

AMENDED IN ASSEMBLY MARCH 11, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1908

Introduced by Assembly Members Cook and Carter

February 16, 2010

An act to amend Sections ~~5156 and 5157~~ 5068 and 5069 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1908, as amended, Cook. Vehicles: specialized license plates: ~~Armed Forces~~. *Veterans' organization.*

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, including veterans' organization license plates. Those license plates are required to have a distinctive design or decal. The issuance of those license plates is subject to additional fees, the revenue from which, less the DMV's costs, is required to be deposited in the Veterans Service Office Fund, except that $\frac{1}{2}$ of a specified additional fee is required to be deposited in the California Environmental License Plate Fund.~~

Existing law requires money *in* 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. modify the distinctive design or decal for those veterans' organization license plates. The bill would authorize those newly designed plates or decals to be issued only after all existing plates or decals have been issued. The bill also would delete the requirement that $\frac{1}{2}$ of the specified additional fee be deposited in the California Environmental License Plate Fund, and, instead, would require all revenue from those additional fees, less the DMV's costs, to be deposited in the Veterans Service Office Fund.~~

~~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.~~

~~The bill would require the DMV, by July 1, 2011, to maintain on its Internet Web site, a link to order online the veterans' organization license plates.~~

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 5068 of the Vehicle Code is amended to*
- 2 *read:*
- 3 5068. (a) (1) ~~Any~~(A) A veterans' organization may apply
- 4 either individually or with other veterans' organizations to meet
- 5 the application threshold set forth in Section 5060 for special
- 6 interest plates. An organization that meets the minimum application
- 7 requirement by applying with other organizations under this
- 8 subdivision shall be issued a regular license plate bearing a

1 distinctive design or decal approved under subdivision (a) of
2 Section 5060.

3 *(B) The Department of Veterans Affairs may modify the*
4 *distinctive design or decal described in subparagraph (A),*
5 *consistent with the design criteria imposed by Section 5060. Special*
6 *interest plates issued under this section and bearing the modified*
7 *design or decal shall be issued only after all existing plates or*
8 *decals have been issued.*

9 (2) Special interest plates issued under this section may be issued
10 in a combination of numbers or letters, or both, requested by the
11 owner or lessee of the vehicle, to be displayed in addition to the
12 design or decal authorized under paragraph (1), subject to Section
13 5105.

14 (b) In addition to the regular fees for an original registration, a
15 renewal of registration, or a transfer of registration, the following
16 fees shall be paid by individuals applying for a veterans'
17 organization special interest license plate or decal:

18 (1) Thirty dollars (\$30) for the initial issuance of the plates and
19 decals. The plates shall be permanent and ~~may~~ shall not be required
20 to be replaced.

21 (2) Thirty dollars (\$30) for each renewal of registration that
22 includes the continued display of the plates or decals.

23 (3) Fifteen dollars (\$15) for transfer of the plates to another
24 vehicle.

25 (4) Thirty-five dollars (\$35) for replacement plates, if they
26 become damaged or unserviceable.

27 (5) Ten dollars (\$10) for replacement decals, if they become
28 damaged or unserviceable.

29 (6) Forty dollars (\$40) for the personalization of the plates, as
30 authorized under paragraph (2) of subdivision (a).

31 ~~(e) This section shall become operative on July 1, 2002.~~

32 *(c) By July 1, 2011, the department shall maintain on its Internet*
33 *Web site, a link to order online the special interest plates issued*
34 *pursuant to this section.*

35 *SEC. 2. Section 5069 of the Vehicle Code is amended to read:*

36 5069. ~~(a) Except as specified in subdivision (b), revenue~~
37 *Revenue* derived from the additional special fees provided in
38 Section 5068, less costs incurred by the department pursuant to
39 this article, shall be deposited in the Veterans Service Office Fund,
40 created by Section 972.2 of the Military and Veterans Code.

