

AMENDED IN ASSEMBLY APRIL 23, 2014

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 to ~~issue a request for proposals on or before April 1, 2015, contract with a private industry partner~~ for the development of a temporary license plate system ~~that would become operational on or before July 1, 2015, and that would~~ to enable vehicle

dealers and lessor-retailers to print temporary license plates on weatherproof paper or other media selected by the DMV. The bill would *require the DMV to ensure that the system is operational on or before January 1, 2016.*

This bill would also require, commencing January 1, 2016, a motor vehicle dealer or lessor-retailer to install temporary license plates at the time of sale, and to electronically record and transmit certain information to the temporary license plate system, including the temporary license plates' number and vehicle's make and model. 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 plates on a vehicle upon receipt of those plates,

1 law enforcement cannot readily determine from a distance the date
2 by which a vehicle should have its plates installed.

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

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

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

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

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

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

31 1686. (a) The department shall, ~~on or before April 1, 2015,~~
32 ~~issue a request for proposals for the development of a temporary~~
33 ~~license plate system that shall become~~ *contract with a private*
34 *industry partner for the development of a temporary license plate*
35 *system, and shall ensure that the system becomes operational on*
36 ~~or before July 1, 2015, and that~~ *January 1, 2016. The temporary*
37 *license plate system shall enable vehicle dealers and lessor-retailers*
38 *and any other similar entities authorized by the department pursuant*
39 *to regulation to print temporary license plates on weatherproof*
40 *paper or other media selected by the department pursuant to*

1 subdivision (d) of Section 4456.6, using a standard laser printer
2 at the point of sale. A system user shall electronically record and
3 transmit to the temporary license plate system the vehicle and
4 owner identification information required by Section 4456.6.

5 (b) *The department shall issue a request for proposals for the*
6 *development of the temporary license plate system on or before*
7 *April 1, 2015.*

8 ~~(b)~~

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

13 ~~(e)~~

14 (d) (1) Access to the temporary license plate system shall be
15 restricted to authorized users of the department’s vehicle
16 registration database.

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

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

24 ~~(d)~~

25 (e) The temporary license plate system shall transmit vehicle,
26 temporary plate license number, and ownership information to the
27 department’s vehicle registration database within two working
28 days.

29 ~~(e)~~

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

33 ~~(f) Any requirement or criminal penalty related to the use of~~
34 ~~the temporary license plate system and temporary license plates~~
35 ~~shall be contingent upon the temporary license plate system~~
36 ~~becoming operative, including, but not limited to, the requirements~~
37 ~~and penalties set forth in Sections 4456, 4456.6, 5201, 5202, and~~
38 ~~40610.~~

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

1 4456. (a) When selling a vehicle, dealers and lessor-retailers
2 shall use numbered report-of-sale forms issued by the department.
3 The forms shall be used in accordance with the following terms
4 and conditions:

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

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

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

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

21 (B) Purchaser's name and address.

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

24 (D) Salesperson number.

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

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

1 days from the date of sale of the vehicle if the vehicle is a used
2 vehicle, and 40 days if the vehicle is a new vehicle.

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

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

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

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

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

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

17 (D) The actual mileage of the vehicle as indicated by the
18 vehicle's odometer at the time of delivery to the dealer conducting
19 the auction.

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

22 (F) The name, address, and occupational license number of the
23 buyer.

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

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

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

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

36 (1) The license plates and registration card are received by the
37 purchaser.

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

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

6 *(d) This section shall remain in effect only until January 1, 2016,*
7 *and as of that date is repealed, unless a later enacted statute, that*
8 *is enacted before January 1, 2016, deletes or extends that date.*

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

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

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

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

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

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

30 (B) Purchaser's name and address.

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

33 (D) Salesperson number.

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

1 the date that the application is first returned by the department if
2 the vehicle is a used vehicle, and 20 days if the vehicle is a new
3 vehicle, whichever is later.

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

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

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

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

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

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

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

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

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

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

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

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

38 (3) The single form required by this subdivision does not relieve
39 a dealer of any obligation or responsibility that is required by any
40 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 the date that the~~
12 ~~temporary license plate system described in Section 1686 becomes~~
13 ~~operational and the director prominently posts a declaration to that~~
14 ~~effect on the department's Internet Web site: January 1, 2016.~~

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, postage, and the fees and services
34 authorized pursuant to subdivisions (a) and (d) of Section 1685.
35 The director may establish, through the adoption of regulations,
36 the maximum amount that a first-line service provider may charge
37 a dealer. The electronic filing charge shall not be represented as a
38 governmental fee.

