

Date of Hearing: April 3, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1251 (Travis Allen) – As Amended March 28, 2017

SUBJECT: Specialized license plates: Endless Summer

SUMMARY: Requires the State Coastal Conservancy (SCC) to apply to the Department of Motor Vehicles (DMV) to sponsor an Endless Summer specialized license program, as specified. Requires DMV, in consultation with SCC, to design the license plate bearing a full-plate graphic surfer design that DMV determines, in consultation with the California Highway Patrol (CHP), does not obscure the readability of the license plate. Requires the proceeds from the fees imposed for the issuance, renewal, and transfer of the specialized license plates to be used, upon appropriation by the Legislature to SCC, to fund a coastal conservancy awareness program, as specified.

EXISTING LAW:

- 1) Allows any state agency to apply to DMV to sponsor a specialized license plate program.
- 2) Requires DMV to issue specialized license plates for that program if the agency complies with all statutory requirements.
- 3) Prohibits DMV from establishing a specialized license plate program for an agency until it has received not less than 7,500 paid applications for that agency's specialized license plates.
- 4) Requires the agency to collect and hold applications for the plates. Once the agency has received at least 7,500 applications, it must submit the applications, along with the necessary fees, to DMV.
- 5) Prohibits advance payment to DMV of its estimated or actual administrative costs associated with the issuance of a particular specialized license plate from constituting compliance with the 7,500 application threshold requirement.
- 6) Requires funds accruing to a sponsoring state agency from the sale of specialized license plates to be expended exclusively for projects and programs that promote that agency's official policy, mission, or work.
- 7) Allows specialized license plates to feature a distinctive design, decal, or distinctive message in a two-inch by three-inch space to the left of the plate's numerical sequence and a space not larger than 5/8-inch in height below the numerical series.

FISCAL EFFECT: Unknown

COMMENTS: Prior to 2007, any new specialty license plate required specific legislative authorization. That practice was held to be unconstitutional by the federal courts, as the Legislature approved some plates and rejected others, without using any standardized or objective criteria for those decisions. In response to the court decision, AB 84 (Leslie),

Chapter 454, Statutes of 2006, established the current specialized license plate program to provide a forum for government speech that promotes California's state policies. AB 84 excluded private organizations from seeking specialized license plates as a forum for private speech, and thus addressed the court's objection. The current specialized license plate program permits a state agency to initiate the development and sponsorship of a specialized plate, thus no additional legislation is required to authorize the creation of a new plate.

Plates created under the current program and the revenue they generate must publicize or promote a state agency, or the official policy, mission, or work of a state agency. Furthermore, the process requires that at least 7,500 paid applications must be received by the state agency prior to notifying DMV. This 7,500-application threshold was previously put into statute in an attempt to ensure that DMV's startup costs would be fully covered by the portion of the registration fee surcharge that is directed to DMV and to avoid a proliferation of different types of plates, which can be troublesome from a law enforcement perspective.

SR 28 (Committee on Transportation and Housing) of 2014 directed DMV to submit a report to the Governor and the Legislature regarding special interest license plates. The report presented findings of a task force comprised of DMV, CHP, and City of Sacramento, City of South San Francisco, City of Orange Police Departments and made recommendations for future special interest license plates, including license plate design standards.

The specialized license plates created by this bill would generate revenue for coastal conservancy awareness purposes, including, but not limited to, educating the public on surfing history, providing support to lifeguards at high-risk beaches, preserving and protecting the shoreline and coastal ecosystems, maintenance and operation of coastal access infrastructure, and the protection, habitat, care, rehabilitation, and reintroduction of sea lions.

Committee concerns: This bill authorizes the creation of a specialized license plate with a full-plate graphic. The SR 28 report recommended no full-plate graphics be used on future special interest license plates, as full-plate graphics hinder officer or witness ability to clearly read license plate configurations and visibility testing revealed that full-plate graphics result in difficulty reading plates at distances of 80-100 feet.

Suggested amendment: To preserve consistency with past practice and ensure law enforcement is able to distinguish between license plates, the bill should be amended to remove the authorization to create a specialized license plate with a full-plate graphic.

Double referral: This bill will be referred to the Assembly Natural Resources Committee should it pass out of this committee.

Related legislation: AB 1338 (Low) would expand the eligibility criteria regarding persons authorized to obtain a "California Firefighter" special license plate to include a surviving spouse, domestic partner, or child of a deceased firefighter or deceased retired firefighter. AB 1338 passed out of this committee on March 20, 2017, with a 14-0 vote and is awaiting a hearing by the Assembly Appropriations Committee.

SB 309 (Jackson) would require the Department of Health Care Services to apply to DMV to sponsor a reproductive freedom license plate program to raise money for the Family Planning,

Access, Care, and Treatment program. SB 309 is awaiting a hearing by the Senate Transportation and Housing Committee.

SB 673 (Newman) would divert the revenue generated by the Pet Lover's specialized license plate program to the Department of Food and Agriculture, instead of the Veterinary Medical Board. SB 673 is awaiting a hearing by the Senate Transportation and Housing Committee.

Previous legislation: Since 2011, 14 bills have been introduced directing a state agency to sponsor a specialized license plate for a variety of causes. Since 2014, four were passed by the Legislature and signed by Governor Brown. These bills would raise funds for Salton Sea restoration [AB 1096 (Nestande), Chapter 353, Statutes of 2014], kidney disease research [AB 2450 (Logue), Chapter 359, Statutes of 2014], breast cancer awareness [AB 49 (Buchanan), Chapter 351, Statutes of 2014], and domestic violence prevention [AB 2321 (Gomez), Chapter 358, Statutes of 2014]. None have yet gathered the necessary number of applications to enter production. In the 2015-16 Legislative Session, seven bills directing a state agency to sponsor a specialized license plate for a specific cause were introduced. Three of them, AB 63 (Bonilla) raising money for school safety, AB 270 (Nazarian) raising money for diabetes awareness, and AB 932 (Daly) raising money for local parks and recreation grant programs passed out of this Committee with no 'No' votes and died in the Senate Appropriations Committee. AB 1884 (Harper) raising money for mental health awareness, AB 2131 (Maienschein) raising money for local food banks, AB 2253 (Grove) raising money for affordable services for veterans, and AB 2303 (Holden) raising money for the Active Transportation Program all passed out of this Committee with no 'No' votes and were held on the Assembly Appropriations Committee Suspend File.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Justin Behrens / TRANS. /