

AMENDED IN SENATE MARCH 18, 1998

**SENATE BILL**

**No. 1462**

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**Introduced by Senator Mountjoy**  
*(Principal coauthor: Assembly Member Kaloogian)*

February 2, 1998

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An act to amend Section 10783 of the Revenue and Taxation Code, and to amend Sections 5101.5 and 9105 of the Vehicle Code, relating to vehicles, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1462, as amended, Mountjoy. ~~License fee exemption:~~  
~~POWs~~ *Prisoner-of-war license plates.*

~~Existing~~

(1) ~~Existing~~ law exempts a vehicle owned by a disabled veteran and a vehicle owned by a veteran who is a Congressional Medal of Honor recipient from the vehicle license fee requirements where the vehicle is a passenger vehicle, a motorcycle, or a commercial vehicle of less than 6,001 pounds.

This bill would extend this exemption to the same type of vehicles owned by *former* prisoners of war. The bill would make conforming changes with regard to special license plates issued to former prisoners of war.

(2) ~~Existing~~ law authorizes a person to apply for special *prisoner-of-war* license plates, as specified, if the person is eligible to apply for vehicle license plates and is a former prisoner of war. Those plates are required to have inscribed

on them the letters "POW" and 4 numbers that are 2<sup>3</sup>/<sub>4</sub> inches in height.

This bill, instead, would require the plates to contain a replica design of the American Prisoner of War Medal followed by the letters "POW" and 4 numbers of the applicant's choice. The bill additionally would require the special license plates to contain the words "Ex-Prisoner of War."

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: <sup>2</sup>/<sub>3</sub>—majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 10783 of the Revenue and  
2 Taxation Code is amended to read:

3 10783. (a) The license fee imposed by this part does  
4 not apply to a passenger vehicle, a motorcycle, or a  
5 commercial vehicle of less than 6,001 pounds unladen  
6 weight, unless the vehicle is used for transportation for  
7 hire, compensation, or profit, if the vehicle is owned by  
8 any disabled veteran, as defined in Section 295.7 of the  
9 Vehicle Code, any former prisoner of war, or any veteran  
10 who is a Congressional Medal of Honor recipient.

11 ~~The~~  
12 (b) ~~The~~ exemption granted by ~~this section~~ subdivision  
13 (a) shall extend to not more than one vehicle owned by  
14 the veteran. ~~The~~

15 (c) (1) ~~The~~ Department of Motor Vehicles may  
16 require any disabled veteran applying for an exemption  
17 under this section to submit a certificate signed by a  
18 physician or surgeon ~~substantiating the disability.~~ ~~The~~  
19 ~~Department of Motor Vehicles may require any person~~  
20 ~~applying for an exemption under this section by reason of~~  
21 ~~the person's status as a former prisoner of war to show by~~  
22 ~~satisfactory proof of his or her former prisoner of war~~  
23 ~~status or by reason of receiving the Congressional Medal~~  
24 ~~of Honor to submit satisfactory proof that he or she is a~~



1 ~~Congressional Medal of Honor recipient.~~ *substantiating*  
2 *the disability.*

3 (2) *The Department of Motor Vehicles may require*  
4 *any person applying for an exemption under this section*  
5 *for either of the following reasons to do any of the*  
6 *following:*

7 (A) *By reason of the person's status as a former*  
8 *prisoner of war, to show, by satisfactory proof, his or her*  
9 *former prisoner-of-war status.*

10 (B) *By reason of the person's status of receiving the*  
11 *Congressional Medal of Honor, to show, by satisfactory*  
12 *proof, that he or she is a Congressional Medal of Honor*  
13 *recipient.*

14 SEC. 2. Section 5101.5 of the Vehicle Code is amended  
15 to read:

16 5101.5. (a) Any person otherwise eligible under this  
17 article who is a former prisoner of war may apply for  
18 special license plates for the vehicle under this article.  
19 The special plates assigned to the vehicle shall ~~run in a~~  
20 ~~separate numerical series and shall have inscribed on the~~  
21 ~~plate contain a replica design of the American Prisoner~~  
22 ~~of War Medal followed by the letters "POW" and four~~  
23 ~~numbers that shall be two and three-quarters inches in~~  
24 ~~height.~~ *of the applicant's choice. The special license*  
25 *plates issued under this subdivision also shall contain the*  
26 *following words: "Ex-Prisoner of War."* The department  
27 shall, pursuant to this article, reserve and issue the license  
28 plates provided for by this section only to persons who  
29 show by satisfactory proof his or her former prisoner of  
30 war status. Any person otherwise issued license plates  
31 within this series pursuant to this article prior to January  
32 1, 1982, may retain them.

33 (b) Special license plates may be issued pursuant to  
34 subdivision (a) only for a vehicle owned or coowned by  
35 a former prisoner of war.

36 (c) Upon the death of a person issued special license  
37 plates pursuant to this section, his or her surviving spouse  
38 may retain the special license plates subject to the  
39 conditions set forth in this section. Upon the death of the  
40 spouse, the retained special license plates shall be



1 returned to the department either (1) within 60 days  
 2 following that death or (2) upon the expiration of the  
 3 vehicle registration, whichever occurs first.

4 (d) Any vehicle exempted from fees by Section 9105  
 5 and by Section 10783 of the Revenue and Taxation Code  
 6 shall lose the exemption upon the death of the former  
 7 prisoner of war.

8 (e) Sections 5106 and 5108 do not apply to this section.

9 SEC. 3. Section 9105 of the Vehicle Code is amended  
 10 to read:

11 9105. (a) The fees specified in this code, except fees  
 12 for duplicate plates, certificates, or cards, need not be  
 13 paid for any of the following vehicles, ~~which~~ *that* are of a  
 14 type subject to registration under this code, and ~~which~~  
 15 *that* are not used for transportation for hire,  
 16 compensation, or profit, when owned by any former  
 17 prisoner of war, any disabled veteran, or any  
 18 Congressional Medal of Honor recipient:

19 ~~(a)~~

20 (1) Any passenger motor vehicle.

21 ~~(b)~~

22 (2) Any motorcycle.

23 ~~(c)~~

24 (3) Any commercial motor vehicle of less than 6,001  
 25 pounds unladen weight.

26 ~~The~~

27 (b) ~~The~~ exemption granted by ~~this section~~ *subdivision*  
 28 (a) shall not extend to more than one vehicle owned by  
 29 any former prisoner of war, any disabled veteran, or *any*  
 30 Congressional Medal of Honor recipient. ~~The~~

31 (c) (1) ~~The~~ department may require any disabled  
 32 veteran applying for an exemption under this section to  
 33 submit a certificate signed by a physician or ~~surgeon~~  
 34 ~~substantiating the disability. Any person applying for an~~  
 35 ~~exemption under this section by reason of the person's~~  
 36 ~~prisoner of war status shall submit satisfactory proof that~~  
 37 ~~he or she was a prisoner of war. Any person applying for~~  
 38 ~~an exemption under this section by reason of receiving~~  
 39 ~~the Congressional Medal of Honor shall submit~~

1 ~~satisfactory proof that he or she is a Congressional Medal~~  
2 ~~of Honor recipient.~~ *surgeon substantiating the disability.*

3 (2) *The department may require any person applying*  
4 *for an exemption under this section for either of the*  
5 *following reasons to do any of the following:*

6 (A) *By reason of the person's status as a former*  
7 *prisoner-of-war, to show, by satisfactory proof, his or her*  
8 *former prisoner-of-war status.*

9 (B) *By reason of the person's status of receiving the*  
10 *Congressional Medal of Honor, to show, by satisfactory*  
11 *proof, that he or she is a Congressional Medal of Honor*  
12 *recipient.*

13 ~~SEC. 4. This act is an urgency statute necessary for the~~  
14 ~~immediate preservation of the public peace, health, or~~  
15 ~~safety within the meaning of Article IV of the~~  
16 ~~Constitution and shall go into immediate effect. The facts~~  
17 ~~constituting the necessity are:~~

18 ~~The license fee exemption provided by this act for~~  
19 ~~former prisoners of war is a deserving tribute to those~~  
20 ~~among us who have suffered the most in defense of our~~  
21 ~~country. It is, therefore, necessary that this act take effect~~  
22 ~~immediately to provide that recognition as soon as~~  
23 ~~possible.~~

