

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2197

**Introduced by Assembly Member Mullin
(Coauthors: Assembly Members Bonta, Levine, Ting, and
Wieckowski)**

February 20, 2014

An act to amend Sections 4456.5 and 4463 of, to amend, repeal, and add Sections 4456, 5201, 5202, 5901, and 40610 of, and to add Sections 1686 and 4456.6 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2197, as amended, Mullin. Vehicles: temporary license plates.

Existing law requires the Department of Motor Vehicles (DMV), upon registering a vehicle, to issue to the owner 2 license plates, as specified. Existing law also requires that the license plates be securely fastened to the vehicle for which they are issued, and makes a violation of this requirement a crime.

Existing law requires vehicle dealers and lessor-retailers to attach numbered report-of-sale forms issued by the DMV to a vehicle at the time of sale, and to submit to the DMV an application for registration of the vehicle, and the applicable fees, within a specified period after the date of sale.

This bill would require the DMV, ~~in collaboration with qualified industry partners, to develop~~ *to issue a request for proposals on or before April 1, 2015, for the development of a temporary license plate system to that would become operational on or before July 1, 2015, and that would enable vehicle dealers and lessor-retailers to print temporary license plates on weatherproof paper or other media selected*

by the DMV, and would require that the system be in operation on or before July 1, 2015. The bill would also require, commencing July 1, 2015, a motor vehicle dealer or lessor-retailer to install a temporary license plate *plates* at the time of sale, and to electronically record and transmit to the department's vehicle registration database certain information to the temporary license plate system, including the temporary license plate's *plates*' number and vehicle's make and model; using the temporary license plate system. *The bill would authorize vehicle dealers and the DMV to impose fees for temporary license plate processing, as specified.* The bill would make failure to display temporary license plates an infraction, and would make counterfeiting a temporary license plate a felony, as specified. By creating a new crime and expanding the scope of an existing crime, this bill would impose a state-mandated local program. *The bill would make the operation of these requirements and criminal penalties contingent upon the temporary license plate system becoming operational.* The bill would also make other related and conforming changes.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is one of the few states in the nation where a
- 4 purchaser may lawfully leave the motor vehicle dealership after
- 5 buying a new vehicle with no uniquely identifiable license plate
- 6 mounted on the vehicle.
- 7 (b) State law permits a vehicle to be driven for up to 90 days
- 8 before it must be registered with permanent license plates mounted
- 9 on the vehicle.
- 10 (c) While state law requires that a vehicle owner install
- 11 permanent license-plate *plates* on a vehicle upon receipt of those
- 12 *plates*, law enforcement cannot readily determine from a distance
- 13 the date by which a vehicle should have its plates installed.

1 (d) The lack of license plates on hundreds of thousands of
2 vehicles across the state is a threat to public safety as it hampers
3 the ability of law enforcement to solve crimes ~~and recover stolen~~
4 ~~vehicles~~, *identify stolen vehicles, and locate wanted persons and*
5 *vehicles using modern technology, such as automated license plate*
6 *readers, surveillance cameras, or photo enforcement systems.*

7 (e) The lack of temporary license plates is also the greatest cause
8 of toll evasion in California. In the 2012–13 fiscal year, California’s
9 toll roads and bridges lost approximately \$12 million in uncollected
10 tolls from drivers who evaded tolls by driving vehicles without
11 license plates.

12 (f) In 2011, the Legislature enacted Assembly Bill 1215, which
13 requires all new motor vehicle dealerships to participate in the
14 Business Partner Automation Program and to conduct all vehicle
15 registrations and related transactions electronically.

16 (g) Electronic vehicle registration results in faster delivery of
17 license plates to vehicle owners, but hundreds of thousands of
18 vehicles continue to be driven each day on the roads and highways
19 without license plates.

20 (h) To improve public safety and reduce toll evasion, the
21 Legislature intends to further expand the Business Partner
22 Automation Program to establish a statewide temporary license
23 plate program under which every vehicle sold in California without
24 ~~a permanent license plate~~ *plates* attached will be equipped with ~~a~~
25 ~~temporary license plate bearing plates that bear~~ a unique
26 identification number *and expiration date, and* that will be placed
27 in the license plate location on the front and rear of the vehicle.

28 SEC. 2. Section 1686 is added to the Vehicle Code, to read:

29 1686. (a) ~~The department, in collaboration with qualified~~
30 ~~industry partners, shall develop a system for the department and~~
31 ~~shall, on or before April 1, 2015, issue a request for proposals for~~
32 ~~the development of a temporary license plate system that shall~~
33 ~~become operational on or before July 1, 2015, and that shall enable~~
34 ~~vehicle dealers and lessor-retailers and any other similar entities~~
35 ~~authorized by the department pursuant to regulation to print~~
36 ~~temporary license plates on weatherproof paper or other media~~
37 ~~selected by the department pursuant to subdivision (d) of Section~~
38 ~~4456.6, on using a standard laser printer at the dealership. The~~
39 ~~system shall enable a dealer or lessor-retailer to point of sale. A~~
40 ~~system user shall~~ electronically record and transmit to the

1 department's vehicle registration database the temporary license
2 plate's unique identification number, vehicle identification number,
3 vehicle make, model, and year, vehicle owner's name and address,
4 and any other temporary license plate system the vehicle and owner
5 identification information required by Section 4456.6.

