

**Introduced by Senator Dutton
(Coauthors: Senators Cogdill and Denham)**

February 19, 2010

An act to amend Sections 5101.4 and 5101.8 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1295, as introduced, Dutton. License plates.

Existing law authorizes a person who is a recipient of the Army Medal of Honor, Navy Medal of Honor, Air Force Medal of Honor, Army Distinguished Service Cross, Navy Cross, Air Force Cross, or Purple Heart to apply for special license plates for his or her vehicle. The person's surviving spouse may retain the special license plates, subject to certain conditions. Existing law exempts these recipients from payment of vehicle registration fees and payment of charges under the Vehicle License Fee Law.

This bill would authorize a member of the former medal recipient's family, as defined, to retain one of the special license plates as a family heirloom, upon submitting an affidavit to the Department of Motor Vehicles agreeing not to attempt to use the special license plates for vehicle registration purposes, subject to the condition that the special license plates are not valid for use for vehicle registration purposes or for the specified exemption from fees and charges by a person other than the person issued the special license plates and the surviving spouse of that person.

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

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

SECTION 1. Section 5101.4 of the Vehicle Code is amended to read:

5101.4. (a) Any person otherwise eligible under this article who is a recipient of the Army Medal of Honor, Navy Medal of Honor, Air Force Medal of Honor, Army Distinguished Service Cross, Navy Cross, or Air Force Cross may apply for special license plates for the vehicle under this article.

(b) The applicant, by conclusive evidence, shall show that the applicant is a recipient of one of the nation's highest decorations for valor, as specified in subdivision (a).

(c) The special license plates issued under this section shall contain the words "Legion of Valor" and shall run in a regular numerical series. An adhesive sticker denoting which of the nation's highest decorations for valor, as specified in subdivision (a), is held by the applicant shall be affixed in a recess provided for it on the license plates.

(d) 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 subject to the conditions set forth in this section. ~~Upon the death of the spouse~~ *If there is no surviving spouse, the retained* special license plates shall be returned to the department either (1) within 60 days following that death or (2) upon the expiration of the vehicle registration, whichever occurs first. *However, in the absence of a surviving spouse, a member of the former medal recipient's family may retain one of the special license plates as a family heirloom, subject to the conditions set forth in subdivision (g), upon submitting an affidavit to the department agreeing not to attempt to use the special license plates for vehicle registration purposes.*

(e) *If a surviving spouse who has elected to retain the special license plates as authorized under subdivision (d) dies while in possession of the special license plates, the special license plates shall be returned to the department either within 60 days following that death, or upon the expiration date of the vehicle registration, whichever date occurs first. However, a member of the former medal recipient's family may retain one of the special license plates as a family heirloom, subject to the conditions set forth in subdivision (g), upon submitting an affidavit to the department*

1 *agreeing not to attempt to use the special license plates for vehicle*
2 *registration purposes.*

3 (e)

4 (f) Sections 5106 and 5108 do not apply to this section.

5 (g) *The special license plates issued under this section are not*
6 *valid for use for vehicle registration purposes or for the purposes*
7 *of Section 9105, or Section 10783 or 10783.2 of the Revenue and*
8 *Taxation Code, by a person other than the person issued the special*
9 *license plates under subdivision (a) and the surviving spouse of*
10 *that person.*

11 (h) *For purposes of this section, “family” means grandparents,*
12 *stepgrandparents, parents, stepparents, siblings, stepsiblings,*
13 *children, and stepchildren of the person issued the special license*
14 *plates under subdivision (a).*

15 SEC. 2. Section 5101.8 of the Vehicle Code is amended to
16 read:

17 5101.8. (a) Any person otherwise eligible under this article
18 who is a Purple Heart recipient may apply for special license plates
19 for vehicles that are not used for transportation for hire,
20 compensation, or profit, under this article. The special plates
21 assigned to the vehicle shall run in a separate numerical series,
22 shall have inscribed on the plate the Purple Heart insignia, and
23 shall contain the words “Combat Wounded” and “Purple Heart”
24 or at least the letters “PH” as part of the numerical series. The
25 department shall reserve and issue the special plates to all
26 applicants providing the proof required by subdivision (b).

27 (b) The applicant, by satisfactory proof, shall show that the
28 applicant is a Purple Heart recipient.

29 (c) Special plates may be issued pursuant to subdivision (a) only
30 for a vehicle owned or coowned by a Purple Heart recipient.

31 (d) Upon the death of a person issued special license plates
32 pursuant to this section, his or her surviving spouse may retain the
33 special license plates subject to the conditions set forth in this
34 section. ~~Upon the death of the spouse~~ *If there is no surviving*
35 *spouse, the retained,* special license plates shall be returned to the
36 department either (1) within 60 days following that death or (2)
37 upon the expiration of the vehicle registration, whichever occurs
38 first. *However, in the absence of a surviving spouse, a member of*
39 *the former Purple Heart recipient’s family may retain one of the*
40 *special license plates as a family heirloom, subject to the conditions*

1 set forth in subdivision (h), upon submitting an affidavit to the
2 department agreeing not to attempt to use the special license plates
3 for vehicle registration purposes.

4 (e) If a surviving spouse who has elected to retain the special
5 license plates as authorized under subdivision (d) dies while in
6 possession of the special license plates, the special license plates
7 shall be returned to the department either within 60 days following
8 that death, or upon the expiration date of the vehicle registration,
9 whichever date occurs first. However, a member of the former
10 Purple Heart recipient's family may retain one of the special
11 license plates as a family heirloom, subject to the conditions set
12 forth in subdivision (h), upon submitting an affidavit to the
13 department agreeing not to attempt to use the special license plates
14 for vehicle registration purposes.

15 (e)

16 (f) When an applicant for the Purple Heart license plate qualifies
17 as a disabled veteran, as specified in subdivision (b) of Section
18 22511.55, the applicant may also apply for a distinguishing placard
19 described in subdivision (a) of Section 22511.55 to be used in
20 conjunction with the Purple Heart license plate for the purpose of
21 allowing special parking privileges pursuant to subdivision (a) of
22 Section 22511.5.

23 (f)

24 (g) Sections 5106 and 5108 do not apply to this section.

25 (h) The special license plates issued under this section are not
26 valid for use for vehicle registration purposes or for the purposes
27 of Section 9105, or Section 10783 or 10783.2 of the Revenue and
28 Taxation Code, by a person other than the person issued the special
29 license plates under subdivision (a) and the surviving spouse of
30 that person.

31 (i) For purposes of this section, "family" means grandparents,
32 stepgrandparents, parents, stepparents, siblings, stepsiblings,
33 children, and stepchildren of the person issued the special license
34 plates under subdivision (a).