

AMENDED IN SENATE MARCH 28, 2008

**SENATE BILL**

**No. 1455**

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**Introduced by Senators Cogdill and Denham**

February 21, 2008

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An act to ~~amend Section 5007 of~~ *add Section 5101.12* to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1455, as amended, Cogdill. ~~Disabled person and disabled veteran license plates.~~ *Vehicles: special license plates.*

*Under existing law, the Department of Motor Vehicles issues environmental and other special license plates. The issuance of some of those license plates is subject to additional fees.*

*This bill would authorize a person who is a family member, as the bill would define that term, of a member of the Armed Forces who was killed while serving on active duty in the military to apply for a special license plate with a design containing the words "Gold Star Family." The bill would establish the Gold Star Family License Plate Account in the California Environmental License Plate Fund. The bill would authorize the Department of Veteran Affairs to actively request and receive donations that would be deposited in the account and, upon appropriation by the Legislature, the fund moneys would be available for necessary administrative costs of establishing the Gold Star Family License Plate. The bill would exempt this program from certain special license plate program requirements, including, but not limited to, a requirement that the department receive an initial minimum number of applications and special license plate additional, renewal, and transfer fees.*

~~Under existing law, the Department of Motor Vehicles is required, upon application and without additional fees, to issue a special license plate or plates to a disabled person or disabled veteran, in accordance with procedures adopted by the department. Existing law also provides that organizations and agencies involved in the transportation of disabled persons or disabled veterans may apply for a distinguishing placard for each vehicle that is used for the purpose of transporting disabled persons or disabled veterans.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

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

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

1     SECTION 1. (a) *The Legislature finds and declares all of the*  
2 *following:*  
3     (1) *Throughout its history, thousands of Californians have given*  
4 *their lives in the Armed Forces of the United States in defense of*  
5 *our country.*  
6     (2) *“Gold Star Family” is a commonly understood term used*  
7 *to describe a family member who has lost a loved one in military*  
8 *service.*  
9     (3) *Gold Star Families in California have sought to honor their*  
10 *lost family members through the creation of a special recognition*  
11 *Gold Star Family license plates, which have been established in*  
12 *several other states.*  
13     (4) *The requirements under current California law make it*  
14 *extremely challenging to establish a Gold Star Family license*  
15 *plate.*  
16     (b) *It is the intent of the Legislature in enacting this act to*  
17 *provide for the creation of a Gold Star Family license plate in*  
18 *California in a way that substantially complies with the spirit of*  
19 *Assembly Bill 84 of the 2005–06 Regular Session.*  
20     SEC. 2. *Section 5101.12 is added to the Vehicle Code, to read:*  
21     5101.12. (a) *A person otherwise eligible under this article*  
22 *who is a family member of a member of the Armed Forces of the*  
23 *United States who was killed while serving on active duty in the*  
24 *military may apply for special license plates issued for a vehicle*  
25 *under this article.*

1 (b) (1) The applicant shall, by proof satisfactory to the  
2 Department of Veterans Affairs, show that he or she is a family  
3 member of a member of the Armed Forces of the United States  
4 who was killed while serving on active duty in the military.

5 (2) The applicant shall show, through documentation from the  
6 United States Department of Veterans Affairs or the Department  
7 of Defense, proof the member of the Armed Forces of the United  
8 States was killed while serving on active duty in the military.

9 (c) Special license plates issued pursuant to this section shall  
10 run in a numerical series and contain a gold star and the words  
11 “Gold Star Family” with the final design approved by the  
12 Department of Motor Vehicles and the California Highway Patrol.

13 (d) Upon the death of a person issued a special license plate  
14 pursuant to this section, the special license plate shall be  
15 transferred to the surviving spouse, if he or she requests, or shall  
16 be returned to the Department of Motor Vehicles within 60 days  
17 after the death of the plate holder or upon the expiration of the  
18 vehicle registration, whichever occurs first.

19 (e) For the purposes of this section, “family member,” as  
20 determined by the California Department of Veterans Affairs,  
21 means all of the following:

- 22 (1) Widow.
- 23 (2) Widower.
- 24 (3) Biological parent.
- 25 (4) Adoptive parent.
- 26 (5) Stepparent.
- 27 (6) Foster parent in loco parentis.
- 28 (7) Biological child.
- 29 (8) Adoptive child.
- 30 (9) Stepchild.
- 31 (10) Sibling.
- 32 (11) Half-sibling.
- 33 (12) Grandparent.
- 34 (13) Grandchild.

35 (1) The Gold Star Family License Plate Account is hereby  
36 created in the California Environmental License Plate Fund to  
37 pay the necessary costs of establishing a Gold Star Family license  
38 plate.

