

AMENDED IN SENATE MAY 21, 2008

AMENDED IN SENATE MAY 6, 2008

AMENDED IN SENATE APRIL 22, 2008

AMENDED IN SENATE MARCH 28, 2008

SENATE BILL

No. 1455

Introduced by Senators Cogdill and Denham

**(Coauthors: Senators Ashburn, Cedillo, Lowenthal, Margett,
Oropeza, and Torlakson)**

(Coauthors: Assembly Members Benoit, Berryhill, La Malfa, Maze,
and Sharon Runner)

February 21, 2008

An act to amend Sections ~~5156, 5157, and 5158~~ *5156 and 5157* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1455, as amended, Cogdill. Vehicles: specialized license plates.

Under existing law, the Department of Motor Vehicles issues environmental and other specialized license plates. The issuance of some of those license plates is subject to additional fees. Existing law prohibits the department from establishing a specialized license plate program for ~~an~~ *a state* agency until the department has received not less than 7,500 applications for the plates.

This bill would authorize the Department of Veterans Affairs to sponsor a Gold Star Family specialized license plate *program* and would waive the 7,500 minimum ~~application~~ *applications* requirement. The bill would authorize a person who is an eligible family member, as ~~the bill would define that term~~ *defined*, of a member of the Armed Forces who was killed in the line of duty, as specified, to apply for the

specialized license plate. The bill would establish the Gold Star Family License Plate Account in the Specialized License Plate Fund. The bill would authorize the Department of Veterans Affairs to actively request and receive donations that would be deposited in the account and, upon appropriation by the Legislature, ~~the fund~~ those moneys would be available to the Department of Motor Vehicles for the necessary administrative costs of establishing the Gold Star Family license plate program. The bill would exempt the participants in this program from ~~the payment of additional specialized license plate additional, original fees for the issuance, or renewal, replacement, and transfer fees of the plate. The bill would also specify the conditions pursuant to which a Gold Star Family license plate would be retired from use.~~

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. The Legislature finds and declares all of the
2 following:

3 (a) Throughout—its *California's* history, thousands of
4 Californians have given their lives in the Armed Forces of the
5 United States in defense of our country.

6 (b) “Gold Star Family” is a commonly understood term used to
7 describe a family member who has lost a loved one in military
8 service.

9 (c) 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 (d) *It is the intent of the Legislature, in enacting this act, to*
14 *provide for the creation of a Gold Star Family License Plate*
15 *Program in California to honor the members of the Armed Forces*
16 *of the United States who gave their lives in defense of our country*
17 *and to honor their Gold Star Families in California.*

18 SEC. 2. Section 5156 of the Vehicle Code is amended to read:

19 5156. (a) (1) A state agency may apply to the department to
20 sponsor a specialized license plate program, and the department
21 shall issue specialized license plates for that program, if the agency
22 complies with all of the requirements of this article.

1 (2) The department shall not issue specialized license plates to
2 a state agency for a vehicle that is exempt from the payment of
3 registration fees pursuant to Section 9101 or 9103.

4 (b) Except as provided in subdivision (d), the department shall
5 not establish a specialized license plate program for an agency
6 until the department has received not less than 7,500 applications
7 for that agency's specialized license plates. The agency shall collect
8 and hold applications for the plates. Once the agency has received
9 at least 7,500 applications, it shall submit the applications, along
10 with the necessary fees, to the department. The department shall
11 not issue a specialized license plate until the agency has received
12 and submitted to the department not less than 7,500 applications
13 for that particular specialized license plate within the time period
14 prescribed in this section. Advance payment to the department by
15 the agency representing the department's estimated or actual
16 administrative costs associated with the issuance of a particular
17 specialized license plate shall not constitute compliance with this
18 requirement. The agency shall have 12 months, following the date
19 of approval of the agency's initial application to sponsor a
20 specialized license plate program, to receive the required number
21 of applications. If, after that 12 months, 7,500 applications have
22 not been received, the agency shall immediately do either of the
23 following:

24 (1) Refund to all applicants all fees or deposits that have been
25 collected.

26 (2) Contact the department to indicate the agency's intent to
27 undertake collection of additional applications and fees or deposits
28 for an additional period, not to exceed 12 months, in order to obtain
29 the minimum 7,500 applications. If the agency elects to exercise
30 the option under this subparagraph, it shall contact each applicant
31 who has submitted an application with the appropriate fees or
32 deposits to determine if the applicant wishes a refund of fees or
33 deposits or requests the continuance of the holding of the
34 application and fees or deposits until that time that the agency has
35 received 7,500 applications. The agency shall refund the fees or
36 deposits to an applicant so requesting. The agency shall not collect
37 and hold applications for a period exceeding 24 months following
38 the date of approval of the agency's initial application to sponsor
39 a specialized license plate program.

1 (c) (1) If the number of outstanding and valid specialized license
2 plates in a particular program, except as provided in subdivision
3 (d), provided for in this article is less than 7,500, the department
4 shall notify the sponsoring agency of that fact and shall inform the
5 agency that if that number is less than 7,500 one year from the
6 date of that notification, the department will no longer issue or
7 replace those specialized license plates.

8 (2) Those particular specialized license plates that were issued
9 prior to the discontinuation provided by paragraph (1) may continue
10 to be used and attached to the vehicle for which they were issued
11 and may be renewed, retained, or transferred pursuant to this code.

