

AMENDED IN SENATE AUGUST 22, 2012

AMENDED IN SENATE JUNE 15, 2012

AMENDED IN ASSEMBLY MAY 8, 2012

AMENDED IN ASSEMBLY MARCH 27, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2489**

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**Introduced by Assembly Member Hall**

February 24, 2012

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An act to amend Section 19.8 of the Penal Code, and to amend Sections 4464, 5201, and 5201.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2489, as amended, Hall. Vehicles: license plates: obstruction or alteration.

(1) Existing law prohibits a person from displaying upon a vehicle a license plate altered from its original markings. Existing law also prohibits a person from selling a product or device that obscures, or is intended to obscure, the reading or recognition of a license plate, as specified. A violation of these provisions is an infraction and the penalty for the first conviction of an infraction under the Vehicle Code is a fine not exceeding \$100.

This bill would additionally prohibit a person from selling a product or device that obscures, or is intended to obscure, the reading or recognition of a license plate by visual means. The bill would also prohibit a person from operating a vehicle with such a product or device and would make it a crime for a person to erase the reflective coating

of, paint over the reflective coating of, or alter a license plate to avoid visual or electronic capture of the license plate or its characters by state or local law enforcement.

By creating new crimes and expanding the definition of an existing crime, the bill would impose a state-mandated local program. The bill would provide that a violation of these prohibitions is punishable by a fine of not more than \$250 per item sold or per violation and would provide that these offenses are subject to specified procedures with regard to a defendant electing to have the case proceed as a misdemeanor.

*(2) Existing law authorizes a prosecutor to file specified misdemeanors as infractions unless the defendant elects to have the case proceed as a misdemeanor, and authorizes the court, with the consent of the defendant, to determine that the offense is an infraction.*

*This bill would make technical, nonsubstantive changes to these provisions by updating cross-references and deleting obsolete provisions.*

*(3) This bill would incorporate additional changes to Section 5201 of the Vehicle Code proposed by AB 2679, to become operative if both AB 2679 and this bill are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.*

~~(2)~~

*(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 19.8 of the Penal Code is amended to  
2 read:

3 19.8. (a) The following offenses are subject to subdivision (d)  
4 of Section 17: Sections 193.8, 330, 415, 485, 490.7, 555, 602.13,  
5 ~~652~~, and 853.7 of this code; subdivision (c) of Section 532b, and  
6 subdivision ~~(n)~~ (o) of Section 602 of this code; subdivision (b) of  
7 Section 25658 and Sections 21672, ~~25658.5~~, 25661, and 25662 of  
8 the Business and Professions Code; Section 27204 of the

1 Government Code; subdivision (c) of Section 23109 and Sections  
2 5201.1, 12500, 14601.1, 27150.1, 40508, and 42005 of the Vehicle  
3 Code, and any other offense that the Legislature makes subject to  
4 subdivision (d) of Section 17. Except where a lesser maximum  
5 fine is expressly provided for a violation of those sections, a  
6 violation that is an infraction is punishable by a fine not exceeding  
7 two hundred fifty dollars (\$250).

8 (b) Except for the violations enumerated in subdivision (d) of  
9 Section 13202.5 of the Vehicle Code, and Section 14601.1 of the  
10 Vehicle Code based upon failure to appear, a conviction for an  
11 offense made an infraction under subdivision (d) of Section 17 is  
12 not grounds for the suspension, revocation, or denial of a license,  
13 or for the revocation of probation or parole of the person convicted.

14 SEC. 2. Section 4464 of the Vehicle Code is amended to read:

15 4464. A person shall not display upon a vehicle a license plate  
16 that is altered from its original markings.

17 SEC. 3. Section 5201 of the Vehicle Code is amended to read:

18 5201. (a) License plates shall at all times be securely fastened  
19 to the vehicle for which they are issued so as to prevent the plates  
20 from swinging, shall be mounted in a position so as to be clearly  
21 visible, and so that the characters are upright and display from left  
22 to right, and shall be maintained in a condition so as to be clearly  
23 legible. The rear license plate shall be mounted not less than 12  
24 inches nor more than 60 inches from the ground, and the front  
25 license plate shall be mounted not more than 60 inches from the  
26 ground, except as follows:

27 (1) The rear license plate on a tow truck or reposessor's tow  
28 vehicle may be mounted on the left-hand side of the mast assembly  
29 at the rear of the cab of the vehicle, not less than 12 inches nor  
30 more than 90 inches from the ground.

31 (2) The rear license plate on a tank vehicle hauling hazardous  
32 waste, as defined in Section 25117 of the Health and Safety Code,  
33 or asphalt material may be mounted not less than 12 inches nor  
34 more than 90 inches from the ground.

35 (3) The rear license plate on a truck tractor may be mounted at  
36 the rear of the cab of the vehicle, but not less than 12 inches nor  
37 more than 90 inches from the ground.