6 (b) The department may impose a fee on vehicle dealers and
7 lessor-retailers for processing temporary license plates that does
8 not exceed the reasonable costs to the department of procuring
9 and maintaining the system.

10 (b)

11 (c) (1) Access to the temporary license plate system shall be
12 restricted to authorized users of the department's vehicle
13 registration database, which includes law enforcement database.

14 (2) The temporary license plate system shall be designed to
15 allow access by law enforcement officers who shall be able to
16 access the system from their vehicles using the California Law
17 Enforcement Telecommunications System.

18 (3) Access to the temporary license plate system shall be
19 provided only by first-line service providers, as defined in
20 subdivision (b) of Section 1685, that are authorized by the
21 department to provide access to the system.

22 (e)

23 (d) The temporary license plate system shall transmit vehicle,
24 temporary plate license number, and ownership information to the
25 department's vehicle registration database within two working
26 days.

27 (d) The temporary license plate system shall be in operation on
28 or before July 1, 2015.

29 (e) A dealer or lessor-retailer shall issue temporary license
30 plates at the point of sale of any vehicle that is sold without
31 permanent license plates mounted on the vehicle.

32 (f) Any requirement or criminal penalty related to the use of the
33 temporary license plate system and temporary license plates shall
34 be contingent upon the temporary license plate system becoming
35 operative, including, but not limited to, the requirements and
36 penalties set forth in Sections 4456, 4456.6, 5201, 5202, and 40610.

37 SEC. 3. Section 4456 of the Vehicle Code is amended to read:

38 4456. (a) When selling a vehicle, dealers and lessor-retailers
39 shall use numbered report-of-sale forms issued by the department.

1 The forms shall be used in accordance with the following terms
2 and conditions:

3 (1) The dealer or lessor-retailer shall attach for display a copy
4 of the report of sale on the vehicle before the vehicle is delivered
5 to the purchaser.

6 (2) The dealer or lessor-retailer shall submit to the department
7 an application accompanied by all fees and penalties due for
8 registration or transfer of registration of the vehicle within 30 days
9 from the date of sale, as provided in subdivision (c) of Section
10 9553, if the vehicle is a used vehicle, and 20 days if the vehicle is
11 a new vehicle. Penalties due for noncompliance with this paragraph
12 shall be paid by the dealer or lessor-retailer. The dealer or
13 lessor-retailer shall not charge the purchaser for the penalties.

14 (3) As part of an application to transfer registration of a used
15 vehicle, the dealer or lessor-retailer shall include all of the
16 following information on the certificate of title, application for a
17 duplicate certificate of title, or form prescribed by the department:

18 (A) Date of sale and report of sale number.

19 (B) Purchaser's name and address.

20 (C) Dealer's name, address, number, and signature or signature
21 of authorized agent.

22 (D) Salesperson number.

23 (4) If the department returns an application and the application
24 was first received by the department within 30 days of the date of
25 sale of the vehicle if the vehicle is a used vehicle, and 20 days if
26 the vehicle is a new vehicle, the dealer or lessor-retailer shall
27 submit a corrected application to the department within 50 days
28 from the date of sale of the vehicle if the vehicle is a used vehicle,
29 and 40 days if the vehicle is a new vehicle, or within 30 days from
30 the date that the application is first returned by the department if
31 the vehicle is a used vehicle, and 20 days if the vehicle is a new
32 vehicle, whichever is later.

33 (5) If the department returns an application and the application
34 was first received by the department more than 30 days from the
35 date of sale of the vehicle if the vehicle is a used vehicle, and 20
36 days if the vehicle is a new vehicle, the dealer or lessor-retailer
37 shall submit a corrected application to the department within 50
38 days from the date of sale of the vehicle if the vehicle is a used
39 vehicle, and 40 days if the vehicle is a new vehicle.

1 (6) An application first received by the department more than
2 50 days from the date of sale of the vehicle if the vehicle is a used
3 vehicle, and 40 days if the vehicle is a new vehicle, is subject to
4 the penalties specified in subdivisions (a) and (b) of Section 4456.1.

5 (7) The dealer or lessor-retailer shall report the sale pursuant to
6 Section 5901.

7 (b) (1) A transfer that takes place through a dealer conducting
8 a wholesale vehicle auction shall be reported to the department by
9 that dealer on a single form approved by the department. The
10 completed form shall contain, at a minimum, all of the following
11 information:

- 12 (A) The name and address of the seller.
- 13 (B) The seller’s dealer number, if applicable.
- 14 (C) The date of delivery to the dealer conducting the auction.
- 15 (D) The actual mileage of the vehicle as indicated by the
16 vehicle’s odometer at the time of delivery to the dealer conducting
17 the auction.
- 18 (E) The name, address, and occupational license number of the
19 dealer conducting the auction.
- 20 (F) The name, address, and occupational license number of the
21 buyer.
- 22 (G) The signature of the dealer conducting the auction.

