

Date of Hearing: April 11, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2303 (Holden) – As Amended April 6, 2016

SUBJECT: Vehicles: specialized license plates

SUMMARY: Requires the California Department of Transportation (Caltrans) to apply to the Department of Motor Vehicles (DMV) to sponsor a bicycle pathway license plate program. Allocates that the revenues generated the bicycle pathway license plate program to the Active Transportation Program.

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.
- 8) Establishes the Active Transportation Program for the purpose of encouraging increased use of active modes of transportation, such as biking and walking.

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 additional resources to the State Highway Account's oversubscribed Active Transportation Program. The author states that 28% of Californians ride a bicycle as an outdoor activity and California bicyclists and pedestrians face much higher death rates relative to the rest of the United States.

The Active Transportation Program was established in its current form in 2013 with the following goals: increase the proportion of trips accomplished by biking and walking, increase safety and mobility for non-motorized users, advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals, enhance public health, ensure that disadvantaged communities fully share in the benefits of the program, and provide a broad spectrum of projects to benefit many types of active transportation users. In every year since 2013, the Active Transportation Program has consistently received project applications for a total amount of money greater than the amount available to the program. For example, in the second cycle of grants, awarded in 2015, 617 applications were submitted, requesting over \$1 billion in funds. In that cycle approximately 207 projects were awarded totaling \$359 million.

This bill would dedicate any revenues generated by the new specialized license plate program to the Active Transportation Program, providing an additional stream of resources.

Proposed author's amendment: Based on the popularity and success of the California Legacy License Plate Program, through which DMV issues license plates that replicate the look of California license plates from the state's past, the author wishes to specify that the design of the bicycle pathway license plate shall resemble a past design used by DMV. The author proposes an amendment to require that the design of the license plates issued under the bicycle pathway license plate program be identical, to the extent DMV determines it to be reasonably feasible under current manufacturing processes, to the license plate design utilized by DMV between 1982 and 1987 that featured blue, orange, and red lettering, a white background, the phrase "Golden State" and a sunset design.

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, 2016, with a 16-0 vote, and is currently awaiting a hearing in the

Assembly Appropriations Committee. AB 2131 (Maienschein) would raise money for local food banks 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

California Bicycle Coalition (Sponsor)
Bike East Bay
Bike Santa Cruz County
Bike SLO County
Chico Velo
Inland Empire Biking Alliance
Livable Communities, Inc.
Marin County Bicycle Coalition
Napa County Bicycle Coalition
San Diego County Bicycle Coalition
Santa Barbara Bicycle Coalition
Silicon Valley Bicycle Coalition

Opposition

None on file

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