

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2131

Introduced by Assembly Member Maienschein

February 17, 2016

An act to ~~amend~~ *add* Section ~~5156~~ *of 5173* to the Vehicle Code, relating to license plates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2131, as amended, Maienschein. ~~License plates.~~ *Specialized license plates.*

Existing law establishes a specialized license plate program and requires the Department of Motor Vehicles (*DMV*) to issue specialized license plates ~~to~~ *on behalf of* a sponsoring state agency that meets certain requirements. Existing law requires that the department charge specified additional fees for the issuance, renewal, or transfer of specialized license ~~plates:~~ *plates, and requires the DMV to deposit the fees, less the DMV's costs, into the Specialized License Plate Fund. Existing law requires that moneys in the fund be allocated, upon appropriation by the Legislature, to each sponsoring agency in proportion to the amount that is attributable to the agency's specialized license plate program. Existing law requires the sponsoring state agency to use these moneys exclusively to fund projects and programs that promote the state agency's official policy, mission, or work. Existing law establishes the Food Bank Advisory Committee and requires the committee to advise the Department of Food and Agriculture on the establishment of new food banks and to advise on the adequate and efficient distribution of surplus food commodities to all areas of the state.*

This bill would ~~make technical, nonsubstantive changes to the provision establishing a specialized license plate program.~~ *require the DMV to deposit fees for the issuance of the Imagine specialized license plates, less the DMV's costs, into the Imagine No Hunger Fund, which the bill would establish in the Specialized License Plate Fund, for the deposit of revenue derived from these specialized license plates for the purpose of funding the Department of Food and Agriculture's Imagine program. The bill would require that these funds be allocated to, upon appropriation by the Legislature, the California Association of Food Banks, a private membership organization of 43 food banks from throughout the state, for proportional disbursement to its members to purchase additional food for distribution to food insecure families under the Imagine program. The bill would require the California Association of Food Banks to determine eligibility requirements for food banks receiving the funds under the Imagine program and to develop program specifics. The bill would authorize the California Association of Food Banks to contract with an entity, including a nonprofit organization, to provide advice, consultation, and administrative services for purposes of implementing and administering the Imagine program. The bill would prohibit annual administrative costs of the program incurred by the California Association of Food Banks from exceeding 25% of the funds collected from the issuance of the Imagine specialized license plates. The bill would declare the intent of the Legislature that the DMV, in consultation with the Department of Food and Agriculture, design and make available for issuance the Imagine specialized license plates, as specified. The bill would require the Department of California Highway Patrol to approve the design of the Imagine specialized license plate prior to production, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
 State-mandated local program: no.

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

1 SECTION 1. Section 5173 is added to the Vehicle Code, to
 2 read:
 3 5173. (a) The fees specified in Section 5157 shall be imposed
 4 for the issuance, renewal, or transfer of the Imagine specialized
 5 license plates. Notwithstanding subdivision (c) of Section 5157,
 6 after deducting its administrative costs, the department shall
 7 deposit the revenue derived from the additional fees into the

1 *Imagine No Hunger Fund, which is hereby established in the*
2 *Specialized License Plate Fund, for the Department of Food and*
3 *Agriculture’s Imagine program.*

4 *(b) Upon appropriation by the Legislature, moneys in the*
5 *Imagine No Hunger Fund shall be allocated to the California*
6 *Association of Food Banks for proportional disbursement to its*
7 *members to purchase additional food for distribution to “food*
8 *insecure” families in this state for the sole purpose of increasing*
9 *the amount of food available to “food insecure” Californians.*

10 *(c) Annual administrative costs for the program shall not exceed*
11 *25 percent of the funds collected from the issuance of the Imagine*
12 *specialized license plates, and may include marketing and other*
13 *promotional activities associated with encouraging application*
14 *for or renewal of Imagine specialized license plates.*

15 *(d) The California Association of Food Banks shall determine*
16 *eligibility requirements for food banks receiving funds through*
17 *the Department of Food and Agriculture’s Imagine program and*
18 *develop program specifics. The California Association of Food*
19 *Banks may contract with an entity, including a nonprofit*
20 *organization, to provide advice, consultation, and administrative*
21 *services for purposes of implementing and administering the*
22 *Imagine program.*

