

AMENDED IN SENATE JULY 8, 2013
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 5156 of 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 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 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
 17 not issue a specialized license plate until the agency has received
 18 and submitted to the department not less than 7,500 applications
 19 for that particular specialized license plate within the time period

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

11 (1) Refund to all applicants all fees or deposits that have been
12 collected.

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

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

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

38 (d) (1) The Department of Veterans Affairs may sponsor a Gold
39 Star Family specialized license plate program and the department
40 may establish this specialized license plate program in the absence

1 of 7,500 paid applications as provided in subdivision (d) of Section
2 5157.

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

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

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

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

28 (i) Widow.

29 (ii) Widower.

30 (iii) Biological parent.

31 (iv) Adoptive parent.

32 (v) Stepparent.

33 (vi) Foster parent in loco parentis.

34 (vii) Biological child.

35 (viii) Adoptive child.

36 (ix) Stepchild.

37 (x) Sibling.

38 (xi) Half-sibling.

39 (xii) Grandparent.

40 (xiii) Grandchild.

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

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

12 (2) ~~Notwithstanding Section 5155, the~~ *The* design of the veterans
13 specialized license plate shall be identical to the design of the
14 veterans special interest license plate issued pursuant to Section
15 5068 on or before January 1, 2010, *and the decals for the plate*
16 *shall be identical to those offered pursuant to Section 5068.*

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