1 ~~(b) The revenue derived from the additional special fee provided~~
2 ~~in paragraph (5) of subdivision (b) of Section 5068, less costs~~
3 ~~incurred by the department pursuant to this article, shall be~~
4 ~~deposited as follows:~~

5 ~~(1) One-half in the Veterans Service Office Fund.~~

6 ~~(2) One-half in the California Environmental License Plate~~
7 ~~Fund.~~

8 SECTION 1. Section 5156 of the Vehicle Code is amended to
9 read:

10 5156. ~~(a) (1) A state agency may apply to the department to~~
11 ~~sponsor a specialized license plate program, and the department~~
12 ~~shall issue specialized license plates for that program, if the agency~~
13 ~~complies with all of the requirements of this article.~~

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

17 ~~(b) Except as provided in subdivisions (d) and (e), the~~
18 ~~department shall not establish a specialized license plate program~~
19 ~~for an agency until the department has received not less than 7,500~~
20 ~~applications for that agency's specialized license plates. The agency~~
21 ~~shall collect and hold applications for the plates. Once the agency~~
22 ~~has received at least 7,500 applications, it shall submit the~~
23 ~~applications, along with the necessary fees, to the department. The~~
24 ~~department shall not issue a specialized license plate until the~~
25 ~~agency has received and submitted to the department not less than~~
26 ~~7,500 applications for that particular specialized license plate~~
27 ~~within the time period prescribed in this section. Advance payment~~
28 ~~to the department by the agency representing the department's~~
29 ~~estimated or actual administrative costs associated with the issuance~~
30 ~~of a particular specialized license plate shall not constitute~~
31 ~~compliance with this requirement. The agency shall have 12~~
32 ~~months, following the date of approval of the agency's initial~~
33 ~~application to sponsor a specialized license plate program, to~~
34 ~~receive the required number of applications. If, after that 12~~
35 ~~months, 7,500 applications have not been received, the agency~~
36 ~~shall immediately do either of the following:~~

37 ~~(1) Refund to all applicants all fees or deposits that have been~~
38 ~~collected.~~

39 ~~(2) Contact the department to indicate the agency's intent to~~
40 ~~undertake collection of additional applications and fees or deposits~~

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

13 (e) (1) If the number of outstanding and valid specialized license
14 plates in a particular program, except as provided in subdivisions
15 (d) and (e), provided for in this article is less than 7,500, the
16 department shall notify the sponsoring agency of that fact and shall
17 inform the agency that if that number is less than 7,500 one year
18 from the date of that notification, the department will no longer
19 issue or replace those specialized license plates.

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

24 (d) (1) The Department of Veterans Affairs may sponsor a Gold
25 Star Family specialized license plate program and the department
26 may establish this specialized license plate program in the absence
27 of 7,500 paid applications as provided in subdivision (d) of Section
28 5157.

29 (2) The Department of Veterans Affairs shall, upon receiving
30 proof of eligibility from an applicant, authorize the department to
31 issue Gold Star Family specialized license plates for a vehicle
32 owned by an eligible family member of a member of the Armed
33 Forces of the United States who was killed in the line of duty while
34 on active duty during wartime service, or during an international
35 terrorist attack that has been recognized by the United States
36 Secretary of Defense as an attack against the United States or a
37 foreign nation friendly to the United States, or during military
38 operations while serving outside the United States, including
39 commonwealths, territories, and possessions of the United States,
40 or as part of a peacekeeping force, which includes personnel

1 assigned to a force engaged in a peacekeeping operation authorized
2 by the United Nations Security Council. An eligible family member
3 is defined as all of the following:

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

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

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

14 (i) Widow.

15 (ii) Widower.

16 (iii) Biological parent.

17 (iv) Adoptive parent.

18 (v) Stepparent.

19 (vi) Foster parent in loco parentis.

20 (vii) Biological child.

21 (viii) Adoptive child.

22 (ix) Stepchild.

23 (x) Sibling.

24 (xi) Half-sibling.

25 (xii) Grandparent.

26 (xiii) Grandchild.

27 (3) Upon the death of a person issued a Gold Star Family
28 specialized license plate, the license plate shall be transferred to
29 the surviving spouse, if he or she requests, or shall be returned to
30 the department within 60 days after the death of the plateholder
31 or upon the expiration of the vehicle registration, whichever occurs
32 first.

