeting landlords who threaten to report tenants’ immigration or citizenship statuses. Although existing laws, including those enforced by the Department of Fair Employment and Housing, already forbid landlords from discriminating against immigrant tenants or inquiring about immigration or citizenship status (with the exception of verifying the identities and financial qualifications of prospective tenants during applications), legal advocates for AB 291 argued that cases filed under those laws place the burden of proof on tenants or take months to adjudicate. 

The Labor Commissioner in the California Department of Industrial Relations also enforces laws that prohibit discrimination, specifically over wage theft, unequal pay, workplace retaliation and other violations of specific Labor Code sections. Relevant to possible discrimination based on AB 60 licenses are Labor Code sections 244, 1019 and 2814, which respectively prohibit employers from making retaliatory threats of reporting immigration status of employees or their relatives, engaging in unfair immigration-
Table 4: Discrimination allegations received by California Department of Fair Employment and Housing (as of Sep 11, 2017) and work retaliation cases at California Labor Commissioner’s Office (as of Oct 2, 2017)

<table>
<thead>
<tr>
<th>Type</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discrimination: National Origin/Ancestry</td>
<td>2,122</td>
<td>2,266</td>
<td>3,657</td>
<td>3,677</td>
<td>4,188</td>
<td>575</td>
<td>492</td>
</tr>
<tr>
<td>Employment</td>
<td>2,021</td>
<td>2,125</td>
<td>3,474</td>
<td>3,421</td>
<td>3,811</td>
<td>432</td>
<td>386</td>
</tr>
<tr>
<td>Housing</td>
<td>86</td>
<td>110</td>
<td>139</td>
<td>175</td>
<td>266</td>
<td>112</td>
<td>68</td>
</tr>
<tr>
<td>Ralph Act (hate violence)</td>
<td>7</td>
<td>8</td>
<td>18</td>
<td>30</td>
<td>56</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Unruh Act (business)</td>
<td>8</td>
<td>23</td>
<td>26</td>
<td>51</td>
<td>55</td>
<td>23</td>
<td>33</td>
</tr>
<tr>
<td>Discrimination: Citizenship Status</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Discrimination: Immigration</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Work Retaliation: Immigration</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>2</td>
<td>5</td>
<td>20</td>
<td>71</td>
</tr>
</tbody>
</table>

Sources: California Department of Fair Employment and Housing and California Labor Commissioner’s Office.

Starting in 2016, the Department of Fair Employment and Housing stopped including right-to-sue data and only reported filed complaints, hence the drop in National Origin cases. The Department also started specifying discrimination cases based on Citizenship Status and Immigration in 2016. The Labor Commissioner’s Office started using Immigration as a basis in 2014.

related practices or unnecessarily using the federal E-Verify employment authorization system without proper notification. Since these Labor Code sections were implemented in 2014, there have been 2 (in 2014), 5 (in 2015), 20 (in 2016), and 71 (in 2017, as of October 2) immigration-based retaliation cases. It is not known whether any of these cases involved AB 60 licenses, as investigators intentionally do not discuss national origin or immigration status with clients, focusing only on wages and employer retaliation.

Senate Bill 54 (Stats. 2017, Ch. 495), or the California Values Act, prohibits California law enforcement agencies from inquiring into an individual’s immigration status. However, complaints of any AB 60-specific discrimination in law enforcement would be included among reports of discriminatory profiling based on race, ethnicity or national origin, which must be publicly reported under AB 953 (Stats. 2015, Ch. 466), the Racial and Identity Profiling Act. The statute requires local law enforcement agencies to collect and send two datasets to the California Department of Justice and the Racial and Identity Profiling Advisory Board: citizen complaints alleging racial and identity profiling and law enforcement traffic stops and detentions. The Racial and Identity Profiling Advisory Board finalized stop data collection regulations on November 7, 2017, and plans to begin receiving data in 2019.