38 (4) The rear license plate of a vehicle designed by the  
39 manufacturer for the collection and transportation of garbage,  
40 rubbish, or refuse that is used regularly for the collection and

1 transportation of that material by a person or governmental entity  
2 employed to collect, transport, and dispose of garbage, rubbish,  
3 or refuse may be mounted not less than 12 inches nor more than  
4 90 inches from the ground.

5 (5) The rear license plate on a two-axle livestock trailer may be  
6 mounted 12 inches or more, but not more than 90 inches, from the  
7 ground.

8 (b) A covering shall not be used on license plates except as  
9 follows:

10 (1) The installation of a cover over a lawfully parked vehicle  
11 to protect it from the weather and the elements does not constitute  
12 a violation of this subdivision. A peace officer or other regularly  
13 salaried employee of a public agency designated to enforce laws,  
14 including local ordinances, relating to the parking of vehicles may  
15 temporarily remove so much of the cover as is necessary to inspect  
16 any license plate, tab, or indicia of registration on a vehicle.

17 (2) The installation of a license plate security cover is not a  
18 violation of this subdivision if the device does not obstruct or  
19 impair the recognition of the license plate information, including,  
20 but not limited to, the issuing state, license plate number, and  
21 registration tabs, and the cover is limited to the area directly over  
22 the top of the registration tabs. No portion of a license plate security  
23 cover shall rest over the license plate number.

24 (c) A casing, shield, frame, border, product, or other device that  
25 obstructs or impairs the reading or recognition of a license plate  
26 by an electronic device operated by state or local law enforcement,  
27 an electronic device operated in connection with a toll road,  
28 high-occupancy toll lane, toll bridge, or other toll facility, or a  
29 remote emission sensing device, as specified in Sections 44081  
30 and 44081.6 of the Health and Safety Code, shall not be installed  
31 on, or affixed to, a vehicle.

32 (d) (1) It is the intent of the Legislature that an accommodation  
33 be made to persons with disabilities and to those persons who  
34 regularly transport persons with disabilities, to allow the removal  
35 and relocation of wheelchair lifts and wheelchair carriers without  
36 the necessity of removing and reattaching the vehicle's rear license  
37 plate. Therefore, it is not a violation of this section if the reading  
38 or recognition of a rear license plate is obstructed or impaired by  
39 a wheelchair lift or wheelchair carrier and all of the following  
40 requirements are met:

1 (A) The owner of the vehicle has been issued a special  
2 identification license plate pursuant to Section 5007, or the person  
3 using the wheelchair that is carried on the vehicle has been issued  
4 a distinguishing placard under Section 22511.55.

5 (B) (i) The operator of the vehicle displays a decal, designed  
6 and issued by the department, that contains the license plate number  
7 assigned to the vehicle transporting the wheelchair.

8 (ii) The decal is displayed on the rear window of the vehicle,  
9 in a location determined by the department, in consultation with  
10 the Department of the California Highway Patrol, so as to be clearly  
11 visible to law enforcement.

12 (2) Notwithstanding any other law, if a decal is displayed  
13 pursuant to this subdivision, the requirements of this code that  
14 require the illumination of the license plate and the license plate  
15 number do not apply.

16 (3) The department shall adopt regulations governing the  
17 procedures for accepting and approving applications for decals,  
18 and issuing decals, authorized by this subdivision.

19 (4) This subdivision does not apply to a front license plate.

20 *SEC. 3.5. Section 5201 of the Vehicle Code is amended to read:*

21 5201. (a) License plates shall at all times be securely fastened  
22 to the vehicle for which they are issued so as to prevent the plates  
23 from swinging, shall be mounted in a position so as to be clearly  
24 visible, and so that the characters are upright and display from left  
25 to right, and shall be maintained in a condition so as to be clearly  
26 legible. The rear license plate shall be mounted not less than 12  
27 inches nor more than 60 inches from the ground, and the front  
28 license plate shall be mounted not more than 60 inches from the  
29 ground, except as follows:

30 (a)

31 (1) The rear license plate on a tow truck or reposessor's tow  
32 vehicle may be mounted on the left-hand side of the mast assembly  
33 at the rear of the cab of the vehicle, not less than 12 inches nor  
34 more than 90 inches from the ground.

35 (b)

36 (2) The rear license plate on a tank vehicle hauling hazardous  
37 waste, as defined in Section 25117 of the Health and Safety Code,  
38 or asphalt material may be mounted not less than 12 inches nor  
39 more than 90 inches from the ground.

40 (c)

1 (3) The rear license plate on a truck tractor may be mounted at  
2 the rear of the cab of the vehicle, but not less than 12 inches nor  
3 more than 90 inches from the ground.

4 ~~(d)~~

5 (4) The rear license plate of a vehicle designed by the  
6 manufacturer for the collection and transportation of garbage,  
7 rubbish, or refuse that is used regularly for the collection and  
8 transportation of that material by a person or governmental entity  
9 employed to collect, transport, and dispose of garbage, rubbish,  
10 or refuse may be mounted not less than 12 inches nor more than  
11 90 inches from the ground.

