

**ASSEMBLY BILL**

**No. 1908**

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**Introduced by Assembly Members Cook and Carter**

February 16, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1908, as introduced, Cook. Vehicles: specialized license plates: Armed Forces.

Under existing law, the Department of Motor Vehicles (DMV) issues environmental and other specialized license plates. The issuance of some of those license plates is subject to additional fees. Existing law prohibits the DMV from establishing a specialized license plate program for a state agency until the DMV has received not less than 7,500 applications for the plates, except the Department of Veterans Affairs is authorized to sponsor a Gold Star Family specialized license plate program in the absence of 7,500 applications if specified conditions are met.

Existing law requires money the Veterans Service Office Fund to be available, upon appropriation by the Legislature, to the Department of Veterans Affairs for allocation and disbursement to counties for the operation of county veterans service offices.

This bill would authorize the Department of Veterans Affairs to sponsor a specialized license plate program to support past and present members of the Armed Forces of the United States, and would waive the 7,500 minimum application requirement. The bill would authorize the Department of Veterans Affairs to actively request and receive donations for the Armed Forces Account which the bill would create

in the Specialized License Plate Fund. The bill would require money in the account to be available, upon appropriation by the Legislature, for the necessary administrative costs of establishing the specialized license plate program to support past and present members of the Armed Forces of the United States.

The bill would require the DMV to deposit the additional revenue from the specialized license plate program to support past and present members of the Armed Forces of the United States in the Veterans Service Office Fund, after deducting the DMV’s administrative costs.

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 5156 of the Vehicle Code is amended to  
2 read:

3 5156. (a) (1) A state agency may apply to the department to  
4 sponsor a specialized license plate program, and the department  
5 shall issue specialized license plates for that program, if the agency  
6 complies with all of the requirements of this article.

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

10 (b) Except as provided in ~~subdivision~~ *subdivisions (d) and (e)*,  
11 the department shall not establish a specialized license plate  
12 program for an agency until the department has received not less  
13 than 7,500 applications for that agency’s specialized license plates.  
14 The agency shall collect and hold applications for the plates. Once  
15 the agency has received at least 7,500 applications, it shall submit  
16 the applications, along with the necessary fees, to the department.  
17 The department shall not issue a specialized license plate until the  
18 agency has received and submitted to the department not less than  
19 7,500 applications for that particular specialized license plate  
20 within the time period prescribed in this section. Advance payment  
21 to the department by the agency representing the department’s  
22 estimated or actual administrative costs associated with the issuance  
23 of a particular specialized license plate shall not constitute  
24 compliance with this requirement. The agency shall have 12  
25 months, following the date of approval of the agency’s initial  
26 application to sponsor a specialized license plate program, to

1 receive the required number of applications. If, after that 12  
2 months, 7,500 applications have not been received, the agency  
3 shall immediately do either of the following:

4 (1) Refund to all applicants all fees or deposits that have been  
5 collected.

6 (2) Contact the department to indicate the agency's intent to  
7 undertake collection of additional applications and fees or deposits  
8 for an additional period, not to exceed 12 months, in order to obtain  
9 the minimum 7,500 applications. If the agency elects to exercise  
10 the option under this subparagraph, it shall contact each applicant  
11 who has submitted an application with the appropriate fees or  
12 deposits to determine if the applicant wishes a refund of fees or  
13 deposits or requests the continuance of the holding of the  
14 application and fees or deposits until that time that the agency has  
15 received 7,500 applications. The agency shall refund the fees or  
16 deposits to an applicant so requesting. The agency shall not collect  
17 and hold applications for a period exceeding 24 months following  
18 the date of approval of the agency's initial application to sponsor  
19 a specialized license plate program.

20 (c) (1) If the number of outstanding and valid specialized license  
21 plates in a particular program, except as provided in ~~subdivision~~  
22 *subdivisions (d) and (e)*, provided for in this article is less than  
23 7,500, the department shall notify the sponsoring agency of that  
24 fact and shall inform the agency that if that number is less than  
25 7,500 one year from the date of that notification, the department  
26 will no longer issue or replace those specialized license plates.

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

31 (d) (1) The Department of Veterans Affairs may sponsor a Gold  
32 Star Family specialized license plate program and the department  
33 may establish this specialized license plate program in the absence  
34 of 7,500 paid applications as provided in subdivision (d) of Section  
35 5157.

36 (2) The Department of Veterans Affairs shall, upon receiving  
37 proof of eligibility from an applicant, authorize the department to  
38 issue Gold Star Family specialized license plates for a vehicle  
39 owned by an eligible family member of a member of the Armed  
40 Forces of the United States who was killed in the line of duty while

1 on active duty during wartime service, or during an international  
2 terrorist attack that has been recognized by the United States  
3 Secretary of Defense as an attack against the United States or a  
4 foreign nation friendly to the United States, or during military  
5 operations while serving outside the United States, including  
6 commonwealths, territories, and possessions of the United States,  
7 or as part of a peacekeeping force, which includes personnel  
8 assigned to a force engaged in a peacekeeping operation authorized  
9 by the United Nations Security Council. An eligible family member  
10 is defined as all of the following:

11 (A) A person who is otherwise eligible under this article to  
12 register a motor vehicle.