Both the DMV and the Department of Insurance maintain hotlines for general customer service or complaints; neither the DMV nor the Department of Insurance has any records of complaints of discrimination or discriminatory practices against AB 60 licensees. Additionally, the Department of Insurance sends examiners into insurance companies to pull files and confirm that consumers are charged the correct rates. As of December 15, 2017, there have been no complaints regarding insurance practices for AB 60.

Discrimination Complaints Reported to Nongovernment Organizations

In addition to reviewing state agency data, the Research Bureau contacted immigrant rights
groups, news media, religious organizations and other nongovernment organizations. Drive California, a coalition of AB 60 advocates, is currently completing a research project interviewing AB 60 licensees to assess the impact of AB 60 driver’s licenses, including any problems or discrimination faced. The interviews involved 10 focus groups, with each group comprised of six to 10 ethnically diverse licensees, conducted in the San Francisco Bay Area, Central California, Southern California, and neighboring regions. From these focus group interviews, two cases may pose instances of AB 60 discrimination:

- A license holder in Fresno was told her AB 60 license was not a valid form of identification when trying to make a purchase at a retail location. It is unknown whether the incident reflected intentional discrimination or simple ignorance of the license marking.

- A license holder tried to cash a check at a MoneyGram, but was refused because the license marking confused the clerk, and the licensee was denied again later at a bank. Note, however, that the USA PATRIOT Act of 2001 grants financial institutions the flexibility to decide which identification documents they choose to accept for their services.

Anecdotal information about AB 60 discrimination is limited, but two stories involve issues with federal government reaction to use of the license. In one incident described in the focus groups, a license holder in San Diego, unaware of the risks of presenting noncompliant identification to federal transportation security officers, tried to use her license at the airport and was briefly detained (she was eventually allowed to board her plane). Another incident – widely discussed in the press and which gained the attention of members of Congress – was the detention of two undocumented immigrants at Travis Air Force Base in May 2017. Both men were construction workers who presented AB 60 driver’s licenses during routine security screening on their way to an on-base project site. The men were identified as undocumented and eventually detained by Immigration and Customs Enforcement. The Air Force did not mention AB 60 driver’s licenses, stating that, “As part of normal protocol, Security Forces personnel entered the individuals’ information into the California Law Enforcement Telecommunications System, which identified them as undocumented immigrants.” Spanish-language media did mention AB 60 licenses in this incident, but their accounts do not clarify whether the licenses precipitated the arrests or were only a contributing factor in a series of unsuccessful security checks.

**Conclusion**

AB 60 requires the California Research Bureau to “compile and submit to the Legislature and the Governor a report of any violations” of the statute’s anti-discrimination provisions and the requirement barring the license’s use in a “criminal investigation, arrest, or detention.” No license holders have filed complaints with any state agencies about discrimination as a direct result of using their AB 60 licenses. State agencies have processed discrimination complaints on the basis of national origin and immigration, though no complaints explicitly noted the AB 60 license. Immigrant rights organizations also shared two anecdotes from interviews that may apply to the state’s anti-discrimination provisions. The Research Bureau additionally found two instances in which the federal government detained AB 60 license holders, as mentioned above.

Finally, identifying cases of AB 60-related discrimination may be more difficult than recognizing other types of discrimination because of two factors. First, undocumented immigrants are more likely to underreport crimes and discriminatory incidents. For example, recent research found that Latino
immigrants are almost half as likely to report experiencing ethnic discrimination as U.S.-born Latinos. The researchers suggest this might be because immigrants are more likely to attribute mistreatment to unknown rules or mistakes they made rather than to discrimination.  

