

California Driver's License Requirement

Military personnel may be residents or nonresidents, depending on the facts of the case.

NONRESIDENTS

A nonresident of over 18 years of age may utilize an out-of-state driver's license as long as it is still valid in his home state.

Service members are **not required** to have a California driver license while stationed in California, unless they intend to be located in California on **more than** a temporary basis.

A service member may be in California on a "temporary basis" if he intends to stay in California no longer than for the period he is obligated to stay under his duty assignment. "Temporary basis" is not indicative of the actual time in California.

Service members **will be required** to get a California license if they intend to **revoke their present "domicile"** and make California their domiciliary state. In other words, **domicile** is the location where one intends to remain and whenever absent from that place; one has the intent to return. (ex: where the service member enlisted or where he intends to return after his duty assignment has expired)

Spouses of Service Members

Spouses of military members, those that are only in California to be with their spouse and that share the same domicile as their spouse, may not have to get a California license. It is presumed that they intend to maintain the same domicile as their spouse.

Spouses must ensure that they do not accidentally change their residency if they intend their domicile to remain the same as their spouse. Spouses of military, that are only in California to be with their spouse, do not have to pay California Income Taxes if they seek employment while here in California pursuant to Military Spouse Residency Relief Act (MSRRA). A spouse is exempt from changing residency under the MSRRA if:

1. The soldier and the spouse share the same residency
2. The spouse and soldier must have and maintain ties to their domiciliary state, indicating the intent to remain that state permanently when military orders do not prevent them from doing so.

While the MSRRA applies to taxes and not to state driver's license requirements, the same reasoning applies. If the spouse is required to maintain ties to the domiciliary state (ie, driver's license, property) then the spouse cannot be forced to change their residency to use California roads.

CALIFORNIA RESIDENT

If you become a California resident, you must get a California driver license within 10 days. Residency is established by voting in a California election, paying resident tuition, filing for a homeowner's property tax exemption, or any other privilege or benefit not ordinarily extended to nonresidents.

To apply for an original driver license if you are over 18, you will need to do the following:

Visit a DMV office

Complete application form DL 44 (An original DL 44 form must be submitted. Copies will not be accepted.)

Give a thumb print

Have your picture taken

Provide your social security number. It will be verified with the Social Security Administration while you are in the office.

Verify your birth date and legal presence

Provide your true full name

Pay the application fee

Pass a vision exam

Pass a traffic laws and sign test. There are 36 questions on the test. You have three chances to pass.

If you have a license from another country, you will be required to take a driving test. If you have a license from another state, the driving test can be waived. You have three chances to pass the driving test. If you fail, you will be required to make another appointment. There is no waiting period, but you must make an appointment. If you fail to successfully complete the driving test on the first attempt, you must pay a \$6 fee for each additional driving test that is administered under an application for an original or renewal driver license.

After you pass your driving test you will be issued an interim license valid for 90 days until you receive your new photo license in the mail. Double-check your address before you leave DMV and tell the DMV representative if you have moved or if your address is incorrect. If you have not received your license after 60 days, call 1-800-777-0133 and they can check on the status for you. Have your interim license with you to provide information when requested.

***NOTE: If your name is different on your birth date and/or legal presence document than the one you are currently using, you will also need to provide an additional acceptable document to establish your true full name, such as; a marriage certificate, dissolution of marriage, adoption or name change document that shows your current name.**