

AMENDED IN ASSEMBLY MARCH 19, 2007

AMENDED IN ASSEMBLY MARCH 14, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 11

Introduced by Assembly Member DeVore
(Coauthors: Assembly Members Cook, Gaines, Garrick, Jeffries,
La Malfa, Maze, and Walters and Maze)

December 4, 2006

An act to add Section 5101.10 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 11, as amended, DeVore. Vehicles: special license plates.

(1) Existing law authorizes the issuance of special license plates by the Department of Motor Vehicles for certain persons for their vehicles. Existing law makes it a crime to violate any provision of the Vehicle Code.

This bill would provide for the issuance of special license plates by the department for an active member of the California National Guard who furnishes a certificate provided by the Adjutant General, as specified.

~~The bill would require, upon the death of a person issued these special license plates, the plates be transferred to the surviving spouse or domestic partner, as defined, if he or she requests, or be returned to the department within 60 days after the death of the plateholder or upon the expiration of the vehicle registration, whichever occurs first.~~

This bill would require that if a person issued these special license plates dies within 90 days prior to the expiration of his or her vehicle

registration, the plates be transferred to the surviving spouse or domestic partner, as defined, if that spouse or domestic partner requests, and the registration may be renewed only for the following year. If a request for the plates is not made, the plates would be required to be returned to the department upon expiration of the vehicle registration. If the plateholder dies more than 90 days prior to the expiration of his or her vehicle registration, the surviving spouse or domestic partner would be required to return the plates to the department within 90 days after the plateholder's death.

Because the failure to return the license plates to the department would create a new crime, this bill would impose a state-mandated local program.

This bill would exempt license plates issued under the bill from the payment of a \$40 application fee and a \$30 transfer fee.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) The United States District Court for the Eastern District of
4 California in *The Women's Resource Network v. Steven Gourley*
5 (2004) 305 F. Supp. 2d 1145 permanently enjoined the Director
6 of the California Department of Motor Vehicles from issuing any
7 new special interest license plate to private, nonprofit organizations
8 under the current provisions of Section 5060 of the California
9 Vehicle Code, unless the state establishes "neutral criteria to insure
10 that the [plate] licensing decision is not based on the content or
11 viewpoint of the speech being considered."
12 (b) The court did not enjoin the Director of the Department of
13 Motor Vehicles from issuing a special interest license plate that is
14 government speech that promotes California's state policies or
15 that is viewpoint neutral such as a status or prestige plate.

1 (c) In enacting this act the Legislature intends to provide for the
2 issuance of prestige special license plates that contain only
3 government speech promoting state policies, as the California
4 National Guard is a state agency and these plates would be issued
5 only to active members of the California National Guard, leaving
6 the issue of special interest license plates designed for the benefit
7 of private entities to other legislation.

8 SEC. 2. Section 5101.10 is added to the Vehicles Code, to read:

9 5101.10. (a) A person otherwise eligible under this article who
10 is an active member of the California National Guard may apply
11 for special license plates for the vehicle under this article. The
12 special license plates assigned to the vehicle shall run in a separate
13 numerical series and shall have inscribed on the license plates the
14 words “Member, California National Guard.” The department shall
15 reserve and issue the special license plates to all applicants
16 providing the proof required by subdivision (b).

17 (b) The applicant shall include a certificate provided by the
18 Adjutant General attesting to the applicant’s active membership.

19 (c) Special license plates may be issued under subdivision (a)
20 only for a vehicle owned or coowned by an active member of the
21 California National Guard.

22 ~~(d) Upon the death of a person issued special license plates~~
23 ~~pursuant to this section, the plates shall be transferred to the~~
24 ~~surviving spouse or domestic partner, as defined in Section 297~~
25 ~~of the Family Code, if he or she requests, or shall be returned to~~
26 ~~the department within 60 days after the death of the plateholder~~
27 ~~or upon the expiration of the vehicle registration, whichever occurs~~
28 ~~first.~~

29 *(d) If a person issued special license plates pursuant to this*
30 *section dies, within 90 days of the expiration of his or her vehicle*
31 *registration, the plates shall be transferred to the surviving spouse*
32 *or domestic partner, as defined in Section 297 of the Family Code,*
33 *if that spouse or domestic partner requests, and the registration*
34 *may be renewed only for the following year. If the surviving spouse*
35 *or domestic partner does not request the plates, the plates shall*
36 *be returned to the department upon the expiration of the vehicle*
37 *registration. If the plateholder dies more than 90 days prior to the*
38 *expiration of his or her vehicle registration, the surviving spouse*
39 *or domestic partner shall return the plates to the department within*
40 *90 days after the death of the plateholder.*

1 (e) Sections 5106 and 5108 do not apply to special license plates
2 issued under this section.

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.