Second, because AB 60-specific discrimination overlaps with general immigrant discrimination and racial discrimination, it can be difficult to disentangle the categories. This entanglement might result in complaints to government agencies or nonprofit organizations that actually result from the use of AB 60 licenses, but appear in the data to be immigration or race-related incidents.
Appendix A: Chronology of Related California Driver’s Licensing Rules

1991 – SB 395 (Morgan) requires applicants for driver’s licenses and vehicle registrations to provide Social Security numbers, which are to remain confidential and disclosed only to law enforcement agencies to locate “errant parents” for child support.45

1992 – AB 1823 (Bentley) authorizes the Department of Motor Vehicles to disclose Social Security number information to the State Controller and Franchise Tax Board for tax administration purposes.46

1993 – SB 976 (Alquist) requires applicants for driver’s licenses or identification cards to “submit satisfactory proof that the applicant’s presence in the United States is authorized under federal law.”47

1995 – California Court of Appeal in *Lauderback v. Zolin* finds that the state could deny driver’s licenses and vehicle registrations to unauthorized individuals, but not to foreign nationals who are lawful immigrants but ineligible for Social Security numbers.48

1995 – AB 257 (Speier) requires the Department of Motor Vehicles to withhold or suspend driver’s licenses of anyone failing to comply with child support orders or delinquent in child support payments. Also requires State Board of Equalization, Franchise Tax Board, and Department of Social Services to maximize use of information collected to locate delinquent obligors.49

1999 – SB 371 (Solis) would delete requirement that the Department of Motor Vehicles must verify authenticity of identity documents used to prove lawful presence, unless the documents appear fraudulent. The intent is to assist foreign business executives, specifically Japanese nationals, who are temporarily assigned to work in California subsidiaries of foreign companies. Governor Davis vetoes over security concerns.50

1999 – AB 1463 (Cedillo) would delete Social Security number requirement from SB 395 (Morgan) and allow driver’s license applicants to submit taxpayer identification numbers instead. Also would repeal requirement to prove authorized presence and allow applicants who have initiated applications for lawful immigration status to receive driver’s licenses. Governor Davis vetoes over concerns of procedural fraud and having weaker standards than other border states.51

2002 – AB 60 (Cedillo) would add option to submit taxpayer identification number in lieu of Social Security number for driver’s license applications. Applicants would still need to prove lawful immigration status. SB 804 (Polanco) would require fingerprints and criminal background checks for driver’s license applicants. Governor Davis vetoes over security concerns after events of September 11. Vetoes cost Davis support of Latino Caucus in gubernatorial reelection.52

2003 – SB 60 (Cedillo) allows driver’s license applicants to use federal individual taxpayer identification numbers or other appropriate identifiers in lieu of Social Security numbers. Identifier information is not public record and prohibited from disclosure. Applicants are not required to prove citizenship or legal residency, but must establish identity with birth certificates or other documentation. Governor Davis signs during recall election.53

2003 – Governor Davis is recalled. The issue of driver’s licenses for undocumented immigrants features prominently in recall candidate campaigns. Senator Cedillo agrees to repeal own law in exchange for new bipartisan bill. SB X3-1 (Oller) repeals SB 60 (Cedillo, 2003).54

2004 – AB 2895 (Núñez) would repeal requirements of providing Social Security number and submitting proof of authorized
presence in driver’s license applications. Applicants can submit signed affidavits attesting they are not currently eligible for Social Security numbers. Persons obtaining driver’s licenses using these affidavits are excluded from lists of names and identifying information furnished to jury commissioners. Governor Schwarzenegger vetoes over security concerns.55

2005 – Congress passes the REAL ID Act of 2005 (Public Law 109-13) as a rider on military spending bill H.R. 1268.56 The law establishes federal standards for state-issued driver’s licenses and identity documents to prevent terrorists from abusing immigration and asylum laws. Driver’s license applicants must provide documentation of legal status and Social Security numbers. Noncompliant driver’s licenses cannot be accepted for federal purposes, which include boarding commercial aircraft and accessing federal buildings.57

2005 – SB 60 (Cedillo) would allow driver’s licenses to drivers who cannot meet the federal identity confirmation requirements. Such licenses would permit driving but cannot be used for federal identification purposes, consistent with the federal REAL ID Act. Governor Schwarzenegger vetoes over concerns with criminal identification and potential conflict with federal regulations.58

2006 – SB 1160 (Cedillo), similar to SB 60 (Cedillo, 2005), would also make it a misdemeanor crime to knowingly assist another person in obtaining documents in violation of REAL ID Act. Dies in Assembly Appropriations.59

