

Date of Hearing: April 11, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2131 (Maienschein) – As Amended April 6, 2016

SUBJECT: Specialized license plates

SUMMARY: Requires the California Department of Food and Agriculture (CDFA) to apply to the Department of Motor Vehicles (DMV) to sponsor the “Imagine” specialized license plate program, for the purpose of helping food banks end hunger in California. Establishes the Imagine Account and specifies that revenues from the account will be allocated by CDFA to a non-profit organization for the purpose of funding local food banks. Requires the design of the specialized license plate include 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 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 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 provide support and revenue to California's emergency food safety net without taking resource from the General Fund. According to the California Association of Food Banks, the sponsor of this bill, more than 5 million Californians, including 1 in 4 children, face food insecurity every day and many of these individuals rely on the services of food banks for access to nutrition. The author argues that the revenue generated from this specialized license plate program will be instrumental in funding California food banks to reach the goal of ending hunger in California. This bill would dedicate the revenues from this specialized license plate program to qualifying local food banks through a program administered by CDFA in conjunction with a non-profit organization.

This bill specifies the design of the Imagine plate to include the likeness of John Lennon, a founding member of The Beatles, characterized by the bill's proponents as the most commercially successful band in the history of popular music. Florida enacted a well-received specialty license plate bearing the same theme in 2004.

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

Related legislation: Currently there are five other bills in the legislative process that would direct a state agency to sponsor a specialized license plate for a specific cause. Three bills, 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 passed out of this Committee with no 'No' votes and are currently in the Senate Appropriations Committee. AB 1884 (Harper) to raise money for mental health awareness was passed by this Committee on March 14 and is currently in the Assembly Appropriations Committee. AB 2303 (Holden) would raise money for the Active Transportation Program and is scheduled to be heard by this committee on April 11, 2016.

AB 2253 (Grove) would require DMV to design and issue a special interest license plate in consultation with In God We Trust – America, Inc. AB 2253 is scheduled to be heard by this committee on April 11, 2016.

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]. None have yet gathered the necessary number of applications to enter production.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda County Community Food Bank
California Association of Food Banks
California Food Policy Advocates
Community Action Agency of Butte County, Inc.
Community Food Bank
Feeding America San Diego
FIND Food Bank
Food Bank Coalition of San Luis Obispo County
Food Bank of El Dorado County
Food Bank for Monterey County
Food Bank of Contra Costa and Solano
Food for People, the Food Bank for Humboldt County
FoodLink for Tulare County
Jacobs and Cushman San Diego Food Bank
Los Angeles Regional Food Bank
OC Food Bank
Redwood Empire Food Bank
Resource Connection Food Bank
Sacramento Food Bank & Family Services
Second Harvest Food Bank of Orange County
SF-Marín Food Bank
Shasta Senior Nutrition Food Bank
Westside Food Bank
Yolo Food Bank

Opposition

None on file

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