

Date of Hearing: April 18, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2253 (Grove) – As Amended April 13, 2016

SUBJECT: Specialized license plates: In God We Trust

SUMMARY: Requires the California Department of Veterans Affairs (CalVet) to apply to the Department of Motor Vehicles (DMV) to sponsor an “In God We Trust” specialized license plate program. Establishes the Veterans Housing and Homeless Prevention Fund and specifies that revenues from the fund will be used by CalVet to fund the Veterans Housing and Homeless Prevention Program and the development of affordable services for veterans.

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 AB 2253, the author intends to include license plates bearing "In God We Trust," the national motto since the 1950s, among the possible plates a vehicle owner can choose to display. Sixteen other states have similar license plates. According to the author, "it is completely appropriate for Californians to have the option to have our national motto displayed on their license plates if they so choose." Funds generated by this specialized license plate program would be used by CalVet to fund homeless veterans prevention programs, and the development of affordable services for veterans.

Reconsideration: This bill failed passage in this committee on April 11, 2016, and was granted reconsideration.

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

Related legislation: Currently there are six 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 approved by this Committee on March 14, 2016, AB 2131 (Maienschein) would raise money for local food banks, and AB 2303 (Holden) would raise money for the Active Transportation Program, both passed out of this committee on April 11, 2016. These three bills are currently awaiting a hearing in the Assembly 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

Honorable Josh Bryant, Councilmember, City of Taft
Honorable Roger Gitlin, Del Norte County Board of Supervisors, First District
Honorable Mick Gleason, Kern County Board of Supervisors, First District
Honorable Mike Maggard, Kern County Board of Supervisors, Third District
Honorable James C. Predmore, Mayor, City of Holtville
Honorable Zac Scrivner, Kern County Board of Supervisors, Second District
Honorable Michael Van Winkle, Mayor of Waterford
Honorable Acquanetta Warren, Mayor, City of Fontana
Sheriff Donny Youngblood, Kern County Sheriff
4 private citizens

Opposition

1 private citizen

Analysis Prepared by: Justin Behrens / TRANS. / (916) 319-2093