2008 – SB 60 (Cedillo), which is similar to SB 1160 (Cedillo, 2006), is vetoed by Governor Schwarzenegger over concerns of implementation and potential impact of federal REAL ID Act.60

2009 – SB 60 (Cedillo), an updated version of SB 60 (Cedillo, 2008) after the postponed enforcement of the REAL ID Act, dies in Assembly Transportation.61

2012 – AB 2189 (Cedillo) allows persons in danger of deportation but granted deferred action to qualify for driver’s licenses on proof of legal residence. The court holding in Lauderbach v. Zolin – that persons lawfully present in the United States but ineligible for Social Security numbers are still entitled to driver’s licenses – is also codified.62

2013 – AB 60 (Alejo) allows driver’s license applicants unable to provide proof of lawful presence to obtain licenses for driving purposes only. Signed affidavits attesting ineligibility for Social Security numbers in license applications cannot be used as basis for investigations into citizenship or immigration status. California Research Bureau to submit report on incidents of discrimination against AB 60 licensees.63

2014 – SB 853 (Committee on Budget and Fiscal Review) deletes signed affidavit requirement for AB 60 driver’s license applications.64

2014 – AB 1660 (Alejo) extends AB 60 (Alejo, 2013) anti-discrimination protections to both public and private sectors and clarifies the conflict of AB 60, which prohibits businesses from discriminating against immigrants with AB 60 licenses, with the federal Immigration and Nationality Act, which prohibits unlawful immigrants from working. The prohibition against an AB 60 license as basis for criminal investigation, arrest or detention is extended to citations.65

2017 – AB 244 (Lara) would restrict the disclosure of information used in applications for driver’s licenses to only subpoenas for individual records in state criminal proceedings or court orders. Currently inactive file.66
## Appendix B: AB 60 Applications and Licenses Issued