39 (3) A temporary license plate processing charge that does not
40 exceed the applicable maximum amount established by the

1 department through the adoption of regulations. The department
 2 may adopt different maximum amounts for dealers that have
 3 contractual agreements with the department to be private industry
 4 partners pursuant to Section 1685 and those that do not, but any
 5 maximum amount established by the department shall be
 6 reasonably related to the costs of providing these services.

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

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

11 4456.6. (a) A motor vehicle dealer shall, at the point of sale,
 12 install a temporary license plate in the front and rear license plate
 13 holder of a vehicle sold without permanent license plates. The
 14 dealer shall electronically record the temporary license plates’
 15 number, vehicle identification number, vehicle make, model, and
 16 year, and vehicle owner’s name and address using an electronic
 17 program provided by a first-line service provider, as defined in
 18 subdivision (b) of Section 1685. An independent dealer that does
 19 not have a contractual agreement with the department to be a
 20 private industry partner shall utilize a first-line service provider
 21 to access the temporary license plate system.

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

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

- 28 (1) A unique identification number.
- 29 (2) The expiration date of the temporary license plate.
- 30 (3) The vehicle’s make and model.

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

38 (e) The unique identification number shall be printed in black
 39 ink on white paper or other media consistent with standards adopted

1 by the department that provide optimal readability by law
2 enforcement and automated license plate recognition systems.

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

7 (g) This section shall become operative on ~~the date that the~~
8 ~~temporary license plate system described in Section 1686 becomes~~
9 ~~operational and the director prominently posts a declaration to that~~
10 ~~effect on the department's Internet Web site: January 1, 2016.~~

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

12 4463. (a) A person who, with intent to prejudice, damage, or
13 defraud, commits any of the following acts is guilty of a felony
14 and upon conviction thereof shall be punished by imprisonment
15 pursuant to subdivision (h) of Section 1170 of the Penal Code for
16 16 months or two or three years, or by imprisonment in a county
17 jail for not more than one year:

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

36 (2) Utters, publishes, passes, or attempts to pass, as true and
37 genuine, a false, altered, forged, or counterfeited matter listed in
38 paragraph (1) knowing it to be false, altered, forged, or
39 counterfeited.

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

8 (1) Forges, counterfeits, or falsifies a disabled person placard
9 or a comparable placard relating to parking privileges for disabled
10 persons provided for by a foreign jurisdiction, or forges,
11 counterfeits, or falsifies a disabled person placard with intent to
12 represent it as issued by the department.

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

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

18 (c) A person who, with fraudulent intent, displays or causes or
19 permits to be displayed a forged, counterfeit, or false disabled
20 person placard, is subject to the issuance of a notice of parking
21 violation imposing a civil penalty of not less than two hundred
22 fifty dollars (\$250) and not more than one thousand dollars
23 (\$1,000), for which enforcement shall be governed by the
24 procedures set forth in Article 3 (commencing with Section 40200)
25 of Chapter 1 of Division 17 or is guilty of a misdemeanor
26 punishable by imprisonment in a county jail for six months, a fine
27 of not less than two hundred fifty dollars (\$250) and not more than
28 one thousand dollars (\$1,000), or both that fine and imprisonment,
29 which penalty shall not be suspended.

30 (d) For purposes of subdivision (b) or (c), “disabled person
31 placard” means a placard issued pursuant to Section 22511.55 or
32 22511.59.

33 (e) A person who, with intent to prejudice, damage, or defraud,
34 commits any of the following acts is guilty of an infraction, and
35 upon conviction thereof shall be punished by a fine of not less than
36 one hundred dollars (\$100) and not more than two hundred fifty
37 dollars (\$250) for a first offense, not less than two hundred fifty
38 dollars (\$250) and not more than five hundred dollars (\$500) for
39 a second offense, and not less than five hundred dollars (\$500)

1 and not more than one thousand dollars (\$1,000) for a third or
2 subsequent offense, which penalty shall not be suspended:

3 (1) Forges, counterfeits, or falsifies a Clean Air Sticker or a
4 comparable clean air sticker relating to high occupancy vehicle
5 lane privileges provided for by a foreign jurisdiction, or forges,
6 counterfeits, or falsifies a Clean Air Sticker with intent to represent
7 it as issued by the department.