33 (e) The Department of Veterans Affairs may sponsor a
34 specialized license plate program to support past and present
35 members of the Armed Forces of the United States, and the
36 department may establish this specialized license plate program
37 in the absence of 7,500 paid applications as provided in subdivision
38 (e) of Section 5157.

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

1 ~~5157. (a) In addition to the regular fees for an original~~
2 ~~registration or renewal of registration, the following additional~~
3 ~~fees shall be paid for the issuance, renewal, or transfer of the~~
4 ~~specialized license plates:~~
5 ~~(1) For the original issuance of the plates, fifty dollars (\$50).~~
6 ~~(2) For a renewal of registration with the plates, forty dollars~~
7 ~~(\$40).~~
8 ~~(3) For transfer of the plates to another vehicle, fifteen dollars~~
9 ~~(\$15).~~
10 ~~(4) For each substitute replacement plate, thirty-five dollars~~
11 ~~(\$35).~~
12 ~~(5) In addition, for the issuance of environmental license plates,~~
13 ~~as defined in Section 5103, with a specialized license plate design,~~
14 ~~the additional fees prescribed in Sections 5106 and 5108. The~~
15 ~~additional fees prescribed in Sections 5106 and 5108 shall be~~
16 ~~deposited in the California Environmental License Plate Fund.~~
17 ~~(b) The Gold Star Family specialized license plate program as~~
18 ~~provided in subdivision (d) of Section 5156 shall not be subject~~
19 ~~to the fees specified in paragraphs (1), (2), and (5) of subdivision~~
20 ~~(a) and shall only be issued in a sequential series.~~
21 ~~(c) (1) Except as provided in paragraph (5) of subdivision (a)~~
22 ~~and paragraph (2), and after deducting its administrative costs~~
23 ~~under this section, the department shall deposit the additional~~
24 ~~revenue derived from the issuance, renewal, transfer, and~~
25 ~~substitution of the specialized license plates in the Specialized~~
26 ~~License Plate Fund, which is hereby established in the State~~
27 ~~Treasury. Upon appropriation by the Legislature, the moneys in~~
28 ~~that fund shall be allocated to each sponsoring agency, in~~
29 ~~proportion to the amount in the fund that is attributable to the~~
30 ~~agency's specialized license plate program. Except as authorized~~
31 ~~under Section 5159, the sponsoring agency shall expend all funds~~
32 ~~received under this section exclusively for projects and programs~~
33 ~~that promote the state agency's official policy, mission, or work.~~
34 ~~(2) After deducting its administrative costs under this section,~~
35 ~~the department shall deposit the additional revenue derived from~~
36 ~~the issuance, renewal, transfer, and substitution of specialized~~
37 ~~license plates from the specialized license plate program to support~~
38 ~~past and present members of the Armed Forces of the United States,~~
39 ~~established pursuant to subdivision (e) of Section 5156, in the~~

1 Veterans Service Office Fund established pursuant to Section 972.2
2 of the Military and Veterans Code.

3 ~~(d) (1) The Department of Veterans Affairs may actively request~~
4 ~~and receive donations for the Gold Star Family License Plate~~
5 ~~Account which is hereby created in the Specialized License Plate~~
6 ~~Fund and which may consist of donations from public and private~~
7 ~~entities. Earnings generated by the Gold Star Family License Plate~~
8 ~~Account shall be retained by the account.~~

9 ~~(2) Upon the determination of the department that there are~~
10 ~~sufficient funds in the Gold Star Family License Plate Account~~
11 ~~for this purpose, moneys in the Gold Star Family License Plate~~
12 ~~Account shall be available, upon appropriation by the Legislature,~~
13 ~~to the department for the necessary administrative costs of~~
14 ~~establishing the Gold Star Family specialized license plate program.~~

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

21 ~~(2) Upon the determination of the department that there are~~
22 ~~sufficient funds in the Armed Forces Account for this purpose,~~
23 ~~moneys in the Armed Forces Account shall be available, upon~~
24 ~~appropriation by the Legislature, to the department for the~~
25 ~~necessary administrative costs of establishing the specialized~~
26 ~~license plate program to support past and present members of the~~
27 ~~Armed Forces of the United States.~~