

AMENDED IN ASSEMBLY APRIL 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 244

Introduced by Assembly Member Bonilla

February 6, 2013

An act to amend Section ~~5069~~ 5156 of, and to add Section 5068.5 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 244, as amended, Bonilla. Vehicles: license plates: veterans.

Existing law requires the Department of Motor Vehicles (*DMV*) to issue special license plates under a special interest license plate program, as specified, and authorizes organizations, including veterans' organizations, to participate in that program. Existing law authorizes any person who is the registered owner or lessee of a vehicle to apply for a special interest license plate that has a distinctive design or decal that honors all veterans or veterans who served in a particular war or armed conflict. Under existing law, these special interest license plates are subject to fees for issuance, renewal, or personalization that are additional to those required for nonspecialized license plates. Existing law requires that the revenue from those additional fees, less the department's *DMV's* costs, be deposited in the Veterans Service Office Fund, and further requires that money in the Veterans Service Office Fund 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.

Existing law also establishes a specialized license plate program and requires the DMV to issue specialized license plates to a sponsoring state agency that meets certain requirements. Existing law requires that

DMV charge specified additional fees for the issuance, renewal, or transfer of specialized license plates, and requires that these additional fees, less the DMV’s administrative costs, be deposited in the Specialized License Plate Fund for appropriation and allocation to each sponsoring state agency, as specified.

~~This bill would additionally authorize a veterans’ organization to participate in a special interest license plate program to provide special license plates to veterans of the United States Armed Forces. The bill would prohibit an applicant from being issued these special license plates unless he or she establishes, by satisfactory proof, that he or she is a veteran, except as specified. The bill would require that these special interest require the Department of Veterans Affairs to apply to the DMV to sponsor a veterans specialized license plate, and would require the DMV to issue the veterans specialized license plates if the Department of Veteran’s Affairs meets the above-described requirements. The bill would require that these license plates be subject to the additional fees described above, and that the revenue from those additional fees, less the department’s costs, be deposited in the Veterans Service Office Fund.~~

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 (d), the department shall
- 11 not establish a specialized license plate program for an agency
- 12 until the department has received not less than 7,500 applications
- 13 for that agency’s specialized license plates. The agency shall collect
- 14 and hold applications for the plates. Once the agency has received
- 15 at least 7,500 applications, it shall submit the applications, along
- 16 with the necessary fees, to the department. The department shall

1 not issue a specialized license plate until the agency has received
2 and submitted to the department not less than 7,500 applications
3 for that particular specialized license plate within the time period
4 prescribed in this section. Advance payment to the department by
5 the agency representing the department's estimated or actual
6 administrative costs associated with the issuance of a particular
7 specialized license plate shall not constitute compliance with this
8 requirement. The agency shall have 12 months, following the date
9 of approval of the agency's initial application to sponsor a
10 specialized license plate program, to receive the required number
11 of applications. If, after that 12 months, 7,500 applications have
12 not been received, the agency shall immediately do either of the
13 following:

14 (1) Refund to all applicants all fees or deposits that have been
15 collected.

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

30 (c) (1) If the number of outstanding and valid specialized license
31 plates in a particular program, except as provided in subdivision
32 (d), provided for in this article is less than 7,500, the department
33 shall notify the sponsoring agency of that fact and shall inform the
34 agency that if that number is less than 7,500 one year from the
35 date of that notification, the department will no longer issue or
36 replace those specialized license plates.

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

1 (d) (1) The Department of Veterans Affairs may sponsor a Gold
2 Star Family specialized license plate program and the department
3 may establish this specialized license plate program in the absence
4 of 7,500 paid applications as provided in subdivision (d) of Section
5 5157.

6 (2) The Department of Veterans Affairs shall, upon receiving
7 proof of eligibility from an applicant, authorize the department to
8 issue Gold Star Family specialized license plates for a vehicle
9 owned by an eligible family member of a member of the Armed
10 Forces of the United States who was killed in the line of duty while
11 on active duty during wartime service, or during an international
12 terrorist attack that has been recognized by the United States
13 Secretary of Defense as an attack against the United States or a
14 foreign nation friendly to the United States, or during military
15 operations while serving outside the United States, including
16 commonwealths, territories, and possessions of the United States,
17 or as part of a peacekeeping force, which includes personnel
18 assigned to a force engaged in a peacekeeping operation authorized
19 by the United Nations Security Council. An eligible family member
20 is defined as all of the following:

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

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

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

31 (i) Widow.

