

Date of Hearing: April 26, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 971 (Gray) – As Introduced February 18, 2021

SUBJECT: Driver's licenses: developmental disability status

SUMMARY: Authorizes a person that may have difficulty communicating with law enforcement officers as a result of a developmental disability to place an appropriate designation on their driver's license (DL) or identification card (ID) indicating as much. Specifically, **this bill:**

- 1) Provides a self-certification process on a DL or ID application form to place an appropriate designation to be printed on the face of the ID or DL Card.
- 2) Authorizes the Department of Motor Vehicles (DMV) to charge a onetime fee of \$5 to any person who requests the above designation.
- 3) Lists autism spectrum disorder, cerebral palsy, or intellectual disability as developmental disabilities and defines developmental disability to have the same meaning as developmental disability as the federal Developmental Disabilities Assistance and Bill of rights Act.

EXISTING LAW:

- 1) Authorizes DMV to issue driver's licenses and identification cards.
- 2) Authorizes DMV to place a "VETERAN" on the face of a driver's license and to charge a fee to do so.

FISCAL EFFECT: Unknown

COMMENTS: According to the U.S. Department of Justice Office of Community Oriented Policing Services, "Intellectual or developmental disabilities (IDD) are different from other types of disabilities, including mental health disabilities, and often require a different approach from officers....It can be quite challenging for law enforcement officers to spot these disabilities, which often have no outward or obvious signs. As a result, people with IDD are often mistakenly perceived as suspicious when, in actuality, the behavior is related to their disability. In interactions with law enforcement, some individuals with IDD may not be able to understand or respond appropriately to an officer's commands or, out of fear, may even try to run away....It is important to note that an officer's very presence or method of response could quickly escalate a situation, so the more knowledge an officer has about how to interact with someone with IDD, the better."

According to the author, "When law enforcement officers interact with individuals with IDD who may struggle to communicate or comply with verbal or physical orders, they may not have sufficient information to identify that the individual's behavior is not driven by defiance, but rather their disability. By providing an opportunity to indicate IDD on an ID card or DL, AB 971 promotes additional communication between law enforcement officers and persons with IDD.

This additional information and context which the individual may struggle to verbally articulate in the moment will allow officers to better understand what types of de-escalation strategies are appropriate and prevent noncompliance behaviors from being interpreted as defiance.”

Autism Speaks, writing in support of this bill argues “For people with autism and to the greatest extent possible, learning to interact with first responders is critical. It is just as essential for first responders to understand autism and be prepared to respond effectively and safely to situations that arise involving individuals on the spectrum. Allowing individuals with autism or other IDD to self-certify that they may have difficulty communicating with law enforcement stemming from intellectual and developmental disabilities is an important step toward preventing unfortunate situations.”

Committee concerns: Making necessary IT programming changes to implement this bill may come at a significant cost to DMV. DMV currently uses a legacy computer programming language known as Assembler that was created around the 1950s and is less commonly used today. As a result, few individuals are trained in this coding language, and many are nearing retirement at DMV. DMV has begun the process of updating its systems, but in the meantime, reprogramming could be costly.

For example, AB 2989 (Flora), Chapter 552, Statutes of 2019 was amended in Assembly Appropriations Committee because it created too many digits in the vehicle code for DMV to program, resulting in an estimated multi-million dollar cost to implement.

The MVA, which is the primary funding source for DMV and California Highway Patrol (CHP) faces a structural budget shortfall and the Department of Finance estimates it will be insolvent in 2024-25. Any increased costs to implement this bill would hasten the insolvency of the MVA and potentially negatively impact DMV and CHP. The \$5 fee proposed in this bill would likely not be adequate to cover necessary programming costs.

This bill may have unintended consequences for the people that it’s trying to protect. IDs are often required for proof of eligibility to work or for loans. The identification on a driver’s license could result in disclosure of an IDD to a potential employer or lender that would otherwise not be known and could lead to discrimination. When the Legislature passed AB 60 (Alejo), Chapter 526, Statutes of 2013 language was included that reinforced the Jesse Unruh Civil Rights Act prohibiting discrimination based on the markings on the DL that could indicate the person was undocumented. Should this bill move forward, the author may want to consider adding a similar provision to this bill.

Previous legislation: AB 935 (Frazier) Chapter 644, Statutes of 2014, authorized a “VETERAN” designation to a driver’s license.

REGISTERED SUPPORT / OPPOSITION:

Support

Autism Speaks
National Association of Social Workers, California Chapter
Udwa/afscme Local 3930

Opposition

None on file

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