23 (2) Submission of the completed form specified in paragraph
24 (1) to the department shall fully satisfy the requirements of
25 subdivision (a) and subdivision (a) of Section 5901 with respect
26 to the dealer selling at auction and the dealer conducting the
27 auction.

28 (3) The single form required by this subdivision does not relieve
29 a dealer of any obligation or responsibility that is required by any
30 other provision of law.

31 (c) A vehicle displaying a copy of the report of sale may be
32 operated without license plates or registration card until either of
33 the following, whichever occurs first:

- 34 (1) The license plates and registration card are received by the
35 purchaser.
- 36 (2) A 90-day period, commencing with the date of sale of the
37 vehicle, has expired.

38 ~~(d) This section shall become inoperative on July 1, 2015, and,~~
39 ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~

1 ~~that becomes operative on or before January 1, 2016, deletes or~~
2 ~~extends the dates on which it becomes inoperative and is repealed.~~

3 *(d) This section shall become inoperative on the date that the*
4 *temporary license plate system described in Section 1686 becomes*
5 *operational and the director prominently posts a declaration to*
6 *that effect on the department's Internet Web site, and is repealed*
7 *on January 1 of the following year.*

8 SEC. 4. Section 4456 is added to the Vehicle Code, to read:

9 4456. (a) When selling a vehicle, dealers and lessor-retailers
10 shall use numbered report-of-sale forms issued by the department.
11 The forms shall be used in accordance with the following terms
12 and conditions:

13 (1) The dealer or lessor-retailer shall attach for display a copy
14 of the report of sale on the vehicle before the vehicle is delivered
15 to the purchaser.

16 (2) The dealer or lessor-retailer shall submit to the department
17 an application accompanied by all fees and penalties due for
18 registration or transfer of registration of the vehicle within 30 days
19 from the date of sale, as provided in subdivision (c) of Section
20 9553, if the vehicle is a used vehicle, and 20 days if the vehicle is
21 a new vehicle. Penalties due for noncompliance with this paragraph
22 shall be paid by the dealer or lessor-retailer. The dealer or
23 lessor-retailer shall not charge the purchaser for the penalties.

24 (3) As part of an application to transfer registration of a used
25 vehicle, the dealer or lessor-retailer shall include all of the
26 following information on the certificate of title, application for a
27 duplicate certificate of title, or form prescribed by the department:

28 (A) Date of sale and report of sale number.

29 (B) Purchaser's name and address.

30 (C) Dealer's name, address, number, and signature or signature
31 of authorized agent.

32 (D) Salesperson number.

33 (4) If the department returns an application and the application
34 was first received by the department within 30 days of the date of
35 sale of the vehicle if the vehicle is a used vehicle, and 20 days if
36 the vehicle is a new vehicle, the dealer or lessor-retailer shall
37 submit a corrected application to the department within 50 days
38 from the date of sale of the vehicle if the vehicle is a used vehicle,
39 and 40 days if the vehicle is a new vehicle, or within 30 days from
40 the date that the application is first returned by the department if

1 the vehicle is a used vehicle, and 20 days if the vehicle is a new
2 vehicle, whichever is later.

3 (5) If the department returns an application and the application
4 was first received by the department more than 30 days from the
5 date of sale of the vehicle if the vehicle is a used vehicle, and 20
6 days if the vehicle is a new vehicle, the dealer or lessor-retailer
7 shall submit a corrected application to the department within 50
8 days from the date of sale of the vehicle if the vehicle is a used
9 vehicle, and 40 days if the vehicle is a new vehicle.

10 (6) An application first received by the department more than
11 50 days from the date of sale of the vehicle if the vehicle is a used
12 vehicle, and 40 days if the vehicle is a new vehicle, is subject to
13 the penalties specified in subdivisions (a) and (b) of Section 4456.1.

14 (7) The dealer or lessor-retailer shall report the sale pursuant to
15 Section 5901.

16 (b) (1) A transfer that takes place through a dealer conducting
17 a wholesale vehicle auction shall be reported to the department by
18 that dealer on a single form approved by the department. The
19 completed form shall contain, at a minimum, all of the following
20 information:

21 (A) The name and address of the seller.

22 (B) The seller's dealer number, if applicable.

23 (C) The date of delivery to the dealer conducting the auction.

24 (D) The actual mileage of the vehicle as indicated by the
25 vehicle's odometer at the time of delivery to the dealer conducting
26 the auction.

27 (E) The name, address, and occupational license number of the
28 dealer conducting the auction.

29 (F) The name, address, and occupational license number of the
30 buyer.

31 (G) The signature of the dealer conducting the auction.

