

Date of Hearing: March 14, 2016

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 1884 (Harper) – As Amended March 10, 2016

**SUBJECT:** Specialized license plates: mental health awareness

**SUMMARY:** Requires the Department of Health Care Services (DHCS) to apply to the Department of Motor Vehicles (DMV) to sponsor a mental health awareness specialized license plate program. Establishes the Mental Health Awareness Fund and specifies that revenues from the fund will be used by DHCS to fund programs related to mental health awareness and education. States the intent of the Legislature that DMV consult with the Mental Health Services Division of DHCS to design the specialized plate containing specific images and messages.

**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 specialized 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 excludes private organizations from seeking specialized license plates as a forum for private speech, and thus

addresses 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.

In regards to this bill, the author intends to promote awareness and encourage the de-stigmatization of mental health illnesses. Every Mind Matters, California's Mental Health Movement, has found that 50 percent of Californians will experience a mental health challenge in their lifetime and between 70 and 90 percent of individuals report reduced symptoms and improved quality of life with treatment and support. According to the author, "Awareness is an important part of treating mental health issues in California. This bill will let Californians spread the word about this critical issue every time they get in their cars."

*Related legislation:* Currently there are three bills in the legislative process that would direct a state agency to sponsor a specialized license plate for a specific cause: AB 63 (Bonilla) to raise money for school safety, AB 270 (Nazarian) to raise money for diabetes awareness, and AB 932 (Daly) to raise money for local parks and recreation grant programs. All three bills passed out of this Committee with no 'No' votes and are currently in the Senate Appropriations Committee.

*Previous legislation:* Since 2011, 12 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 the Governor. 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].

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Association of Mental Health Peer-Run Organizations  
County Behavioral Health Directors Association of California  
Disability Rights California  
Mental Health America of California

### **Opposition**

None on file

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