39 (2) Upon the determination of the Department of Motor Vehicles  
40 that those are sufficient funds in the Gold Star Family License

1 *Plate Account for this purpose, moneys in the Gold Star Family*  
2 *License Plate Account shall be available, upon appropriation by*  
3 *the Legislature, to the Department of Motor Vehicles for the*  
4 *necessary administrative costs of establishing the Gold Star Family*  
5 *license plate.*

6 *(3) The Gold Star Family License Plate Account may consist*  
7 *of donations from public and private entities.*

8 *(4) The Department of Veterans Affairs, as the sponsoring state*  
9 *agency, may actively request and receive donations that are to be*  
10 *deposited in the Gold Star Family License Plate Account.*

11 *(5) Earnings generated by the Gold Star Family License Plate*  
12 *Account shall be retained by the account.*

13 *(6) Moneys deposited in the California Gold Star Family License*  
14 *Plate Account are exempt from the requirements of Sections 11270*  
15 *to 11277, inclusive, of the Government Code.*

16 *(g) Sections 5106, 5108, and 5156 do not apply to this section.*

17 **SECTION 1.** ~~Section 5007 of the Vehicle Code is amended to~~  
18 ~~read:~~

19 ~~5007. (a) The department shall, upon application and without~~  
20 ~~additional fees, issue a special license plate or plates pursuant to~~  
21 ~~procedures adopted by the department to the following:~~

22 ~~(1) A disabled person.~~

23 ~~(2) A disabled veteran.~~

24 ~~(3) An organization or agency involved in the transportation of~~  
25 ~~disabled persons or disabled veterans if the vehicle that will have~~  
26 ~~the special license plate is used solely for the purpose of~~  
27 ~~transporting those persons.~~

28 ~~(b) The special license plates issued under subdivision (a) shall~~  
29 ~~run in a regular numerical series that shall include one or more~~  
30 ~~unique two-letter codes reserved for disabled person license plates~~  
31 ~~or disabled veteran license plates. The International Symbol of~~  
32 ~~Access adopted pursuant to Section 3 of Public Law 100-641,~~  
33 ~~commonly known as the "wheelchair symbol" shall be depicted~~  
34 ~~on each plate.~~

35 ~~(c) (1) Prior to issuing a special license plate to a disabled~~  
36 ~~person or disabled veteran, the department shall require the~~  
37 ~~submission of a certificate, in accordance with paragraph (2),~~  
38 ~~signed by the physician and surgeon, or to the extent that it does~~  
39 ~~not cause a reduction in the receipt of federal aid highway funds,~~  
40 ~~by a nurse practitioner, certified nurse midwife, or physician~~

1 assistant, substantiating the disability, unless the applicant's  
2 disability is readily observable and uncontested. The disability of  
3 a person who has lost, or has lost use of, one or more lower  
4 extremities or one hand, for a disabled veteran, or both hands for  
5 a disabled person, or who has significant limitation in the use of  
6 lower extremities, may also be certified by a licensed chiropractor.  
7 The blindness of an applicant shall be certified by a licensed  
8 physician and surgeon who specializes in diseases of the eye or a  
9 licensed optometrist. The physician and surgeon, nurse practitioner,  
10 certified nurse midwife, physician assistant, chiropractor, or  
11 optometrist certifying the qualifying disability shall provide a full  
12 description of the illness or disability on the form submitted to the  
13 department.

14 (2) The physician and surgeon, nurse practitioner, certified nurse  
15 midwife, physician assistant, chiropractor, or optometrist who  
16 signs a certificate submitted under this subdivision shall retain  
17 information sufficient to substantiate that certificate and, upon  
18 request of the department, shall make that information available  
19 for inspection by the Medical Board of California or the appropriate  
20 regulatory board.

21 (d) A disabled person or disabled veteran issued a license plate  
22 or plates under this section shall, upon request, present to a peace  
23 officer, or person authorized to enforce parking laws, ordinances,  
24 or regulations, the certification form that substantiates the eligibility  
25 of the disabled person or veteran to possess the plate or plates. The  
26 certification shall be on a form prescribed by the department and  
27 contain the name of the disabled person or disabled veteran to  
28 whom the plate or plates were issued, and the name, address, and  
29 telephone number of the medical professional described in  
30 subdivision (c) who certified the eligibility of the person or veteran  
31 for the plate or plates.

32 (e) The certification requirements of subdivisions (c) and (d)  
33 do not apply to an organization or agency that is issued a special  
34 license plate or plates under paragraph (3) of subdivision (a).

35 (f) The special license plate shall, upon the death of the disabled  
36 person or disabled veteran, be returned to the department within  
37 60 days or upon the expiration of the vehicle registration,  
38 whichever occurs first.

39 (g) When a vehicle subject to paragraph (3) of subdivision (a)  
40 is sold or transferred, the special license plate or plates issued to

- 1 ~~an organization or agency under paragraph (3) of subdivision (a)~~
- 2 ~~for that vehicle shall be immediately returned to the department.~~

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