32 (2) Submission of the completed form specified in paragraph
33 (1) to the department shall fully satisfy the requirements of
34 subdivision (a) of this section and subdivision (a) of Section 5901
35 with respect to the dealer selling at auction and the dealer
36 conducting the auction.

37 (3) The single form required by this subdivision does not relieve
38 a dealer of any obligation or responsibility that is required by any
39 other provision of law.

1 (c) The dealer or lessor-retailer shall affix a temporary license
2 plate to *the front and rear of* any vehicle sold without a permanent
3 license plate attached to the vehicle at the time of sale. A vehicle
4 displaying a temporary license plate may be operated without
5 permanent license plates or registration card until either of the
6 following, whichever occurs first:

7 (1) The permanent license plates and registration card are
8 received by the purchaser.

9 (2) A 90-day period, commencing with the date of sale of the
10 vehicle, has expired.

11 (d) This section shall become operative on ~~July 1, 2015~~ *the date*
12 *that the temporary license plate system described in Section 1686*
13 *becomes operational and the director prominently posts a*
14 *declaration to that effect on the department's Internet Web site.*

15 SEC. 5. Section 4456.5 of the Vehicle Code is amended to
16 read:

17 4456.5. (a) A dealer may charge the purchaser or lessee of a
18 vehicle the following charges:

19 (1) A document processing charge for the preparation and
20 processing of documents, disclosures, and titling, registration, and
21 information security obligations imposed by state and federal law.
22 The dealer document processing charge shall not be represented
23 as a governmental fee.

24 (A) If a dealer has a contractual agreement with the department
25 to be a private industry partner pursuant to Section 1685, the
26 document processing charge shall not exceed eighty dollars (\$80).

27 (B) If a dealer does not have a contractual agreement with the
28 department to be a private industry partner pursuant to Section
29 1685, the document processing charge shall not exceed sixty-five
30 dollars (\$65).

31 (2) An electronic filing charge, not to exceed the actual amount
32 the dealer is charged by a first-line service provider for providing
33 license plate processing, ~~temporary license plate processing,~~
34 postage, and the fees and services authorized pursuant to
35 subdivisions (a) and (d) of Section 1685. The director may
36 establish, through the adoption of regulations, the maximum
37 amount that a first-line service provider may charge a dealer. The
38 electronic filing charge shall not be represented as a governmental
39 fee.

1 (3) A temporary license plate processing charge that does not
2 exceed the applicable maximum amount established by the
3 department through the adoption of regulations. The department
4 may adopt different maximum amounts for dealers that have
5 contractual agreements with the department to be private industry
6 partners pursuant to Section 1685 and those that do not, but any
7 maximum amount established by the department shall be
8 reasonably related to the costs of providing these services.

9 (b) As used in this section, the term “first-line service provider”
10 shall have the same meaning as defined in subdivision (b) of
11 Section 1685.

12 SEC. 6. Section 4456.6 is added to the Vehicle Code, to read:

13 4456.6. (a) A motor vehicle dealer shall, at the point of sale,
14 install a temporary license plate in the *front and* rear license plate
15 holder of a vehicle sold without permanent license plates. The
16 dealer shall electronically record the temporary license ~~plate's~~
17 *plates'* number, vehicle identification number, vehicle make,
18 model, and year, and vehicle owner's name and address using an
19 electronic program provided by a ~~qualified private industry partner~~
20 *pursuant to Section 1686 first-line service provider, as defined in*
21 *subdivision (b) of Section 1685. An independent dealer that does*
22 *not have a contractual agreement with the department to be a*
23 *private industry partner shall utilize a first-line service provider*
24 *to access the temporary license plate system.*

25 (b) The temporary license plate is valid for up to 45 days. A
26 temporary license plate may be reissued for the same vehicle by
27 the motor vehicle dealer or the department for an additional 45-day
28 period.

29 (c) A temporary license plate shall contain, at a minimum, all
30 of the following:

31 (1) A unique identification number.

32 (2) The expiration date of the temporary license plate.

33 (3) The vehicle's make and model.

34 (d) The department shall designate specifications for the paper
35 or other media upon which the temporary license plate is printed
36 and any other requirements to prevent tampering and
37 counterfeiting. The paper or other media shall be weatherproof so
38 that it maintains its structural integrity, including graphic and data
39 adhesion, in all weather conditions *for up to 45 days* after being
40 placed on the vehicle.

1 (e) The unique identification number shall be printed in black
2 ink on white paper or other media consistent with standards adopted
3 by the department that provide optimal readability by law
4 enforcement and automated license plate recognition
5 systems.

6 (f) The temporary license plates may include the name of the
7 dealership, if the name does not interfere with the readability of
8 the license plate by law enforcement or by automated license plate
9 recognition systems.