13 (B) A person who shows proof from the United States  
14 Department of Veterans Affairs or the Department of Defense that  
15 the member who was in the Armed Forces of the United States  
16 was killed in the line of duty while on active duty in the military.

17 (C) A person who bears, and shows proof satisfactory to the  
18 Department of Veterans Affairs of, one of the following  
19 relationships to the member of the Armed Forces killed in the line  
20 of duty while serving on active duty:

21 (i) Widow.

22 (ii) Widower.

23 (iii) Biological parent.

24 (iv) Adoptive parent.

25 (v) Stepparent.

26 (vi) Foster parent in loco parentis.

27 (vii) Biological child.

28 (viii) Adoptive child.

29 (ix) Stepchild.

30 (x) Sibling.

31 (xi) Half-sibling.

32 (xii) Grandparent.

33 (xiii) Grandchild.

34 (3) Upon the death of a person issued a Gold Star Family  
35 specialized license plate, the license plate shall be transferred to  
36 the surviving spouse, if he or she requests, or shall be returned to  
37 the department within 60 days after the death of the plateholder  
38 or upon the expiration of the vehicle registration, whichever occurs  
39 first.

1 (e) *The Department of Veterans Affairs may sponsor a*  
2 *specialized license plate program to support past and present*  
3 *members of the Armed Forces of the United States, and the*  
4 *department may establish this specialized license plate program*  
5 *in the absence of 7,500 paid applications as provided in subdivision*  
6 *(e) of Section 5157.*

7 SEC. 2. Section 5157 of the Vehicle Code is amended to read:

8 5157. (a) In addition to the regular fees for an original  
9 registration or renewal of registration, the following additional  
10 fees shall be paid for the issuance, renewal, or transfer of the  
11 specialized license plates:

12 (1) For the original issuance of the plates, fifty dollars (\$50).

13 (2) For a renewal of registration with the plates, forty dollars  
14 (\$40).

15 (3) For transfer of the plates to another vehicle, fifteen dollars  
16 (\$15).

17 (4) For each substitute replacement plate, thirty-five dollars  
18 (\$35).

19 (5) In addition, for the issuance of environmental license plates,  
20 as defined in Section 5103, with a specialized license plate design,  
21 the additional fees prescribed in Sections 5106 and 5108. The  
22 additional fees prescribed in Sections 5106 and 5108 shall be  
23 deposited in the California Environmental License Plate Fund.

24 (b) The Gold Star Family specialized license plate program as  
25 provided in subdivision (d) of Section 5156 shall not be subject  
26 to the fees specified in paragraphs (1), (2), and (5) of subdivision  
27 (a) and shall only be issued in a sequential series.

28 (c) (1) Except as provided in paragraph (5) of subdivision (a)  
29 *and paragraph (2)*, and after deducting its administrative costs  
30 under this section, the department shall deposit the additional  
31 revenue derived from the issuance, renewal, transfer, and  
32 substitution of the specialized license plates in the Specialized  
33 License Plate Fund, which is hereby established in the State  
34 Treasury. Upon appropriation by the Legislature, the moneys in  
35 that fund shall be allocated to each sponsoring agency, in  
36 proportion to the amount in the fund that is attributable to the  
37 agency's specialized license plate program. Except as authorized  
38 under Section 5159, the sponsoring agency shall expend all funds  
39 received under this section exclusively for projects and programs  
40 that promote the state agency's official policy, mission, or work.

1     (2) *After deducting its administrative costs under this section,*  
 2 *the department shall deposit the additional revenue derived from*  
 3 *the issuance, renewal, transfer, and substitution of specialized*  
 4 *license plates from the specialized license plate program to support*  
 5 *past and present members of the Armed Forces of the United States,*  
 6 *established pursuant to subdivision (e) of Section 5156, in the*  
 7 *Veterans Service Office Fund established pursuant to Section 972.2*  
 8 *of the Military and Veterans Code.*

9     (d) (1) The Department of Veterans Affairs may actively request  
 10 and receive donations for the Gold Star Family License Plate  
 11 Account which is hereby created in the Specialized License Plate  
 12 Fund and which may consist of donations from public and private  
 13 entities. Earnings generated by the Gold Star Family License Plate  
 14 Account shall be retained by the account.

15     (2) Upon the determination of the department that there are  
 16 sufficient funds in the Gold Star Family License Plate Account  
 17 for this purpose, moneys in the Gold Star Family License Plate  
 18 Account shall be available, upon appropriation by the Legislature,  
 19 to the department for the necessary administrative costs of  
 20 establishing the Gold Star Family specialized license plate program.

21     (e) (1) *The Department of Veterans Affairs may actively request*  
 22 *and receive donations for the Armed Forces Account which is*  
 23 *hereby created in the Specialized License Plate Fund and which*  
 24 *may consist of donations from public and private entities. Earnings*  
 25 *generated on the Armed Forces Account shall be retained by the*  
 26 *account.*

27     (2) *Upon the determination of the department that there are*  
 28 *sufficient funds in the Armed Forces Account for this purpose,*  
 29 *moneys in the Armed Forces Account shall be available, upon*  
 30 *appropriation by the Legislature, to the department for the*  
 31 *necessary administrative costs of establishing the specialized*  
 32 *license plate program to support past and present members of the*  
 33 *Armed Forces of the United States.*