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

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

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

16 (f) As used in this section, "Clean Air Sticker" means a label
17 or decal issued pursuant to Sections 5205.5 and 21655.9.

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

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

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

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

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

39 (4) The rear license plate of a vehicle designed by the
40 manufacturer for the collection and transportation of garbage,

1 rubbish, or refuse that is used regularly for the collection and
2 transportation of that material by a person or governmental entity
3 employed to collect, transport, and dispose of garbage, rubbish,
4 or refuse may be mounted not less than 12 inches nor more than
5 90 inches from the ground.

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

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

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

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

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

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

33 (c) A casing, shield, frame, border, product, or other device that
34 obstructs or impairs the reading or recognition of a license plate
35 by an electronic device operated by state or local law enforcement,
36 an electronic device operated in connection with a toll road,
37 high-occupancy toll lane, toll bridge, or other toll facility, or a
38 remote emission sensing device, as specified in Sections 44081
39 and 44081.6 of the Health and Safety Code, shall not be installed
40 on, or affixed to, a vehicle.

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

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

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

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

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

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

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

29 ~~(e) This section shall become inoperative on the date that the
30 temporary license plate system described in Section 1686 becomes
31 operational and the director prominently posts a declaration to that
32 effect on the department's Internet Web site, and is repealed on
33 January 1 of the following year.~~

34 *(e) This section shall remain in effect only until January 1, 2016,*
35 *and as of that date is repealed, unless a later enacted statute, that*
36 *is enacted before January 1, 2016, deletes or extends that date.*

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

38 5201. (a) License plates, including temporary license plates,
39 shall at all times be securely fastened to the vehicle for which they
40 are issued so as to prevent the plates from swinging, shall be

1 mounted in a position so as to be clearly visible, and so that the
2 characters are upright and display from left to right, and shall be
3 maintained in a condition so as to be clearly legible. The rear
4 license plate shall be mounted not less than 12 inches nor more
5 than 60 inches from the ground, and the front license plate shall
6 be mounted not more than 60 inches from the ground, except as
7 follows:

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

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

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

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

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

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

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

37 (b) A person shall replace temporary license plates with
38 permanent license plates upon receipt of the permanent license
39 plates, and shall destroy the temporary license plates at that time.

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

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

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

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

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

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

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

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

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

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

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

13 (f) This section shall become operative ~~on the date that the~~
 14 ~~temporary license plate system described in Section 1686 becomes~~
 15 ~~operational and the director prominently posts a declaration to that~~
 16 ~~effect on the department's Internet Web site: January 1, 2016.~~

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

18 5202. (a) A license plate issued by this state or any other
 19 jurisdiction within or without the United States shall be attached
 20 upon receipt and remain attached during the period of its validity
 21 to the vehicle for which it is issued while being operated within
 22 this state or during the time the vehicle is being held for sale in
 23 this state, or until the time that a vehicle with special or
 24 identification plates is no longer entitled to those plates; and a
 25 person shall not operate, and an owner shall not knowingly permit
 26 to be operated, upon any highway, a vehicle unless the license
 27 plate is so attached. A special permit issued in lieu of plates shall
 28 be attached and displayed on the vehicle for which the permit was
 29 issued during the period of the permit's validity.

30 ~~(b) This section shall become inoperative on the date that the~~
 31 ~~temporary license plate system described in Section 1686 becomes~~
 32 ~~operational and the director prominently posts a declaration to that~~
 33 ~~effect on the department's Internet Web site, and is repealed on~~
 34 ~~January 1 of the following year.~~

35 *(b) This section shall remain in effect only until January 1, 2016,*
 36 *and as of that date is repealed, unless a later enacted statute, that*
 37 *is enacted before January 1, 2016, deletes or extends that date.*

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

39 5202. (a) A license plate issued by this state or any other
 40 jurisdiction within or without the United States shall be attached

1 upon receipt and remain attached during the period of its validity
2 to the vehicle for which it is issued while being operated within
3 this state or during the time the vehicle is being held for sale in
4 this state, or until the time that a vehicle with special or
5 identification plates is no longer entitled to those plates; and a
6 person shall not operate, and an owner shall not knowingly permit
7 to be operated, upon any highway, a vehicle unless the license
8 plate is so attached. A special permit or temporary license plate
9 issued in lieu of permanent license plates shall be attached and
10 displayed on the vehicle until the temporary license plate or the
11 permit expires, or the permanent license plates are received,
12 whichever occurs first.