<table>
<thead>
<tr>
<th>Month</th>
<th>AB 60 customer visits</th>
<th>All customer visits</th>
<th>AB 60 applicants</th>
<th>AB 60 applicants (cumulative)</th>
<th>AB 60 DLs issued</th>
<th>AB 60 DLs issued (cumulative)</th>
<th>All DLs issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 2015</td>
<td>374,000</td>
<td>962,000</td>
<td>236,000</td>
<td>236,000</td>
<td>59,000</td>
<td>59,000</td>
<td>113,746</td>
</tr>
<tr>
<td>Feb 2015</td>
<td>292,000</td>
<td>907,000</td>
<td>151,000</td>
<td>387,000</td>
<td>72,000</td>
<td>131,000</td>
<td>121,033</td>
</tr>
<tr>
<td>Mar 2015</td>
<td>274,000</td>
<td>964,000</td>
<td>115,000</td>
<td>502,000</td>
<td>76,000</td>
<td>207,000</td>
<td>136,631</td>
</tr>
<tr>
<td>Apr 2015</td>
<td>237,000</td>
<td>982,000</td>
<td>82,000</td>
<td>584,000</td>
<td>74,000</td>
<td>281,000</td>
<td>135,686</td>
</tr>
<tr>
<td>May 2015</td>
<td>176,000</td>
<td>873,000</td>
<td>58,000</td>
<td>642,000</td>
<td>60,000</td>
<td>341,000</td>
<td>127,754</td>
</tr>
<tr>
<td>Jun 2015</td>
<td>109,000</td>
<td>948,000</td>
<td>45,000</td>
<td>687,000</td>
<td>56,000</td>
<td>397,000</td>
<td>127,792</td>
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<tr>
<td>Jul 2015</td>
<td>136,000</td>
<td>965,000</td>
<td>35,000</td>
<td>742,000</td>
<td>45,000</td>
<td>442,000</td>
<td>124,074</td>
</tr>
<tr>
<td>Aug 2015</td>
<td>107,000</td>
<td>933,000</td>
<td>10,000</td>
<td>752,000</td>
<td>37,000</td>
<td>479,000</td>
<td>121,451</td>
</tr>
<tr>
<td>Sep 2015</td>
<td>95,000</td>
<td>855,000</td>
<td>23,000</td>
<td>775,000</td>
<td>34,000</td>
<td>513,000</td>
<td>112,245</td>
</tr>
<tr>
<td>Oct 2015</td>
<td>100,000</td>
<td>867,000</td>
<td>22,000</td>
<td>797,000</td>
<td>35,000</td>
<td>548,000</td>
<td>111,010</td>
</tr>
<tr>
<td>Nov 2015</td>
<td>74,000</td>
<td>692,000</td>
<td>16,000</td>
<td>813,000</td>
<td>26,000</td>
<td>574,000</td>
<td>75,783</td>
</tr>
<tr>
<td>Dec 2015</td>
<td>86,000</td>
<td>808,000</td>
<td>17,000</td>
<td>830,000</td>
<td>31,000</td>
<td>605,000</td>
<td>95,168</td>
</tr>
<tr>
<td>Jan 2016</td>
<td>71,000</td>
<td>756,000</td>
<td>15,000</td>
<td>845,000</td>
<td>27,000</td>
<td>632,000</td>
<td>90,461</td>
</tr>
<tr>
<td>Feb 2016</td>
<td>74,000</td>
<td>785,000</td>
<td>14,000</td>
<td>859,000</td>
<td>25,000</td>
<td>657,000</td>
<td>85,208</td>
</tr>
<tr>
<td>Mar 2016</td>
<td>75,000</td>
<td>849,000</td>
<td>14,000</td>
<td>873,000</td>
<td>23,000</td>
<td>680,000</td>
<td>99,675</td>
</tr>
<tr>
<td>Apr 2016</td>
<td>66,000</td>
<td>797,000</td>
<td>14,000</td>
<td>887,000</td>
<td>23,000</td>
<td>700,000</td>
<td>93,241</td>
</tr>
<tr>
<td>May 2016</td>
<td>58,000</td>
<td>738,000</td>
<td>13,000</td>
<td>900,000</td>
<td>18,000</td>
<td>718,000</td>
<td>81,245</td>
</tr>
<tr>
<td>Jun 2016</td>
<td>55,000</td>
<td>758,000</td>
<td>13,000</td>
<td>913,000</td>
<td>16,000</td>
<td>734,000</td>
<td>95,455</td>
</tr>
<tr>
<td>Jul 2016</td>
<td>48,000</td>
<td>666,000</td>
<td>11,000</td>
<td>924,000</td>
<td>14,000</td>
<td>748,000</td>
<td>88,427</td>
</tr>
<tr>
<td>Aug 2016</td>
<td>53,000</td>
<td>760,000</td>
<td>13,000</td>
<td>937,000</td>
<td>16,000</td>
<td>764,000</td>
<td>92,759</td>
</tr>
<tr>
<td>Sep 2016</td>
<td>47,000</td>
<td>662,000</td>
<td>12,000</td>
<td>949,000</td>
<td>14,000</td>
<td>778,000</td>
<td>82,578</td>
</tr>
<tr>
<td>Oct 2016</td>
<td>46,000</td>
<td>588,000</td>
<td>11,000</td>
<td>960,000</td>
<td>14,000</td>
<td>792,000</td>
<td>79,293</td>
</tr>
<tr>
<td>Nov 2016</td>
<td>47,000</td>
<td>590,000</td>
<td>11,000</td>
<td>971,000</td>
<td>14,000</td>
<td>806,000</td>
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</tr>
<tr>
<td>Dec 2016</td>
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<td>12,000</td>
<td>983,000</td>
<td>16,000</td>
<td>822,000</td>
<td>82,283</td>
</tr>
<tr>
<td>Jan 2017</td>
<td>52,000</td>
<td>624,000</td>
<td>12,000</td>
<td>995,000</td>
<td>14,000</td>
<td>836,000</td>
<td>75,683</td>
</tr>
<tr>
<td>Feb 2017</td>
<td>45,000</td>
<td>581,000</td>
<td>10,000</td>
<td>1,005,000</td>
<td>14,000</td>
<td>850,000</td>
<td>71,613</td>
</tr>
<tr>
<td>Mar 2017</td>
<td>49,000</td>
<td>690,000</td>
<td>11,000</td>
<td>1,016,000</td>
<td>15,000</td>
<td>865,000</td>
<td>87,916</td>
</tr>
<tr>
<td>Apr 2017</td>
<td>40,000</td>
<td>622,000</td>
<td>9,000</td>
<td>1,025,000</td>
<td>16,000</td>
<td>881,000</td>
<td>75,972</td>
</tr>
<tr>
<td>May 2017</td>
<td>38,000</td>
<td>665,000</td>
<td>9,000</td>
<td>1,034,000</td>
<td>13,000</td>
<td>894,000</td>
<td>75,006</td>
</tr>
</tbody>
</table>