10 ~~(g) The printing and electronic recording of temporary license~~
11 ~~plates does not constitute separate transactions subject to the fees~~
12 ~~established by Section 1685.~~

13 ~~(h)~~

14 (g) This section shall become operative on ~~July 1, 2015~~ *the date*
15 *that the temporary license plate system described in Section 1686*
16 *becomes operational and the director prominently posts a*
17 *declaration to that effect on the department's Internet Web site.*

18 SEC. 7. Section 4463 of the Vehicle Code is amended to read:

19 4463. (a) A person who, with intent to prejudice, damage, or
20 defraud, commits any of the following acts is guilty of a felony
21 and upon conviction thereof shall be punished by imprisonment
22 pursuant to subdivision (h) of Section 1170 of the Penal Code for
23 16 months or two or three years, or by imprisonment in a county
24 jail for not more than one year:

25 (1) Alters, forges, counterfeits, or falsifies a certificate of
26 ownership, registration card, certificate, license, license plate,
27 temporary license plate, device issued pursuant to Section 4853,
28 special plate, or permit provided for by this code or a comparable
29 certificate of ownership, registration card, certificate, license,
30 license plate, temporary license plate, device comparable to that
31 issued pursuant to Section 4853, special plate, or permit provided
32 for by a foreign jurisdiction, or alters, forges, counterfeits, or
33 falsifies the document, device, or plate with intent to represent it
34 as issued by the department, or alters, forges, counterfeits, or
35 falsifies with fraudulent intent an endorsement of transfer on a
36 certificate of ownership or other document evidencing ownership,
37 or with fraudulent intent displays or causes or permits to be
38 displayed or have in his or her possession a blank, incomplete,
39 canceled, suspended, revoked, altered, forged, counterfeit, or false
40 certificate of ownership, registration card, certificate, license,

1 license plate, temporary license plate, device issued pursuant to
2 Section 4853, special plate, or permit.

3 (2) Utters, publishes, passes, or attempts to pass, as true and
4 genuine, a false, altered, forged, or counterfeited matter listed in
5 paragraph (1) knowing it to be false, altered, forged, or
6 counterfeited.

7 (b) A person who, with intent to prejudice, damage, or defraud,
8 commits any of the following acts is guilty of a misdemeanor, and
9 upon conviction thereof shall be punished by imprisonment in a
10 county jail for six months, a fine of not less than five hundred
11 dollars (\$500) and not more than one thousand dollars (\$1,000),
12 or both that fine and imprisonment, which penalty shall not be
13 suspended:

14 (1) Forges, counterfeits, or falsifies a disabled person placard
15 or a comparable placard relating to parking privileges for disabled
16 persons provided for by a foreign jurisdiction, or forges,
17 counterfeits, or falsifies a disabled person placard with intent to
18 represent it as issued by the department.

19 (2) Passes, or attempts to pass, as true and genuine, a false,
20 forged, or counterfeit disabled person placard knowing it to be
21 false, forged, or counterfeited.

22 (3) Acquires, possesses, sells, or offers for sale a genuine or
23 counterfeit disabled person placard.

24 (c) A person who, with fraudulent intent, displays or causes or
25 permits to be displayed a forged, counterfeit, or false disabled
26 person placard, is subject to the issuance of a notice of parking
27 violation imposing a civil penalty of not less than two hundred
28 fifty dollars (\$250) and not more than one thousand dollars
29 (\$1,000), for which enforcement shall be governed by the
30 procedures set forth in Article 3 (commencing with Section 40200)
31 of Chapter 1 of Division 17 or is guilty of a misdemeanor
32 punishable by imprisonment in a county jail for six months, a fine
33 of not less than two hundred fifty dollars (\$250) and not more than
34 one thousand dollars (\$1,000), or both that fine and imprisonment,
35 which penalty shall not be suspended.

36 (d) For purposes of subdivision (b) or (c), “disabled person
37 placard” means a placard issued pursuant to Section 22511.55 or
38 22511.59.

39 (e) A person who, with intent to prejudice, damage, or defraud,
40 commits any of the following acts is guilty of an infraction, and

1 upon conviction thereof shall be punished by a fine of not less than
2 one hundred dollars (\$100) and not more than two hundred fifty
3 dollars (\$250) for a first offense, not less than two hundred fifty
4 dollars (\$250) and not more than five hundred dollars (\$500) for
5 a second offense, and not less than five hundred dollars (\$500)
6 and not more than one thousand dollars (\$1,000) for a third or
7 subsequent offense, which penalty shall not be suspended:

8 (1) Forges, counterfeits, or falsifies a Clean Air Sticker or a
9 comparable clean air sticker relating to high occupancy vehicle
10 lane privileges provided for by a foreign jurisdiction, or forges,
11 counterfeits, or falsifies a Clean Air Sticker with intent to represent
12 it as issued by the department.

13 (2) Passes, or attempts to pass, as true and genuine, a false,
14 forged, or counterfeit Clean Air Sticker knowing it to be false,
15 forged, or counterfeited.

16 (3) Acquires, possesses, sells, or offers for sale a counterfeit
17 Clean Air Sticker.

