

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 6/15/04  
**Department Name:** Third District Office  
**Department No.:** 011  
**Agenda Date:** 6/22/04  
**Placement:** Departmental  
**Estimate Time:** 15 minutes  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Supervisor Gail Marshall  
Third District Supervisor

**STAFF** Mark Chaconas  
**CONTACT:** Executive Staff Assistant X 2192

**SUBJECT:** SB 1160 (Cedillo) - Driver's License Eligibility for Undocumented Immigrants

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## **Recommendation:**

That the Board of Supervisors considers taking a position on SB 1160 (Cedillo), an urgency bill that would allow undocumented immigrants who reside in the United States to be eligible to apply for a driver's license or identification card.

## **Alignment with Board Strategic Plan:**

The recommended action is primarily aligned with Goal Number 5: A high quality of life for all residents.

## **Executive Summary and Discussion:**

SB 1160 (Cedillo) is essentially the same as last year's SB 60 (Cedillo), which was approved by the Legislature and signed by then Governor Davis. It was scheduled to become effective January 1, 2004; however, in November 2003 the Legislature approved SB 1X (Oller), which repealed the measure.

SB 1160 (Cedillo), would make several significant changes regarding eligibility requirements for an original driver's license or identification card, including: (1) allow persons who do not have legal presence in the United States to be eligible to apply for a driver's license or identification card: (2) permit license applicants to submit a federal taxpayer identification number rather than a social security number where required by the Department of Motor Vehicles. (A "federal taxpayer identification number" is a nine-digit number issued by the Internal Revenue Service for wage and tax reporting purposes to employees that are not eligible to be issued a social security number.); and (3) impose additional security and background check requirements.

The author of SB 1160 cites the following justifications for the enactment of this proposed change in the law, "Public safety will be enhanced. Current law does not permit some motorists to be properly trained and tested. Ensuring that all California drivers have vehicle liability insurance coverage will reduce insurance costs for all motorists. National security will be improved through expanded identity and fingerprint verification and recordkeeping. Operating a motor vehicle is a vital key to participating in the state's economy, and existing licensing requirements have created an unfair and unjust crisis that curtails economic growth and productivity."

As a result of this legislation, far-reaching changes in the some of the eligibility requirements for a driver's license would be created and the number of persons eligible to be licensed to operate a motor vehicle in the state would significantly increase. In addition, the measure raises a number of important issues regarding the purpose of the driver's license and the role of the Department of Motor Vehicles in the testing and licensing of driver's license applicants.

Opponents of SB 1160 contend that persons who enter the country illegally should not be issued a driver's license or state identification card. They express concerns that some members of this population may pose a national security threat. Background checks utilizing databases in this nation will not identify criminal activity committed in the country of origin. The level of vehicle liability insurance will not be increased by this measure because the coverage requirement is tied to vehicle registration not licensure.

The Immigration and Naturalization Service (now called the "Bureau of Citizenship & Immigration Services") estimates there may be 2.5 million undocumented immigrants currently residing in California, and approximately 2.0 million are of driving age. It was anticipated that a large percentage of this population would apply for a driver's license or identification card if the opportunity was available to them.

On June 15<sup>th</sup> SB 1160 was passed by the Senate Transportation Committee (7 ayes, 4 noes). A report on the current status of the bill will be provided at the Board's June 22, 2004 hearing.

#### **Mandates and Service Levels:**

Consideration of this issue is not mandated nor will it impose any additional mandates on the County of Santa Barbara.

#### **Fiscal and Facilities Impacts:**

No fiscal or facility impacts will arise from consideration of this legislation.

Attachments: A) SB 1160 Senate Bill – Amended May 27, 2004  
B) SB 1160 Bill Analysis

**C: Cliff Berg, Governmental Advocates**