**Source:** California Department of Motor Vehicles. For comparison, the average monthly number of driver’s licenses issued in 2014 was approximately 76,000 licenses per month.
Figure 2: Monthly and cumulative AB 60 driver’s license applications and issuances

Source: California Department of Motor Vehicles.

The difference between applications and issuances is because licensing is a rolling process, with a one-year expiration time. An applicant might also enter secondary review, which could add months between the initial application date and later issuance date. Applicants can also fail their vision, knowledge and drive tests.
Appendix C: States Offering Driver’s Licenses to Unauthorized Residents

<table>
<thead>
<tr>
<th>State</th>
<th>Bill</th>
<th>Effective Date</th>
<th>Expected Applicants</th>
<th>Licenses Issued</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>CT</td>
<td>HB 6495 (2013), amended by HB 6366 (2015)</td>
<td>Jan 1, 2015</td>
<td>54,000 over 3 years</td>
<td>33,878 (as of Sep 30, 2017)</td>
<td>“Drive-only license” for individuals who sign affidavits promising to legalize when eligible. Excludes felons convicted in Connecticut. Licenses are “For driving purposes only.”</td>
</tr>
<tr>
<td>DC</td>
<td>B20-275 (2013)</td>
<td>May 1, 2014</td>
<td>25,000 over 2 years</td>
<td>13,397 (as of Jan 25, 2017)</td>
<td>“Limited purpose driver license” has “Not valid for official federal purposes” on face and cannot be used to consider citizenship or immigration status. Confidentiality provisions.</td>
</tr>
<tr>
<td>IL</td>
<td>SB 957 (2013)</td>
<td>Nov 28, 2013</td>
<td>250,000 to 1 million total</td>
<td>192,970 (as of Oct 23, 2017)</td>
<td>“Temporary visitor driver’s license” for non-visa status individuals ineligible for Social Security number and who do not have proof of authorized presence. License may not be used for identification.</td>
</tr>
<tr>
<td>MD</td>
<td>SB 715 (2013)</td>
<td>Jan 1, 2014</td>
<td>230,000 over 5 years</td>
<td>229,156 (as of Sep 30, 2017)</td>
<td>Federally noncompliant driver’s license lacks black circle and star in corner seen in REAL ID compliant regular driver’s licenses. May not be used to purchase a firearm.</td>
</tr>
<tr>
<td>NV</td>
<td>SB 303 (2013), amended by AB 322 (2017)</td>
<td>Jan 1, 2014</td>
<td>60,000 per year</td>
<td>39,608 active (as of June 30, 2017)</td>
<td>One-year “driver authorization card,” titled as such on card itself. “Not valid for identification” on front while newer REAL ID compliant driver’s licenses have gold circle with star in corner.</td>
</tr>
<tr>
<td>UT</td>
<td>SB 227 (2005), amended by SB 184 (2015) and SB 129 (2016)</td>
<td>Mar 8, 2005</td>
<td>40,000 per year</td>
<td>331,709 total (as of Oct 2017)</td>
<td>One-year “driving privilege card” includes statement “For driving privileges only—Not valid for identification.” Applicants must submit fingerprints to be checked against criminal records databases. Immigration and Customs Enforcement notified of any criminal history information.</td>
</tr>
<tr>
<td>WA</td>
<td>H 1444 (1993), amended by HB 5008 (2017)</td>
<td>Jul 25, 1993</td>
<td>n/a</td>
<td>169,880 (as of Nov 2015)</td>
<td>Standard driver’s license available to all state residents, regardless of immigration status. Distinguishable by color from enhanced driver’s licenses, available only to citizens. No inferences about citizenship or immigration status can be made based on license type.</td>
</tr>
</tbody>
</table>

