

AMENDED IN SENATE JUNE 18, 2009

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 873

**Introduced by Assembly Member Price
(Principal coauthor: Assembly Member Anderson)**

February 26, 2009

An act to amend Section 4466 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 873, as amended, Price. Vehicles: duplicate or substitute certificate of title or license plate.

(1) Existing law prohibits the Department of Motor Vehicles from issuing a duplicate or substitute certificate of title or license plate if, after a search of the records of the department, the registered owner's address, as submitted on the application, is different from that which appears in the records of the department, unless the registered owner applies in person and presents additional specified documentation, that includes, among other things, a facsimile of specified documents if the facsimile matches the vehicle record of the department.

This bill would authorize the use of a photocopy of those documents in lieu of a facsimile.

(2) Under existing law, the prohibition described above does not apply under certain circumstances, including when an application for a duplicate or substitute certificate of title or license plate is submitted by a dealer.

This bill would make that prohibition also inapplicable to an application for a duplicate or substitute certificate of title or license plate that is submitted by an agent of the dealer.

(3) Under existing law, the prohibition described above does not apply under circumstances when the vehicle is registered under the International Registration Plan or under Permanent Fleet Registration, or the vehicle is an implement of husbandry.

This bill would make the inapplicability of the above circumstances subject to the discretion of the department. It would also make the prohibition described above inapplicable, at the discretion of the department, when an application for a duplicate or substitute certificate of title or license plate is submitted by a licensed registration service representing specified persons or entities.

Vote: 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 4466 of the Vehicle Code is amended to
2 read:

3 4466. (a) The department shall not issue a duplicate or
4 substitute certificate of title or license plate if, after a search of the
5 records of the department, the registered owner's address, as
6 submitted on the application, is different from that which appears
7 in the records of the department, unless the registered owner applies
8 in person and presents all of the following:

9 (1) Proof of ownership of the vehicle that is acceptable to the
10 department. Proof of ownership may be the certificate of title,
11 registration certificate, or registration renewal notice, or a facsimile
12 or photocopy of any of those documents, if the facsimile or
13 photocopy matches the vehicle record of the department.

14 (2) A driver's license or identification card containing a picture
15 of the licensee or cardholder issued to the registered owner by the
16 department pursuant to Chapter 1 (commencing with Section
17 12500) of Division 6. The department shall conduct a search of
18 its records to verify the authenticity of any document submitted
19 under this paragraph.

20 (A) If the registered owner is a resident of another state or
21 country, the registered owner shall present a driver's license or
22 identification card issued by that state or country. In addition, the

1 registered owner shall provide photo documentation in the form
2 of a valid passport, military identification card, identification card
3 issued by a state or United States government agency, student
4 identification card issued by a college or university, or
5 identification card issued by a California-based employer. If a
6 resident of another state is unable to present the required photo
7 identification, the department shall verify the authenticity of the
8 driver's license or identification card by contacting the state that
9 issued the driver's license or identification card.

10 (B) If the registered owner is not an individual, the person
11 submitting the application shall submit the photo identification
12 required pursuant to this paragraph, as well as documentation
13 acceptable to the department that demonstrates that the person is
14 employed by an officer of the registered owner.

15 (3) If the application is for the purpose of replacing a license
16 plate that was stolen, a copy of a police report identifying the plate
17 as stolen.

18 (4) If the application is for the purpose of replacing a certificate
19 of title or license plate that was mutilated or destroyed, the
20 remnants of the mutilated or destroyed document or plate.

21 (5) If the department has a record of a prior issuance of a
22 duplicate or substitute certificate of title or license plate for the
23 vehicle within the past 90 days, a copy of a report from the
24 Department of the California Highway Patrol verifying the vehicle
25 identification number of the vehicle.

26 (b) Subdivision (a) does not apply if any of the following apply:

27 (1) The registered owner's name, address, and driver's license
28 or identification card number submitted on the application match
29 the name, address, and driver's license or identification card
30 number contained in the department's records.

31 (2) An application for a duplicate or substitute certificate of title
32 or license plate is submitted by or through one of the following:

33 (A) A legal owner, if the legal owner is not the same person as
34 the registered owner or as the lessee under Section 4453.5.

35 (B) A dealer or an agent of the dealer.

36 (C) A dismantler.

37 (D) An insurer or an agent of the insurer.

38 (E) A salvage pool.

39 (c) At the discretion of the department, subdivision (a) does not
40 apply in any of the following circumstances:

1 (1) An application for a duplicate or substitute certificate of title
2 or license plate is submitted by a licensed registration service
3 representing any of the following:

4 (A) A person ~~or entity, including, but not limited to, a person~~
5 or entity listed in subparagraphs (A) to (E), inclusive, of paragraph
6 (2) of subdivision (b).

7 (B) A business entity recognized under the laws of this state or
8 the laws of any foreign or domestic jurisdiction whose laws are in
9 parity with the laws of this state.

10 (C) A court-appointed bankruptcy referee.

11 (D) A person who is an individual, is not included in
12 subparagraphs (A) to (C), inclusive, and submits to the licensed
13 registration service an application with a signature that is validated
14 by a notary public. The licensed registration service shall maintain
15 full and complete records of its transactions conducted pursuant
16 to this subparagraph and shall make those records available for
17 inspection by an investigator of the Department of Motor Vehicles,
18 investigator of the Department of the California Highway Patrol,
19 a city police department, a county sheriff's office, or a district
20 attorney's office, if the investigator requests access to the record
21 and the request is for the purpose of a criminal investigation.

22 (2) The vehicle is registered under the International Registration
23 Plan pursuant to Section 8052 or under the Permanent Fleet
24 Registration program pursuant to Article 9.5 (commencing with
25 Section 5301) of Chapter 1.

26 (3) The vehicle is an implement of husbandry, as defined in
27 Section 36000, or a tow dolly, or has been issued an identification
28 plate under Section 5014 or 5014.1.

29 (d) The department shall issue one or more license plates only
30 to the registered owner or lessee. The department shall issue the
31 certificate of title only to the legal owner, or if none, then to the
32 registered owner, as shown on the department's records.