18 (4) Acquires, possesses, sells, or offers for sale a genuine Clean
19 Air Sticker separate from the vehicle for which the department
20 issued that sticker.

21 (f) As used in this section, “Clean Air Sticker” means a label
22 or decal issued pursuant to Sections 5205.5 and 21655.9.

23 SEC. 8. Section 5201 of the Vehicle Code is amended to read:

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

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

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

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

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

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

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

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

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

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

38 (c) A casing, shield, frame, border, product, or other device that
39 obstructs or impairs the reading or recognition of a license plate
40 by an electronic device operated by state or local law enforcement,

1 an electronic device operated in connection with a toll road,
2 high-occupancy toll lane, toll bridge, or other toll facility, or a
3 remote emission sensing device, as specified in Sections 44081
4 and 44081.6 of the Health and Safety Code, shall not be installed
5 on, or affixed to, a vehicle.

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

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

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

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

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

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

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

34 ~~(e) This section shall become inoperative on July 1, 2015, and,~~
35 ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~
36 ~~that becomes operative on or before January 1, 2016, deletes or~~
37 ~~extends the dates on which it becomes inoperative and is repealed.~~

38 *(e) This section shall become inoperative on the date that the*
39 *temporary license plate system described in Section 1686 becomes*
40 *operational and the director prominently posts a declaration to*

1 *that effect on the department's Internet Web site, and is repealed*
2 *on January 1 of the following year.*

3 SEC. 9. Section 5201 is added to the Vehicle Code, to read:

4 5201. (a) License plates, including temporary license plates,
5 shall at all times be securely fastened to the vehicle for which they
6 are issued so as to prevent the plates from swinging, shall be
7 mounted in a position so as to be clearly visible, and so that the
8 characters are upright and display from left to right, and shall be
9 maintained in a condition so as to be clearly legible. The rear
10 license plate shall be mounted not less than 12 inches nor more
11 than 60 inches from the ground, and the front license plate shall
12 be mounted not more than 60 inches from the ground, except as
13 follows:

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

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

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

25 (4) The rear license plate of a vehicle designed by the
26 manufacturer for the collection and transportation of garbage,
27 rubbish, or refuse that is used regularly for the collection and
28 transportation of that material by a person or governmental entity
29 employed to collect, transport, and dispose of garbage, rubbish,
30 or refuse may be mounted not less than 12 inches nor more than
31 90 inches from the ground.

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

35 (6) (A) The rear license plate on a dump bed motortruck
36 equipped with a trailing, load bearing swing axle shall be mounted
37 more than 12 inches, but not more than 107 inches, from the
38 ground.

39 (B) As used in this section, a trailing, load bearing swing axle
40 is an axle which can be moved from a raised position to a position

1 behind the vehicle that allows for the transfer of a portion of the
2 weight of the vehicle and load to the trailing axle.

3 (b) A person shall replace temporary license plates with
4 permanent license plates upon receipt of the permanent license
5 plates, and shall destroy the temporary license plates at that time.

6 (c) A covering shall not be used on license plates except as
7 follows:

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

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

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

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

39 (A) The owner of the vehicle has been issued a special
40 identification license plate pursuant to Section 5007, or the person

1 using the wheelchair that is carried on the vehicle has been issued
 2 a distinguishing placard under Section 22511.55.

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

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

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

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

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

18 (f) This section shall become operative on ~~July 1, 2015~~ *the date*
 19 *that the temporary license plate system described in Section 1686*
 20 *becomes operational and the director prominently posts a*
 21 *declaration to that effect on the department's Internet Web site.*

22 SEC. 10. Section 5202 of the Vehicle Code is amended to read:

23 5202. (a) A license plate issued by this state or any other
 24 jurisdiction within or without the United States shall be attached
 25 upon receipt and remain attached during the period of its validity
 26 to the vehicle for which it is issued while being operated within
 27 this state or during the time the vehicle is being held for sale in
 28 this state, or until the time that a vehicle with special or
 29 identification plates is no longer entitled to those plates; and a
 30 person shall not operate, and an owner shall not knowingly permit
 31 to be operated, upon any highway, a vehicle unless the license
 32 plate is so attached. A special permit issued in lieu of plates shall
 33 be attached and displayed on the vehicle for which the permit was
 34 issued during the period of the permit's validity.

35 ~~(b) This section shall become inoperative on July 1, 2015, and,~~
 36 ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~
 37 ~~that becomes operative on or before January 1, 2016, deletes or~~
 38 ~~extends the dates on which it becomes inoperative and is repealed.~~

39 (b) *This section shall become inoperative on the date that the*
 40 *temporary license plate system described in Section 1686 becomes*

1 *operational and the director prominently posts a declaration to*
2 *that effect on the department's Internet Web site, and is repealed*
3 *on January 1 of the following year.*

4 SEC. 11. Section 5202 is added to the Vehicle Code, to read:

5 5202. (a) A license plate issued by this state or any other
6 jurisdiction within or without the United States shall be attached
7 upon receipt and remain attached during the period of its validity
8 to the vehicle for which it is issued while being operated within
9 this state or during the time the vehicle is being held for sale in
10 this state, or until the time that a vehicle with special or
11 identification plates is no longer entitled to those plates; and a
12 person shall not operate, and an owner shall not knowingly permit
13 to be operated, upon any highway, a vehicle unless the license
14 plate is so attached. A special permit or temporary license plate
15 issued in lieu of permanent license plates shall be attached and
16 displayed on the vehicle until the temporary license plate or the
17 permit expires, or the permanent license plates are received,
18 whichever occurs first.