* Includes District of Columbia. Puerto Rico under P C0900 (2013) also offers three-year provisional driver’s licenses, with anti-discrimination and confidentiality regulations, to individuals who cannot prove authorized presence.

Endnotes

All hyperlink references were accessed and verified on December 18, 2017.


3 AB 60 (Stats. 2013, Ch. 524). http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB60

4 Senate Transportation & Housing Committee. (2013, Jul. 2). Analysis of AB 60, p.2. http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201320140AB60. The same DMV study noted that, because there was no significant change in at-fault rates for unlicensed drivers after SB 976 was implemented, undocumented immigrant drivers were unlikely to be safer or more hazardous drivers than other unlicensed drivers. Brar, S. (2012). Estimation of Fatal Crash Rates for Suspended/Revoked and Unlicensed Drivers in California. California Department of Motor Vehicles. https://www.dmv.ca.gov/portal/dmv/detail/about/profile/rd/toc


The federal REAL ID Act of 2005, intended as an anti-terrorism law, requires driver’s licenses used for federal purposes to be minimally recognizable options on the front of the card. The Vehicle Code 12801.9 (d) only requires a minimally recognizable feature on the front, and on the back, the 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.” The Vehicle Code 12801.9 (d) only requires a minimally recognizable feature on the front of the card.


A 2008 study commissioned by the Utah State Legislature found that 76 percent of a sample of Utah driving privilege cardholders insured their vehicles, compared to 82 percent of the control group of standard drivers, which suggests that undocumented immigrant drivers are just as likely as citizens and lawful residents to purchase auto insurance. Office of Legislative Auditor General, State of Utah. (2008). Follow-Up of Sample Matching Driving Privilege (DP) Cards to Vehicle Insurers. http://le.utah.gov/audit/08_bilr.pdf

The federal REAL ID Act of 2005, intended as an anti-terrorism law, requires driver’s licenses used for federal purposes to be issued only to applicants who can prove their lawful authorized status in the United States. As the regulation of driver’s licenses is a state-level function, states can still issue noncompliant driver’s licenses for driving purposes only, such as AB 60 licenses, but they must be marked differently from compliant licenses. For more on REAL ID compliance, see U.S. Department of Homeland Security. “REAL ID.” https://www.dhs.gov/real-id


California Department of Motor Vehicles. (2017, Dec. 15). Email communication.

The DMV estimated that over 55 percent of undocumented individuals in California who are 18 years or older would apply for an AB 60 driver’s license over a three-year period. This 55 percent estimate equals 1.4 million from taking the U.S. Department of Homeland Security estimate of 2.8 million undocumented in California and the national average of 12 percent underage. The 55 percent estimate itself resulting from consideration of estimates by other programs: the Congressional Budget Office estimated that two-thirds of the eligible population would apply for a national immigration program, a Brookings report that 57 percent of U.S. Deferred Action for Childhood Arrivals (DACA) applicants and 54.1 percent of California DACA applicants had been approved for the program (in March 2013), and an Immigration Policy Center estimate that 61 percent of DACA applicants obtained a driver’s license. California Department of Motor Vehicles. (2017, Aug. 7 and 11). Email communication.


