

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 10, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1303**

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**Introduced by Assembly Member Simitian  
(Coauthor: Assembly Member Bogh)**

February 21, 2003

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An act to amend Section 5201 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1303, as amended, Simitian. Vehicles: license plates: display: persons with disabilities.

Existing law requires vehicle license plates to be securely fastened at all times to the vehicle for which they are issued so as to prevent the plates from swinging, to be mounted in a position so as to be clearly visible, and to be maintained in a condition so as to be clearly legible, except as specified.

This bill would provide that it is not a violation of this requirement if the reading or recognition of a rear license plate is obstructed or impaired by a wheelchair lift or wheelchair carrier, the license plate is a special identification license plate, as specified, or the vehicle displays a distinguishing placard, as specified, and the operator displays on the vehicle's rear window a specified decal, designed and issued by the Department of Motor Vehicles.

The bill would require the Department of Motor Vehicles, in consultation with the Department of the California Highway Patrol, to determine where on the rear window the decal shall be displayed. The bill would also require the Department of Motor Vehicles to adopt regulations governing procedures for accepting and approving applications for the decals and for issuing the decals.

*This bill incorporates additional changes to Section 5201 of the Vehicle Code proposed by SB 315, to become operative only if SB 315 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5201 of the Vehicle Code is amended to  
 2 read:

3 5201. License plates shall at all times be securely fastened to  
 4 the vehicle for which they are issued so as to prevent the plates  
 5 from swinging, shall be mounted in a position so as to be clearly  
 6 visible, and shall be maintained in a condition so as to be clearly  
 7 legible. The rear license plate shall be mounted not less than 12  
 8 inches nor more than 60 inches from the ground, and the front  
 9 license plate shall be mounted not more than 60 inches from the  
 10 ground, except as follows:

11 (a) The rear license plate on a tow truck may be mounted on the  
 12 left-hand side of the mast assembly at the rear of the cab of the  
 13 vehicle, not less than 12 inches nor more than 90 inches from the  
 14 ground.

15 (b) The rear license plate on a tank vehicle hauling hazardous  
 16 waste, as defined in Section 25117 of the Health and Safety Code,  
 17 or asphalt material may be mounted not less than 12 inches nor  
 18 more than 90 inches from the ground.

19 (c) The rear license plate on a truck tractor may be mounted at  
 20 the rear of the cab of the vehicle, not less than 12 inches nor more  
 21 than 90 inches from the ground.

22 (d) The rear license plate of a vehicle designed by the  
 23 manufacturer for the collection and transportation of garbage,  
 24 rubbish, or refuse that is used regularly for the collection and  
 25 transportation of that material by any person or governmental



1 entity employed to collect, transport, and dispose of garbage,  
2 rubbish, or refuse may be mounted not less than 12 inches nor more  
3 than 90 inches from the ground.

4 (e) No covering may be used on license plates except as  
5 follows:

6 (1) The installation of a cover over a lawfully parked vehicle  
7 to protect it from the weather and the elements does not constitute  
8 a violation of this subdivision. Any peace officer or other regularly  
9 salaried employee of a public agency designated to enforce laws,  
10 including local ordinances, relating to the parking of vehicles may  
11 temporarily remove so much of the cover as is necessary to inspect  
12 any license plate, tab, or indicia of registration on a vehicle.

13 (2) The installation of a license plate security cover is not a  
14 violation of this subdivision if the device does not obstruct or  
15 impair the recognition of the license plate information, including,  
16 but not limited to, the issuing state, license plate number, and  
17 registration tabs, and the cover is limited to the area directly over  
18 the top of the registration tabs. No portion of a license plate  
19 security cover shall rest over the license plate number.

20 (f) No casing, shield, frame, border, or other device that  
21 obstructs or impairs the reading or recognition of a license plate by  
22 a remote emission sensing device, as specified in Sections 44081  
23 and 44081.6 of the Health and Safety Code, shall be installed on,  
24 or affixed to, a vehicle.

25 (g) (1) It is the Legislature's intent that an accommodation be  
26 made to persons with disabilities and to those persons who  
27 regularly transport persons with disabilities, to allow the removal  
28 and relocation of wheelchair lifts and wheelchair carriers without  
29 the necessity of removing and reattaching the vehicle's rear license  
30 plate. Therefore, it is not a violation of this section if the reading  
31 or recognition of a rear license plate is obstructed or impaired by  
32 a wheelchair lift or wheelchair carrier and all of the following  
33 requirements are met:

34 (A) The owner of the vehicle has been issued a special  
35 identification license plate pursuant to Section 5007, or the person  
36 using the wheelchair that is being carried on the vehicle has been  
37 issued a distinguishing placard under Section 22511.55 ~~or~~  
38 ~~22511.59~~.



1 (B) (i) The operator of the vehicle displays a decal, designed  
2 and issued by the department, that contains the license plate  
3 number assigned to the vehicle transporting the wheelchair.

4 (ii) The decal is displayed on the rear window of the vehicle,  
5 in a location determined by the department, in consultation with  
6 the Department of the California Highway Patrol, so as to be  
7 clearly visible to law enforcement.

8 (2) Notwithstanding any other provision of law, if a decal is  
9 displayed pursuant to this subdivision, the requirements of this  
10 code that require the illumination of the license plate and the  
11 license plate number do not apply.

12 (3) The department shall adopt regulations governing the  
13 procedures for accepting and approving applications for decals,  
14 and issuing decals, authorized by this subdivision.

15 (4) This subdivision does not apply to a front license plate.

16 *SEC. 2. Section 5201 of the Vehicle Code is amended to read:*

17 5201. License plates shall at all times be securely fastened to  
18 the vehicle for which they are issued so as to prevent the plates  
19 from swinging ~~and~~, shall be mounted in a position *so as* to be  
20 clearly visible, and shall be maintained in a condition so as to be  
21 clearly legible. The rear license plate shall be mounted not less  
22 than 12 inches nor more than 60 inches from the ground, and the  
23 front license plate shall be mounted not more than 60 inches from  
24 the ground, except as follows:

25 (a) The rear license plate on a tow truck may be mounted on the  
26 left-hand side of the mast assembly at the rear of the cab of the  
27 vehicle, not less than 12 inches nor more than 90 inches from the  
28 ground.

29 (b) The rear license plate on a tank vehicle hauling hazardous  
30 waste, as defined in Section 25117 of the Health and Safety Code,  
31 or asphalt material may be mounted not less than 12 inches nor  
32 more than 90 inches from the ground.

33 (c) The rear license plate on a truck tractor may be mounted at  
34 the rear of the cab of the vehicle, not less than 12 inches nor more  
35 than 90 inches from the ground.

36 (d) The rear license plate of a vehicle designed by the  
37 manufacturer for the collection and transportation of garbage,  
38 rubbish, or refuse ~~and which~~ *that* is used regularly for the  
39 collection and transportation of that material by any person or  
40 governmental entity employed to collect, transport, and dispose of



1 garbage, rubbish, or refuse may be mounted not less than 12 inches  
2 nor more than 90 inches from the ground.

3 (e) *The rear license plate on a two-axle livestock trailer may be*  
4 *mounted 12 inches or more, but not more than 90 inches, from the*  
5 *ground.*

6 (f) No covering ~~shall~~ *may* be used on license plates except as  
7 follows:

8 (1) The installation of a cover over a lawfully parked vehicle  
9 to protect it from the weather and the elements does not constitute  
10 a violation of this subdivision. Any peace officer or other regularly  
11 salaried employee of a public agency designated to enforce laws,  
12 including local ordinances, relating to the parking of vehicles may  
13 temporarily remove so much of the cover as is necessary to inspect  
14 any license plate, tab, or indicia of registration on a vehicle.

15 (2) The installation of a license plate security cover is not a  
16 violation of this subdivision if the device does not obstruct or  
17 impair the recognition of the license plate information, including,  
18 but not limited to, the issuing state, license plate number, and  
19 registration tabs, and the cover is limited to the area directly over  
20 the top of the registration tabs. No portion of a license plate  
21 security cover shall rest over the license plate number.

22 (f)

23 (g) No casing, shield, frame, border, or other device that  
24 obstructs or impairs the reading or recognition of a license plate by  
25 a remote emission sensing device, as specified in Sections 44081  
26 and 44081.6 of the Health and Safety Code, shall be installed on,  
27 or affixed to, a vehicle.

28 (h) (1) *It is the Legislature's intent that an accommodation be*  
29 *made to persons with disabilities and to those persons who*  
30 *regularly transport persons with disabilities, to allow the removal*  
31 *and relocation of wheelchair lifts and wheelchair carriers without*  
32 *the necessity of removing and reattaching the vehicle's rear license*  
33 *plate. Therefore, it is not a violation of this section if the reading*  
34 *or recognition of a rear license plate is obstructed or impaired by*  
35 *a wheelchair lift or wheelchair carrier and all of the following*  
36 *requirements are met:*

37 (A) *The owner of the vehicle has been issued a special*  
38 *identification license plate pursuant to Section 5007, or the person*  
39 *using the wheelchair that is carried on the vehicle has been issued*  
40 *a distinguishing placard under Section 12511.55.*



1     (B) (i) *The operator of the vehicle displays a decal, designed*  
2 *and issued by the department, that contains the license plate*  
3 *number assigned to the vehicle transporting the wheelchair.*  
4     (ii) *The decal is displayed on the rear window of the vehicle, in*  
5 *a location determined by the department, in consultation with the*  
6 *Department of the California Highway Patrol, so as to be clearly*  
7 *visible to law enforcement.*  
8     (2) *Notwithstanding any other provision of law, if a decal is*  
9 *displayed pursuant to this subdivision, the requirements of this*  
10 *code that require the illumination of the license plate and the*  
11 *license plate number do not apply.*  
12     (3) *The department shall adopt regulations governing the*  
13 *procedures for accepting and approving applications for decals,*  
14 *and issuing decals, authorized by this subdivision.*  
15     (4) *This subdivision does not apply to a front license plate.*  
16     SEC. 3. *Section 2 of this bill incorporates amendments to*  
17 *Section 5201 of the Vehicle Code proposed by both this bill and SB*  
18 *315. It shall only become operative if (1) both bills are enacted and*  
19 *become effective on or before January 1, 2004, (2) each bill*  
20 *amends Section 5201 of the Vehicle Code, and (3) this bill is*  
21 *enacted after SB 315, in which case Section 1 of this bill shall not*  
22 *become operative.*