19 (b) A violation of this section is an infraction punishable by a
20 base fine of twenty-five dollars (\$25) for a first offense and forty
21 dollars (\$40) for each subsequent offense in the same year.

22 (c) This section shall become operative on ~~July 1, 2015~~ *the date*
23 *that the temporary license plate system described in Section 1686*
24 *becomes operational and the director prominently posts a*
25 *declaration to that effect on the department's Internet Web site.*

26 SEC. 12. Section 5901 of the Vehicle Code is amended to read:

27 5901. (a) Every dealer or lessor-retailer, upon transferring by
28 sale, lease, or otherwise any vehicle, whether new or used, of a
29 type subject to registration under this code, shall, not later than
30 the end of the fifth calendar day thereafter not counting the day of
31 sale, give written notice of the transfer to the department at its
32 headquarters upon an appropriate form provided by it.

33 (b) Except as otherwise provided in this subdivision or in
34 subdivision (c), the dealer or lessor-retailer shall enter on the form
35 and pursuant to Section 32705(a) of Title 49 of the United States
36 Code, on the ownership certificate, the actual mileage of the vehicle
37 as indicated by the vehicle's odometer at the time of the transfer.
38 However, if the vehicle dealer or lessor-retailer has knowledge
39 that the mileage displayed on the odometer is incorrect, the licensee
40 shall indicate on the form on which the mileage is entered that the

1 mileage registered by the odometer is incorrect. A vehicle dealer
2 or lessor-retailer need not give the notice when selling or
3 transferring a new unregistered vehicle to a dealer or lessor-retailer.

4 (c) When the dealer or lessor-retailer is not in possession of the
5 vehicle that is sold or transferred, the person in physical possession
6 of the vehicle shall give the information required by subdivision

7 (b).

8 (d) A sale is deemed completed and consummated when the
9 purchaser of the vehicle has paid the purchase price, or, in lieu
10 thereof, has signed a purchase contract or security agreement, and
11 has taken physical possession or delivery of the vehicle.

12 ~~(e) This section shall become inoperative on July 1, 2015, and,~~
13 ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~
14 ~~that becomes operative on or before January 1, 2016, deletes or~~
15 ~~extends the dates on which it becomes inoperative and is repealed.~~

16 *(e) This section shall become inoperative on the date that the*
17 *temporary license plate system described in Section 1686 becomes*
18 *operational and the director prominently posts a declaration to*
19 *that effect on the department's Internet Web site, and is repealed*
20 *on January 1 of the following year.*

21 SEC. 13. Section 5901 is added to the Vehicle Code, to read:

22 5901. (a) Every dealer or lessor-retailer, upon transferring by
23 sale, lease, or otherwise any vehicle, whether new or used, of a
24 type subject to registration under this code, shall, on the day of
25 sale, give electronic notice of the transfer to the department in a
26 manner approved by it.

27 (b) Except as otherwise provided in this subdivision or in
28 subdivision (c), the dealer or lessor-retailer shall enter on an
29 appropriate form and, pursuant to Section 32705(a) of Title 49 of
30 the United States Code, on the ownership certificate, the actual
31 mileage of the vehicle as indicated by the vehicle's odometer at
32 the time of the transfer. However, if the vehicle dealer or
33 lessor-retailer has knowledge that the mileage displayed on the
34 odometer is incorrect, the licensee shall indicate on the form on
35 which the mileage is entered that the mileage registered by the
36 odometer is incorrect. A vehicle dealer or lessor-retailer need not
37 give the notice when selling or transferring a new unregistered
38 vehicle to a dealer or lessor-retailer.

39 (c) When the dealer or lessor-retailer is not in possession of the
40 vehicle that is sold or transferred, the person in physical possession

1 of the vehicle shall give the information required by subdivision
2 (b).

3 (d) A sale is deemed completed and consummated when the
4 purchaser of the vehicle has paid the purchase price, or, in lieu
5 thereof, has signed a purchase contract or security agreement, and
6 has taken physical possession or delivery of the vehicle.

7 (e) This section shall become operative on ~~July 1, 2015~~. *the*
8 *date that the temporary license plate system described in Section*
9 *1686 becomes operational and the director prominently posts a*
10 *declaration to that effect on the department's Internet Web site.*

11 SEC. 14. Section 40610 of the Vehicle Code is amended to
12 read:

13 40610. (a) (1) Except as provided in paragraph (2), if, after
14 an arrest, accident investigation, or other law enforcement action,
15 it appears that a violation has occurred involving a registration,
16 license, all-terrain vehicle safety certificate, or mechanical
17 requirement of this code, and none of the disqualifying conditions
18 set forth in subdivision (b) exist and the investigating officer
19 decides to take enforcement action, the officer shall prepare, in
20 triplicate, and the violator shall sign, a written notice containing
21 the violator's promise to correct the alleged violation and to deliver
22 proof of correction of the violation to the issuing agency.

23 (2) If any person is arrested for a violation of Section 4454, and
24 none of the disqualifying conditions set forth in subdivision (b)
25 exist, the arresting officer shall prepare, in triplicate, and the
26 violator shall sign, a written notice containing the violator's
27 promise to correct the alleged violation and to deliver proof of
28 correction of the violation to the issuing agency. In lieu of issuing
29 a notice to correct violation pursuant to this section, the officer
30 may issue a notice to appear, as specified in Section 40522.

31 (b) Pursuant to subdivision (a), a notice to correct violation shall
32 be issued as provided in this section or a notice to appear shall be
33 issued as provided in Section 40522, unless the officer finds any
34 of the following:

- 35 (1) Evidence of fraud or persistent neglect.
36 (2) The violation presents an immediate safety hazard.
37 (3) The violator does not agree to, or cannot, promptly correct
38 the violation.

39 (c) If any of the conditions set forth in subdivision (b) exist, the
40 procedures specified in this section or Section 40522 are

1 inapplicable, and the officer may take other appropriate
 2 enforcement action.

3 (d) Except as otherwise provided in subdivision (a), the notice
 4 to correct violation shall be on a form approved by the Judicial
 5 Council and, in addition to the owner’s or operator’s address and
 6 identifying information, shall contain an estimate of the reasonable
 7 time required for correction and proof of correction of the particular
 8 defect, not to exceed 30 days, or 90 days for the all-terrain vehicle
 9 safety certificate.

10 ~~(e) This section shall become inoperative on July 1, 2015, and,~~
 11 ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~
 12 ~~that becomes operative on or before January 1, 2016, deletes or~~
 13 ~~extends the dates on which it becomes inoperative and is repealed.~~

14 *(e) This section shall become inoperative on the date that the*
 15 *temporary license plate system described in Section 1686 becomes*
 16 *operational and the director prominently posts a declaration to*
 17 *that effect on the department’s Internet Web site, and is repealed*
 18 *on January 1 of the following year.*

19 SEC. 15. Section 40610 is added to the Vehicle Code, to read:

20 40610. (a) (1) Except as provided in paragraph (2), if, after
 21 an arrest, accident investigation, or other law enforcement action,
 22 it appears that a violation has occurred involving a registration,
 23 license, all-terrain vehicle safety certificate, or mechanical
 24 requirement of this code, and none of the disqualifying conditions
 25 set forth in subdivision (b) exist and the investigating officer
 26 decides to take enforcement action, the officer shall prepare, in
 27 triplicate, and the violator shall sign, a written notice containing
 28 the violator’s promise to correct the alleged violation and to deliver
 29 proof of correction of the violation to the issuing agency.

30 (2) If any person is arrested for a violation of Section 4454, and
 31 none of the disqualifying conditions set forth in subdivision (b)
 32 exist, the arresting officer shall prepare, in triplicate, and the
 33 violator shall sign, a written notice containing the violator’s
 34 promise to correct the alleged violation and to deliver proof of
 35 correction of the violation to the issuing agency. In lieu of issuing
 36 a notice to correct violation pursuant to this section, the officer
 37 may issue a notice to appear, as specified in Section 40522.

38 (b) Pursuant to subdivision (a), a notice to correct violation shall
 39 be issued as provided in this section or a notice to appear shall be

1 issued as provided in Section 40522, unless the officer finds any
2 of the following:

3 (1) Evidence of fraud or persistent neglect.

4 (2) The violation presents an immediate safety hazard.

5 (3) The violator does not agree to, or cannot, promptly correct
6 the violation.

7 (4) The vehicle is being operated in violation of Section 5202.

8 (c) If any of the conditions set forth in subdivision (b) exist, the
9 procedures specified in this section or Section 40522 are
10 inapplicable, and the officer may take other appropriate
11 enforcement action.

12 (d) Except as otherwise provided in subdivision (a), the notice
13 to correct violation shall be on a form approved by the Judicial
14 Council and, in addition to the owner's or operator's address and
15 identifying information, shall contain an estimate of the reasonable
16 time required for correction and proof of correction of the particular
17 defect, not to exceed 30 days, or 90 days for the all-terrain vehicle
18 safety certificate.

19 (e) This section shall become operative on ~~July 1, 2015~~. *the*
20 *date that the temporary license plate system described in Section*
21 *1686 becomes operational and the director prominently posts a*
22 *declaration to that effect on the department's Internet Web site.*

23 SEC. 16. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.