Changes to the DACA program could change these estimates. Services, Immigrant Rights, and Education Network. (2017, Sep. 7). Email communication. DACA recipients have been authorized for standard driver’s licenses since June 15, 2012. If a DACA recipient no longer maintains DACA status or legal presence, then the recipient can convert a standard driver’s license to an AB 60 driver license. The California DMV does not collect any data specific to DACA recipients and does not identify DACA recipients. California Department of Motor Vehicles. (2017, Sep. 20). Email communication.


17 AB 1660 (Stats. 2014, Ch. 452) §4(l). http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1660

18 Citizenship, primary language and immigration status were added as bases for discrimination by SB 600 (Stats. 2015, Ch. 282). https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB600. National Origin and Ancestry have been reported as separate categories of discrimination beginning in 2015.

19 California Department of Fair Employment and Housing. (2017, Dec. 15). Email communication. There have likely been discrimination cases involving undocumented immigrants, but as their immigration statuses were irrelevant to the cases, the statuses were not recorded. Data on discrimination complaints from Annual Reports. https://www.dfeh.ca.gov/legal-records-and-reports/annual-reports-and-statistics/


22 For list of Labor Code laws enforced by the Labor Commissioner, see California Department of Industrial Relations. “Laws that Prohibit Retaliation and Discrimination.” http://www.dir.ca.gov/dlse/howtofilelinkcodesections.htm


26 SB 54 (Stats. 2017, Ch. 495). http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54


28 Stop data collection will be a tiered process, with data reported by the largest law enforcement agencies with the most resources starting in April 2019 to the smallest agencies by April 2023. Office of Attorney General, California Department of Justice. “AB 953: The Racial and Identity Profiling Advisory Board.” https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-070816.pdf. Some municipal police departments, such as the Los Angeles, San Diego, San Francisco and San Jose Police Departments already collect basic stop data. Civil Rights Enforcement Section, California Department of Justice. (2017, Sep. 8). Phone conversation.

29 Race/ethnicity and national origin as bases of complaint are tracked, but not immigration status. Data available online at OpenJustice. “Citizens’ Complaints Against Peace Officers, 2016.” https://openjustice.doj.ca.gov/2016/ccapo

30 California Department of Motor Vehicles. (2017, Nov. 1). Email communication.

31 California Department of Insurance. (2017, Aug. 7). Email communication.


33 For details on this forthcoming research project report, contact the California Immigrant Policy Center.


Note that the linked news stories publicize the names of the detained men.


The Research Bureau found that in none of the other 12 states that offer alternative driver’s licenses to undocumented immigrants has any state government or major university conducted an examination of discrimination against those alternative license holders, therefore no comparison to other states regarding the levels of discrimination can be made. The Research Bureau searched the websites of those 12 state governments and of major universities in those states. Databases searched included Columbia Law Review, EBSCO, EconLit, HeinOnline, JSTOR, LexisNexis, National Bureau of Economic Research, ProQuest Dissertation & Theses, Public Affairs Information Service (PAIS), SocIndex and Advanced Google Search. The National Conference of State Legislatures also assisted and found nothing.


AB 1823 (Stats. 1992, Ch. 635). http://clerk.assembly.ca.gov/content/statutes-and-amendments-codes-1992

SB 976 (Stats. 1993, Ch. 820). http://clerk.assembly.ca.gov/content/statutes-and-amendments-codes-1993


AB 257 (Stats. 1995, Ch. 481). http://clerk.assembly.ca.gov/content/statutes-and-amendments-codes-1995


AB 1463 (Cedillo, 1999). http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=199920000AB1463


For further details, see Department of Homeland Security. “REAL ID.” https://www.dhs.gov/real-id
58 SB 60 (Cedillo, 2005). http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200520060SB60
60 SB 60 (Cedillo, 2008). http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200720080SB60
61 SB 60 (Cedillo, 2009). http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100SB60
62 AB 2189 (Stats. 2012, Ch. 862). http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB2189
63 AB 60 (Stats. 2013, Ch. 524). http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB60
64 SB 853 (Stats. 2014, Ch. 27). http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB853
65 AB 1660 (Stats. 2014, Ch. 452). http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1660
66 SB 244 (Lara, 2017). http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB244