

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2253

Introduced by Assembly Member Grove

February 18, 2016

An act to ~~amend~~ add Section ~~5004~~ of 5076 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2253, as amended, Grove. ~~Vehicles: special plates. Special interest license plates: In God We Trust — America, Inc.~~

Under existing law, an organization may apply to the Department of Motor Vehicles for participation in a special interest license plate program, and the department is required to issue special interest license plates for that program if the issuance of those plates is required under these provisions and the sponsoring organization meets certain requirements, including, among others, collecting and submitting to the department at least 7,500 applications for the plates, as specified. Beginning January 1, 2007, existing law prohibits the department from accepting an application for participation in a special interest license plate program, and from issuing special interest license plates for a new program, under this procedure.

This bill would state legislative findings and declarations relating to specialty license plate designs as government speech. This bill would require the department, notwithstanding the above provision that prohibits the department from accepting an application from an organization and from issuing special interest license plates for a new program, to design and make available for issuance special interest license plates, in consultation with In God We Trust — America, Inc.

This bill would require the payment of certain fees for the issuance, renewal, or transfer of the special interest license plates authorized pursuant to this provision, in addition to the regular fees for an original registration or renewal of registration.

~~Existing law authorizes the Department of Motor Vehicles to issue special identification plates to the owner of a vehicle that meets specified criteria and is operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose, subject to a specified fee.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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. The Legislature finds and declares that a specialty*
- 2 *license plate design constitutes government speech, pursuant to*
- 3 *the United States Supreme Court's decision in Walker v. Texas*
- 4 *Div., Sons of Confederate Veterans, Inc. (2015) 135 S.Ct. 2239,*
- 5 *and the Legislature's consideration of this act does not implicate*
- 6 *the free speech rights of private persons.*
- 7 *SEC. 2. Section 5076 is added to the Vehicle Code, to read:*
- 8 *5076. (a) Notwithstanding Section 5060.1, the department, in*
- 9 *consultation with In God We Trust — America, Inc., shall design*
- 10 *and make available for issuance, pursuant to this article, special*
- 11 *interest license plates.*
- 12 *(b) In addition to the regular fees for an original registration*
- 13 *or renewal of registration, the following additional fees shall be*
- 14 *paid for the issuance, renewal, or transfer of the special interest*
- 15 *license plates authorized pursuant to this section:*
- 16 *(1) For the original issuance of the plates, fifty dollars (\$50).*
- 17 *(2) For a renewal of registration with the plates, forty dollars*
- 18 *(\$40).*
- 19 *(3) For transfer of the plates to another vehicle, fifteen dollars*
- 20 *(\$15).*
- 21 *(4) For each substitute replacement plate, thirty-five dollars*
- 22 *(\$35).*
- 23 *(5) In addition, for the issuance of environmental license plates,*
- 24 *as defined in Section 5103, the additional fees prescribed in*

1 *Sections 5106 and 5108. The additional fees prescribed in Sections*
2 *5106 and 5108 shall be deposited in the California Environmental*
3 *License Plate Fund.*

4 SECTION 1. ~~Section 5004 of the Vehicle Code is amended to~~
5 ~~read:~~

6 ~~5004. (a) Notwithstanding any other provision of this code,~~
7 ~~any owner of a vehicle described in paragraph (1), (2), or (3) that~~
8 ~~is operated or moved over the highway primarily for the purpose~~
9 ~~of historical exhibition or other similar purpose shall, upon~~
10 ~~application in the manner and at the time prescribed by the~~
11 ~~department, be issued special identification plates for the vehicle:~~

12 ~~(1) A motor vehicle with an engine of 16 or more cylinders~~
13 ~~manufactured prior to the year 1965.~~

14 ~~(2) A motor vehicle manufactured in the year 1922 or prior to~~
15 ~~the year 1922.~~

16 ~~(3) A vehicle that was manufactured after the year 1922, is at~~
17 ~~least 25 years old, and is of historic interest.~~

18 ~~(b) The special identification plates assigned to motor vehicles~~
19 ~~with an engine of 16 or more cylinders manufactured prior to the~~
20 ~~year 1965 and to any motor vehicle manufactured in the year 1922~~
21 ~~and prior thereto shall run in a separate numerical series,~~
22 ~~commencing with "Horseless Carriage No. 1".~~

23 ~~The special identification plates assigned to vehicles specified~~
24 ~~in paragraph (3) of subdivision (a) shall run in a separate numerical~~
25 ~~series, commencing with "Historical Vehicle No. 1".~~

26 ~~Each series of plates shall have different and distinguishing~~
27 ~~colors.~~

28 ~~(c) A fee of twenty-five dollars (\$25) shall be charged for the~~
29 ~~initial issuance of the special identification plates. These plates~~
30 ~~shall be permanent and shall not be required to be replaced. If any~~
31 ~~special identification plate becomes damaged or unserviceable in~~
32 ~~any manner, replacement for the plate may be obtained from the~~
33 ~~department upon proper application and upon payment of the fee~~
34 ~~that is provided for in Section 9265.~~

35 ~~(d) All funds received by the department in payment for such~~
36 ~~identification plates or the replacement thereof shall be deposited~~
37 ~~in the California Environmental License Plate Fund.~~

38 ~~(e) These vehicles shall not be exempt from the equipment~~
39 ~~provisions of Sections 26709, 27150, and 27600.~~

- 1 ~~(f) As used in this section, a vehicle is of historic interest if it~~
- 2 ~~is collected, restored, maintained, and operated by a collector or~~
- 3 ~~hobbyist principally for purposes of exhibition and historic vehicle~~
- 4 ~~club activities.~~

O