23 *(e) It is the intent of the Legislature that the department, in*
24 *consultation with the Department of Food and Agriculture, will*
25 *design and make available for issuance pursuant to this article*
26 *Imagine specialized license plates for the Imagine program.*
27 *Specifically, it is the intent of the Legislature that the specialized*
28 *license plates issued pursuant to this section shall consist of the*
29 *John Lennon self-portrait image with that image on a light blue*
30 *sky background, upon obtaining prior consent from the person or*
31 *persons described in subdivision (c) of Section 3344.1 of the Civil*
32 *Code, to the left of the numerical series and shall have the word*
33 *“Imagine” on the bottom of the license plate.*

34 *(f) The Department of the California Highway Patrol shall*
35 *approve the design of the Imagine specialized license plate for*
36 *legibility, reflectivity, and visibility prior to production.*

37 *(g) Fees collected the for initial issuance of the Imagine*
38 *specialized license plates under this section shall be held by the*
39 *Department of Food and Agriculture until the required number of*
40 *applications is received by the Department of Food and Agriculture*

1 *pursuant to Section 5156, and thereafter fees deposited into the*
2 *Imagine No Hunger Fund may be allocated, upon appropriation*
3 *by the Legislature, to the California Association of Food Banks*
4 *pursuant to subdivision (b).*

5 SECTION 1. Section 5156 of the Vehicle Code is amended to
6 read:

7 5156. ~~(a) (1) A state agency may apply to the department to~~
8 ~~sponsor a specialized license plate program, and the department~~
9 ~~shall issue specialized license plates for that program, if the agency~~
10 ~~complies with all of the requirements of this article.~~

11 ~~(2) The department shall not issue specialized license plates to~~
12 ~~a state agency for a vehicle that is exempt from the payment of~~
13 ~~registration fees pursuant to Section 9101 or 9103.~~

14 ~~(b) Except as provided in subdivision (d), the department shall~~
15 ~~not establish a specialized license plate program for an agency~~
16 ~~until the department has received not less than 7,500 applications~~
17 ~~for that agency's specialized license plates. The agency shall collect~~
18 ~~and hold applications for the plates. Once the agency has received~~
19 ~~at least 7,500 applications, it shall submit the applications, along~~
20 ~~with the necessary fees, to the department. The department shall~~
21 ~~not issue a specialized license plate until the agency has received~~
22 ~~and submitted to the department not less than 7,500 applications~~
23 ~~for that particular specialized license plate within the time period~~
24 ~~prescribed in this section. Advance payment to the department by~~
25 ~~the agency representing the department's estimated or actual~~
26 ~~administrative costs associated with the issuance of a particular~~
27 ~~specialized license plate shall not constitute compliance with this~~
28 ~~requirement. The agency shall have 12 months, following the date~~
29 ~~of approval of the agency's initial application to sponsor a~~
30 ~~specialized license plate program, to receive the required number~~
31 ~~of applications. If, after that 12 months, 7,500 applications have~~
32 ~~not been received, the agency shall immediately do either of the~~
33 ~~following:~~

34 ~~(1) Refund to all applicants all fees or deposits that have been~~
35 ~~collected.~~

36 ~~(2) Contact the department to indicate the agency's intent to~~
37 ~~undertake collection of additional applications and fees or deposits~~
38 ~~for an additional period, not to exceed 12 months, in order to obtain~~
39 ~~the minimum 7,500 applications. If the agency elects to exercise~~
40 ~~the option under this paragraph, it shall contact each applicant who~~

1 has submitted an application with the appropriate fees or deposits
2 to determine if the applicant wishes a refund of fees or deposits
3 or requests the continuance of the holding of the application and
4 fees or deposits until that time that the agency has received 7,500
5 applications. The agency shall refund the fees or deposits to an
6 applicant so requesting. The agency shall not collect and hold
7 applications for a period exceeding 24 months following the date
8 of approval of the agency's initial application to sponsor a
9 specialized license plate program.

10 (e) (1) If the number of outstanding and valid specialized license
11 plates in a particular program, except as provided in subdivision
12 (d), provided for in this article is less than 7,500, the department
13 shall notify the sponsoring agency of that fact and shall inform the
14 agency that if that number is less than 7,500 one year from the
15 date of that notification, the department will no longer issue or
16 replace those specialized license plates.

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

21 (d) (1) The Department of Veterans Affairs may sponsor a Gold
22 Star Family specialized license plate program, and the department
23 may establish this specialized license plate program in the absence
24 of 7,500 paid applications as provided in subdivision (d) of Section
25 5157.