12 (d) (1) The Department of Veterans Affairs may sponsor a Gold
13 Star Family specialized license plate *program* and the department
14 may establish this specialized license plate *program* in the absence
15 of 7,500 paid applications as provided ~~under~~ *in* subdivision (d) of
16 Section 5157.

17 (2) The Department of Veterans Affairs shall, upon receiving
18 proof of eligibility from an applicant, authorize the department to
19 issue Gold Star Family specialized license plates for a vehicle
20 owned by an eligible family member of a member of the Armed
21 Forces of the United States who was killed in the line of duty while
22 on active duty during wartime service, or during an international
23 terrorist attack that has been recognized by the United States
24 Secretary of Defense as ~~and~~ *an* attack against the United States or
25 a foreign nation friendly to the United States, or during military
26 operations while serving outside the United States, including
27 commonwealths, territories, and possessions of the United States,
28 or as part of a peacekeeping force, which includes personnel
29 assigned to a force engaged in a peacekeeping operation authorized
30 by the United Nations Security Council. An eligible family member
31 is defined as ~~follows~~ *all of the following*:

32 (A) ~~Someone~~ *A person* who is otherwise eligible under this
33 article to register a motor vehicle.

34 (B) ~~Someone~~ *A person* who shows proof from the United States
35 Department of Veterans Affairs or the Department of Defense that
36 the member who was in the Armed Forces of the United States
37 was killed *in the line of duty* while on active duty in the military.

38 (C) ~~Someone~~ *A person* who bears, and shows proof satisfactory
39 to the Department of Veterans Affairs of, one of the following

1 relationships to the member of the Armed Forces killed *in the line*
2 *of duty* while serving on active duty:

- 3 (i) Widow.
- 4 (ii) Widower.
- 5 (iii) Biological parent.
- 6 (iv) Adoptive parent.
- 7 (v) Stepparent.
- 8 (vi) Foster parent in loco parentis.
- 9 (vii) Biological child.
- 10 (viii) Adoptive child.
- 11 (ix) Stepchild.
- 12 (x) Sibling.
- 13 (xi) Half-sibling.
- 14 (xii) Grandparent.
- 15 (xiii) Grandchild.

16 (3) Upon the death of a person issued a Gold Star Family
17 specialized license plate, the license plate shall be transferred to
18 the surviving spouse, if he or she requests, or shall be returned to
19 the department within 60 days after the death of the plateholder
20 or upon the expiration of the vehicle registration, whichever occurs
21 first.

22 SEC. 3. Section 5157 of the Vehicle Code is amended to read:

23 5157. (a) In addition to the regular fees for an original
24 registration or renewal of registration, the following additional
25 fees shall be paid for the issuance, renewal, or transfer of the
26 specialized license plates:

- 27 (1) For the original issuance of the plates, fifty dollars (\$50).
- 28 (2) For a renewal of registration with the plates, forty dollars
29 (\$40).
- 30 (3) For transfer of the plates to another vehicle, fifteen dollars
31 (\$15).
- 32 (4) For each substitute replacement plate, thirty-five dollars
33 (\$35).
- 34 (5) In addition, for the issuance of environmental license plates,
35 as defined in Section 5103, with a specialized license plate design,
36 the additional fees prescribed in Sections 5106 and 5108. The
37 additional fees prescribed in Sections 5106 and 5108 shall be
38 deposited in the California Environmental License Plate Fund.
- 39 (b) The Gold Star Family specialized license plate *program* as
40 provided in subdivision (d) of Section 5156 shall not be subject

1 to the fees specified in *paragraphs (1), (2), and (5)* of subdivision
2 (a) and shall only be issued in a sequential series.

3 (c) Except as provided in paragraph (5) of subdivision (a), and
4 after deducting its administrative costs under this section, the
5 department shall deposit the additional revenue derived from the
6 issuance, renewal, transfer, and substitution of the specialized
7 license plates in the Specialized License Plate Fund, which is
8 hereby established in the State Treasury. Upon appropriation by
9 the Legislature, the moneys in that fund shall be allocated to each
10 sponsoring agency, in proportion to the amount in the fund that is
11 attributable to the agency's specialized license plate program.
12 Except as authorized under Section 5159, the sponsoring agency
13 shall expend all funds received under this section exclusively for
14 projects and programs that promote the state agency's official
15 policy, mission, or work.

16 (d) (1) The Department of Veterans Affairs may actively request
17 and receive donations for the Gold Star Family License Plate
18 Account which is hereby created in the Specialized License Plate
19 Fund and which may consist of donations from public and private
20 entities. Earnings generated by the Gold Star Family License Plate
21 Account shall be retained by the account.

22 (2) Upon the determination of the department that there are
23 sufficient funds in the Gold Star Family License Plate Account
24 for this purpose, moneys in the Gold Star Family License Plate
25 Account shall be available, upon appropriation by the Legislature,
26 to the department for the necessary administrative costs of
27 establishing the Gold Star Family specialized license plate
28 *program*.

29 ~~SEC. 4. Section 5158 of the Vehicle Code is amended to read:~~

30 ~~5158. If the payment of renewal fees is not required as specified~~
31 ~~in Section 4000 or if a person determines to retain the specialized~~
32 ~~license plate upon a sale, trade, or other release of the vehicle upon~~
33 ~~which the plate has been displayed, except for a vehicle issued~~
34 ~~plates pursuant to subdivision (d) of Section 5156, the person shall~~
35 ~~notify the department and the person may retain and use the plate~~
36 ~~as authorized by departmental regulations.~~