32 (ii) Widower.

33 (iii) Biological parent.

34 (iv) Adoptive parent.

35 (v) Stepparent.

36 (vi) Foster parent in loco parentis.

37 (vii) Biological child.

38 (viii) Adoptive child.

39 (ix) Stepchild.

40 (x) Sibling.

- 1 (xi) Half-sibling.
- 2 (xii) Grandparent.
- 3 (xiii) Grandchild.

4 (3) Upon the death of a person issued a Gold Star Family
5 specialized license plate, the license plate shall be transferred to
6 the surviving spouse, if he or she requests, or shall be returned to
7 the department within 60 days after the death of the plateholder
8 or upon the expiration of the vehicle registration, whichever occurs
9 first.

10 (e) (1) *The Department of Veterans Affairs shall apply to the*
11 *department to sponsor a veterans specialized license plate*
12 *program, and the department shall issue license plates for that*
13 *program if the Department of Veterans Affairs meets the*
14 *requirements prescribed by this section.*

15 (2) *Notwithstanding Section 5155, the design of the veterans*
16 *specialized license plate shall be identical to the design of the*
17 *veterans special interest license plate issued pursuant to Section*
18 *5068 on or before January 1, 2010.*

19 (3) *Notwithstanding subdivision (c) of Section 5157, revenue*
20 *derived from the additional fees prescribed by Section 5157 for*
21 *the issuance, renewal, or transfer of the veterans specialized*
22 *license plates shall be deposited, after the department deducts its*
23 *administrative costs, in the Veterans Service Office Funds, created*
24 *by Section 972.2 of the Military and Veterans Code.*

25 ~~SECTION 1. Section 5068.5 is added to the Vehicle Code, to~~
26 ~~read:~~

27 ~~5068.5. (a) (1) A veterans' organization that meets the~~
28 ~~minimum application requirement specified in subdivision (d) of~~
29 ~~Section 5060 by applying either individually or with other veterans'~~
30 ~~organizations shall be issued a license plate bearing a distinctive~~
31 ~~design or decal approved under subdivision (a) of Section 5060.~~

32 ~~(2) Special interest license plates issued under this section may~~
33 ~~be issued in a combination of numbers or letters, or both, requested~~
34 ~~by the owner or lessee of the vehicle, to be displayed in addition~~
35 ~~to the design or decal authorized under paragraph (1), subject to~~
36 ~~Section 5105.~~

37 ~~(b) (1) The special interest license plates described in this~~
38 ~~section shall be issued only to veterans of the United States Armed~~
39 ~~Forces. An applicant shall not be issued a special interest license~~

1 plate unless he or she establishes, by satisfactory proof, that he or
 2 she is a veteran.

3 ~~(2) Notwithstanding paragraph (1), a veteran who was issued a~~
 4 ~~special license plate pursuant to Section 5068 on or before January~~
 5 ~~1, 2012, shall be issued a special license plate under this section~~
 6 ~~without providing proof of his or her veteran status.~~

7 ~~(e) In addition to the regular fees for an original registration, a~~
 8 ~~renewal of registration, or a transfer of registration, the following~~
 9 ~~fees shall be paid by individuals applying for a special interest~~
 10 ~~license plate or a decal issued under this section:~~

11 ~~(1) Fifty dollars (\$50) for the initial issuance of the plates and~~
 12 ~~decal. The plates shall be permanent and shall not be required to~~
 13 ~~be replaced.~~

14 ~~(2) Forty dollars (\$40) for each renewal of registration that~~
 15 ~~includes the continued display of the plates or decals.~~

16 ~~(3) Fifteen dollars (\$15) for transfer of the plates to another~~
 17 ~~vehicle.~~

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

20 ~~(5) Ten dollars (\$10) for replacement decals, if they become~~
 21 ~~damaged or unserviceable.~~

22 ~~(6) Seventy-eight dollars (\$78) for the personalization of the~~
 23 ~~plates, as authorized under paragraph (2) of subdivision (a).~~

24 ~~SEC. 2.— Section 5069 of the Vehicle Code is amended to read:~~
 25 ~~5069.— Revenue derived from the additional special fees~~
 26 ~~provided in Sections 5068 and 5068.5, less costs incurred by the~~
 27 ~~department pursuant to this article, shall be deposited in the~~
 28 ~~Veterans Service Office Fund, created by Section 972.2 of the~~
 29 ~~Military and Veterans Code.~~

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