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

16 (c) This section shall become operative ~~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 that~~
19 ~~effect on the department's Internet Web site. January 1, 2016.~~

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

21 5901. (a) Every dealer or lessor-retailer, upon transferring by
22 sale, lease, or otherwise any vehicle, whether new or used, of a
23 type subject to registration under this code, shall, not later than
24 the end of the fifth calendar day thereafter not counting the day of
25 sale, give written notice of the transfer to the department at its
26 headquarters upon an appropriate form provided by it.

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

38 (c) When the dealer or lessor-retailer is not in possession of the
39 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 inoperative on the date that the~~
8 ~~temporary license plate system described in Section 1686 becomes~~
9 ~~operational and the director prominently posts a declaration to that~~
10 ~~effect on the department’s Internet Web site, and is repealed on~~
11 ~~January 1 of the following year.~~

12 *(e) This section shall remain in effect only until January 1, 2016,*
13 *and as of that date is repealed, unless a later enacted statute, that*
14 *is enacted before January 1, 2016, deletes or extends that date.*

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

16 5901. (a) Every dealer or lessor-retailer, upon transferring by
17 sale, lease, or otherwise any vehicle, whether new or used, of a
18 type subject to registration under this code, shall, on the day of
19 sale, give electronic notice of the transfer to the department in a
20 manner approved by it.

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

33 (c) When the dealer or lessor-retailer is not in possession of the
34 vehicle that is sold or transferred, the person in physical possession
35 of the vehicle shall give the information required by subdivision
36 (b).

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

1 (e) This section shall become operative on ~~the date that the~~
2 ~~temporary license plate system described in Section 1686 becomes~~
3 ~~operational and the director prominently posts a declaration to that~~
4 ~~effect on the department's Internet Web site: January 1, 2016.~~

5 SEC. 14. Section 40610 of the Vehicle Code is amended to
6 read:

7 40610. (a) (1) Except as provided in paragraph (2), if, after
8 an arrest, accident investigation, or other law enforcement action,
9 it appears that a violation has occurred involving a registration,
10 license, all-terrain vehicle safety certificate, or mechanical
11 requirement of this code, and none of the disqualifying conditions
12 set forth in subdivision (b) exist and the investigating officer
13 decides to take enforcement action, the officer shall prepare, in
14 triplicate, and the violator shall sign, a written notice containing
15 the violator's promise to correct the alleged violation and to deliver
16 proof of correction of the violation to the issuing agency.

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

25 (b) Pursuant to subdivision (a), a notice to correct violation shall
26 be issued as provided in this section or a notice to appear shall be
27 issued as provided in Section 40522, unless the officer finds any
28 of the following:

29 (1) Evidence of fraud or persistent neglect.

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

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

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

37 (d) Except as otherwise provided in subdivision (a), the notice
38 to correct violation shall be on a form approved by the Judicial
39 Council and, in addition to the owner's or operator's address and
40 identifying information, shall contain an estimate of the reasonable

1 time required for correction and proof of correction of the particular
 2 defect, not to exceed 30 days, or 90 days for the all-terrain vehicle
 3 safety certificate.

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

9 *(e) This section shall remain in effect until January 1, 2016,*
 10 *and as of that date is repealed, unless a later enacted statute, that*
 11 *is enacted before January 1, 2016, deletes or extends that date.*

12 SEC. 15. Section 40610 is added to the Vehicle Code, to 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 (4) The vehicle is being operated in violation of Section 5202.

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

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

12 (e) This section shall become operative ~~on the date that the~~
13 ~~temporary license plate system described in Section 1686 becomes~~
14 ~~operational and the director prominently posts a declaration to that~~
15 ~~effect on the department's Internet Web site. January 1, 2016.~~

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

O