12 ~~(e)~~

13 (5) The rear license plate on a two-axle livestock trailer may be  
14 mounted 12 inches or more, but not more than 90 inches, from the  
15 ground.

16 (6) (A) *The rear license plate on a dump bed motortruck*  
17 *equipped with a trailing, load bearing swing axle shall be mounted*  
18 *more than 12 inches, but not more than 107 inches, from the*  
19 *ground.*

20 (B) *As used in this section, a trailing, load bearing swing axle*  
21 *is an axle which can be moved from a raised position to a position*  
22 *behind the vehicle that allows for the transfer of a portion of the*  
23 *weight of the vehicle and load to the trailing axle.*

24 ~~(f)~~

25 (b) A covering shall not be used on license plates except as  
26 follows:

27 (1) The installation of a cover over a lawfully parked vehicle  
28 to protect it from the weather and the elements does not constitute  
29 a violation of this subdivision. A peace officer or other regularly  
30 salaried employee of a public agency designated to enforce laws,  
31 including local ordinances, relating to the parking of vehicles may  
32 temporarily remove so much of the cover as is necessary to inspect  
33 any license plate, tab, or indicia of registration on a vehicle.

34 (2) The installation of a license plate security cover is not a  
35 violation of this subdivision if the device does not obstruct or  
36 impair the recognition of the license plate information, including,  
37 but not limited to, the issuing state, license plate number, and  
38 registration tabs, and the cover is limited to the area directly over  
39 the top of the registration tabs. No portion of a license plate security  
40 cover shall rest over the license plate number.

1     ~~(g)~~

2     (c) A casing, shield, frame, border, product, or other device that  
3 obstructs or impairs the reading or recognition of a license plate  
4 by an electronic device operated by state or local law enforcement,  
5 an electronic device operated in connection with a toll road,  
6 high-occupancy toll lane, toll bridge, or other toll facility, or a  
7 remote emission sensing device, as specified in Sections 44081  
8 and 44081.6 of the Health and Safety Code, shall not be installed  
9 on, or affixed to, a vehicle.

10    ~~(h)~~

11    (d) (1) It is the intent of the Legislature that an accommodation  
12 be made to persons with disabilities and to those persons who  
13 regularly transport persons with disabilities, to allow the removal  
14 and relocation of wheelchair lifts and wheelchair carriers without  
15 the necessity of removing and reattaching the vehicle's rear license  
16 plate. Therefore, it is not a violation of this section if the reading  
17 or recognition of a rear license plate is obstructed or impaired by  
18 a wheelchair lift or wheelchair carrier and all of the following  
19 requirements are met:

20    (A) The owner of the vehicle has been issued a special  
21 identification license plate pursuant to Section 5007, or the person  
22 using the wheelchair that is carried on the vehicle has been issued  
23 a distinguishing placard under Section 22511.55.

24    (B) (i) The operator of the vehicle displays a decal, designed  
25 and issued by the department, that contains the license plate number  
26 assigned to the vehicle transporting the wheelchair.

27    (ii) The decal is displayed on the rear window of the vehicle,  
28 in a location determined by the department, in consultation with  
29 the Department of the California Highway Patrol, so as to be clearly  
30 visible to law enforcement.

31    (2) Notwithstanding any other law, if a decal is displayed  
32 pursuant to this subdivision, the requirements of this code that  
33 require the illumination of the license plate and the license plate  
34 number do not apply.

35    (3) The department shall adopt regulations governing the  
36 procedures for accepting and approving applications for decals,  
37 and issuing decals, authorized by this subdivision.

38    (4) This subdivision does not apply to a front license plate.

39    SEC. 4. Section 5201.1 of the Vehicle Code is amended to  
40 read:

1 5201.1. (a) A person shall not sell a product or device that  
2 obscures, or is intended to obscure, the reading or recognition of  
3 a license plate by visual means, or by an electronic device as  
4 prohibited by subdivision (c) of Section 5201.

5 (b) A person shall not operate a vehicle with a product or device  
6 that violates subdivision (a).

7 (c) A person shall not erase the reflective coating of, paint over  
8 the reflective coating of, or alter a license plate to avoid visual or  
9 electronic capture of the license plate or its characters by state or  
10 local law enforcement.

11 (d) A conviction for a violation of this section is punishable by  
12 a fine of two hundred fifty dollars (\$250) per item sold or per  
13 violation.

14 *SEC. 5. Section 3.5 of this bill incorporates amendments to*  
15 *Section 5201 of the Vehicle Code proposed by both this bill and*  
16 *Assembly Bill 2679. It shall only become operative if (1) both bills*  
17 *are enacted and become effective on or before January 1, 2013,*  
18 *(2) each bill amends Section 5201 of the Vehicle Code, and (3)*  
19 *this bill is enacted after Assembly Bill 2679, in which case Section*  
20 *3 of this bill shall not become operative.*

21 ~~SEC. 5.~~

22 *SEC. 6.* No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.