26 (2) The Department of Veterans Affairs shall, upon receiving
27 proof of eligibility from an applicant, authorize the department to
28 issue Gold Star Family specialized license plates for a vehicle
29 owned by an eligible family member of a member of the Armed
30 Forces of the United States who was killed in the line of duty while
31 on active duty during wartime service, or during an international
32 terrorist attack that has been recognized by the United States
33 Secretary of Defense as an attack against the United States or a
34 foreign nation friendly to the United States, or during military
35 operations while serving outside the United States, including
36 commonwealths, territories, and possessions of the United States,
37 or as part of a peacekeeping force, which includes personnel
38 assigned to a force engaged in a peacekeeping operation authorized
39 by the United Nations Security Council. An eligible family member
40 is defined as all of the following:

1 ~~(A) A person who is otherwise eligible under this article to~~
2 ~~register a motor vehicle.~~

3 ~~(B) A person who shows proof from the United States~~
4 ~~Department of Veterans Affairs or the Department of Defense that~~
5 ~~the member who was in the Armed Forces of the United States~~
6 ~~was killed in the line of duty while on active duty in the military.~~

7 ~~(C) A person who bears, and shows proof satisfactory to the~~
8 ~~Department of Veterans Affairs of, one of the following~~
9 ~~relationships to the member of the Armed Forces killed in the line~~
10 ~~of duty while serving on active duty:~~

11 ~~(i) Widow.~~

12 ~~(ii) Widower.~~

13 ~~(iii) Biological parent.~~

14 ~~(iv) Adoptive parent.~~

15 ~~(v) Stepparent.~~

16 ~~(vi) Foster parent in loco parentis.~~

17 ~~(vii) Biological child.~~

18 ~~(viii) Adoptive child.~~

19 ~~(ix) Stepchild.~~

20 ~~(x) Sibling.~~

21 ~~(xi) Half-sibling.~~

22 ~~(xii) Grandparent.~~

23 ~~(xiii) Grandchild.~~

24 ~~(3) Upon the death of a person issued a Gold Star Family~~
25 ~~specialized license plate, the license plate shall be transferred to~~
26 ~~the surviving spouse, if he or she requests, or shall be returned to~~
27 ~~the department within 60 days after the death of the plateholder~~
28 ~~or upon the expiration of the vehicle registration, whichever occurs~~
29 ~~first.~~

30 ~~(e) (1) The Department of Veterans Affairs shall apply to the~~
31 ~~department to sponsor a veterans specialized license plate program,~~
32 ~~and the department shall issue license plates for that program if~~
33 ~~the Department of Veterans Affairs meets the requirements~~
34 ~~prescribed by this section.~~

35 ~~(2) The design of the veterans specialized license plate shall be~~
36 ~~identical to the design of the veterans special interest license plate~~
37 ~~issued pursuant to Section 5068 on or before January 1, 2010, and~~
38 ~~the decals for the plate shall be identical to those offered pursuant~~
39 ~~to Section 5068.~~

1 ~~(3) Notwithstanding Section 5157, in addition to the regular~~
2 ~~fees for an original registration, a renewal of registration, or a~~
3 ~~transfer of registration, the following fees shall be paid by~~
4 ~~individuals applying for a special interest license plate or a decal~~
5 ~~issued under this subdivision:~~

6 ~~(A) Fifty dollars (\$50) for the initial issuance of the plates and~~
7 ~~decal. The plates shall be permanent and shall not be required to~~
8 ~~be replaced.~~

9 ~~(B) Forty dollars (\$40) for each renewal of registration that~~
10 ~~includes the continued display of the plates or decals.~~

11 ~~(C) Fifteen dollars (\$15) for transfer of the plates to another~~
12 ~~vehicle.~~

13 ~~(D) Thirty-five dollars (\$35) for replacement plates, if they~~
14 ~~become damaged or unserviceable.~~

15 ~~(E) Ten dollars (\$10) for replacement decals, if they become~~
16 ~~damaged or unserviceable.~~

17 ~~(F) Seventy-eight dollars (\$78) for the personalization of the~~
18 ~~plates.~~

19 ~~(4) After deducting its administrative costs under this~~
20 ~~subdivision, the department shall deposit the revenue derived from~~
21 ~~the additional fees provided in paragraph (3) in the Veterans~~
22 ~~Service Office Fund created by Section 972.2 of the Military and~~
23 ~~Veterans Code.~~