

Senate Bill No. 88

CHAPTER 304

An act to amend Section 5101.2 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 25, 2010. Filed with
Secretary of State September 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 88, DeSaulnier. Vehicles: firefighter license plates.

Existing law requires the Department of Motor Vehicles to issue, upon the payment of an initial fee of \$35 and a \$20 fee for each renewal of registration, special interest license plates to firefighters who meet prescribed requirements. The revenue derived from the payment of these special fees for firefighter license plates, less the department's costs, are required to be deposited in the California Firefighters' Memorial Fund.

This bill would increase those fees to \$50 for the initial issuance of the special license plates and \$35 for each renewal of registration of the vehicle.

Existing law requires, upon the death of the person to whom the special firefighter license plates were issued, that the plates be transferred to the surviving spouse, if he or she requests it, or 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 instead authorize the surviving spouse to retain the plates and would require, except as provided below, upon the death of the surviving spouse, the plates to be returned to the department or destroyed within 60 days of the death or upon the expiration of the vehicle registration, whichever occurs first. The bill, in the absence of a surviving spouse or where the surviving spouse dies while in possession of the special license plates, would authorize a member of the deceased firefighter's family, as defined, to retain one of the special license plates as a family heirloom, subject to specified conditions.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The California Firefighters' Memorial Fund provides critically needed assistance to the California Fire Foundation (Foundation), a nonprofit 501(c)(3) tax-exempt organization charged with conducting annual ceremonies and maintaining the upkeep of the California Firefighters Memorial, which is located in Capitol Park and was unveiled in 2002 to honor our state's firefighters who have made the ultimate sacrifice in their call to duty.

(b) Etched in the memorial's limestone walls are the names of over 1,000 men and women who relentlessly put themselves in the face of danger every day, protecting the people and property of the great State of California.

(c) The Foundation is further charged with providing emergency assistance and support to the families of fallen firefighters and is involved in an array of victim assistance and public education programs, including Firefighters on Your Side, a statewide program educating every population and language group about fire safety.

(d) When disaster strikes, firefighters are the first responders. Because of their close contact with the communities in which they serve, the Foundation works with local firefighters throughout the state to identify unmet needs in their communities and help them carry out programs to enhance services in their jurisdictions before, during, and after the alarm bell rings.

(e) The California firefighter license plate program was designed and created by California Professional Firefighters. Using an image from the box office movie hit, "Backdraft," the California firefighter license plate has become a key trademark within the fire service, enabling only active and retired firefighters to buy these plates for display on their automobiles, trucks, trailers, and motorcycles, where a portion of the proceeds become a source of support for the families they may one day tragically leave behind.

(f) Current law allows spouses of fallen firefighters to transfer a firefighter license plate to their name upon the death of their spouse, if they do so within 60 days of the firefighter's death.

(g) Given that surviving spouse's grieving process can often take months, if not years, it is only appropriate that the 60-day transfer window be stricken so that a grieving spouse is granted a reasonable amount of time to initiate the plate's transfer.

(h) Further, it has been over a decade since the firefighter license plate program was first launched. Since then, the fee specifically associated with the purchase or renewal of the personalized firefighter plates has not increased, while the need for services rendered by the California Fire Foundation has increased dramatically.

SEC. 2. Section 5101.2 of the Vehicle Code is amended to read:

5101.2. (a) A person otherwise eligible under this article who is a firefighter or a retired firefighter may apply for special license plates for a vehicle under this article. License plates issued pursuant to this section shall be issued in accordance with Section 5060.

(b) The applicant, by satisfactory proof, shall show all of the following:

(1) The applicant is, or has retired, in good standing as an officer, an employee, or a member of a fire department or a fire service of the state, a county, a city, a district, or any other political subdivision of the state, whether in a volunteer, partly paid, or fully paid status.

(2) The applicant is, or was until retirement, regularly employed as a firefighter or regularly enrolled as a volunteer firefighter.

(3) The applicant's principal duties fall, or fell until retirement, within the scope of active firefighting and any of the following activities:

- (A) Fire prevention service.
- (B) Fire training.
- (C) Hazardous materials abatement.
- (D) Arson investigation.
- (E) Emergency medical services.
- (c) The special license plates issued under this section shall contain the words “California Firefighter” and shall run in a regular numerical series.
- (d) In addition to the regular fees for an original registration, a renewal of registration, or a transfer of registration, the following special license plate fees shall be paid:
 - (1) A fee of fifty dollars (\$50) for the initial issuance of the special license plates. These special license plates shall be permanent and shall not be required to be replaced.
 - (2) A fee of thirty-five dollars (\$35) for each renewal of registration that includes the continued display of the special license plates.
 - (3) If the special license plates become damaged or unserviceable, a fee of thirty-five dollars (\$35) for the replacement of the special license plates, obtained from the department upon proper application therefor.
 - (4) A fee of fifteen dollars (\$15) for the transfer of the special license plates to another vehicle qualifying as a vehicle owned by a firefighter who has met the requirements set forth in subdivision (b).
 - (5) In addition, for the issuance of environmental license plates, as defined in Section 5103, with the special firefighter personal vehicle license plates and distinctive design or decal, the additional fees prescribed in Sections 5106 and 5108. The additional fees collected pursuant to this paragraph shall be deposited in the California Environmental License Plate Fund.
- (e) (1) Upon the death of a person issued special license plates pursuant to this section, his or her surviving spouse may retain the special license plates. Except as provided in paragraph (2), upon the death of the surviving spouse, the plates shall be returned to the department or destroyed within 60 days after the death of the surviving spouse or upon the expiration of the vehicle registration, whichever occurs first.
 - (2) In the absence of a surviving spouse or where the surviving spouse dies while in possession of the special license plates, a member of the deceased firefighter’s family may retain one of the special license plates as a family heirloom, subject to the conditions set forth in subdivision (f).
- (f) The special license plates issued under this section are not valid for use for vehicle registration purposes by a person other than the person issued the special license plates under subdivision (a) and the surviving spouse of that person.
- (g) For purposes of this section, “family” means grandparents, stepgrandparents, parents, stepparents, siblings, stepsiblings, stepchildren, natural-born children, or adopted children of the person issued the special license plates under subdivision (a).
- (h) Except as provided in paragraph (5) of subdivision (d), the revenues derived from the additional special fees provided in this section, less costs incurred by the department pursuant to this section, shall be deposited in

the California Firefighters' Memorial Fund established by Section 18802 of the Revenue and Taxation Code.

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