

Date of Hearing: June 13, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
SB 21 (Glazer) – As Amended April 5, 2021

SENATE VOTE: 37-0

SUBJECT: Specialized license plates: mental health awareness

SUMMARY: Requires the State Department of Education (DOE) to apply to the Department of Motor Vehicles (DMV) to sponsor a mental health awareness license plate program.

Specifically, **this bill:**

- 1) Requires the DOE to follow existing requirements to create a specialized license plate.
- 2) Requires DOE to deposit additional fees into the Mental Health Awareness Fund, established by the State Treasury, and authorizes the funds to be spend by DOE for mental health services in public schools.
- 3) Requires the School Health and Safety Office within DOE to accept and use donated artwork from California artists in the license plate design. With a requirement that the artwork be displayed to the left of the numerical series and a mental health awareness message, such as “You Are Not Alone,” below the numerical series.

EXISTING LAW:

- 1) Provides for a specialized license plate program, under which the DMV may issue new special-interest license plates. Special-interest license plates may be issued on behalf of state agencies and only if:
 - a) The license plate has “a design or contains a message that publicizes or promotes a state agency, or the official policy, mission, or work of a state agency.” The design shall also be confined to the left of and below the numerical series (i.e., no full-plate designs allowed).
 - b) The state agency submits 7,500 applications and accompanying fees to DMV for the license plate. The state agency has 12 months to collect these applications and fees, but it can extend that to a maximum of 24 months if it notifies and offers to refund fees to those who applied during the first 12 months. Once a plate is issued, DMV stops issuing that plate for the agency if the number of plates drops below 7,500.
- 2) Authorizes DMV to charge, in addition to the usual registration and license fees, the following additional fees for specialized license plates: \$50 for the initial issuance, \$40 for annual renewal, and \$98 to personalize. DMV deducts its administrative costs from the revenues generated. The net revenues derived from a specialized license plate are then available upon appropriation for the sponsoring state agency to expend exclusively on projects and programs that promote the state agency’s official policy, mission, or work.

FISCAL EFFECT: Unknown

COMMENTS:

California allows individuals to request a specialized license plate for their vehicle for an initial fee of \$50 and a renewal fee of \$40. These plates generally have a different design than the standard plate, and are sponsored by a state agency that receives the revenue remaining after DMV has been reimbursed for the costs of issuing the specialized plates.

In the past, California allowed private organizations to sponsor specialized license plates by making an application to DMV and allowed DMV to refuse to issue a plate based on its content. A U.S. District Court determined that the process for creating the plates was a freedom of speech violation as the court had determined that the process California used for creating specialized license plates was private speech and DMV could not turn down sponsorships based on content.

In response, the Legislature passed and Governor Schwarzenegger signed AB 84 (Leslie), Chapter 454, Statutes of 2006, which restricted DMV to only issue specialized license plates if they were sponsored by a state agency that received 7,500 commitments from individuals to purchase the plates.

The fees generated from 7,500 plates are necessary to ensure there are enough funds to reimburse DMV for the costs of adding a new plate. The majority of DMV's costs are for computer programming, and not the production, of the plate. Without meeting the 7,500 commitment threshold, these specialized plates would not serve their purpose of raising additional revenue for the state, and instead would become a cost burden to DMV, an agency whose expenditures are forecast to exceed revenues in the next five years.

Since the passage of AB 84, the U.S. Supreme Court, in *Walker v. Texas Division, Sons of Confederate Veterans*, determined that specialized license plates are government speech, not private speech, and upheld a Texas law that was similar to California's previous process of establishing specialized license plates.

A 2020 federal court case in the United States District Court Northern District of California has brought this decision into question. *Ogilvie v. Gordon* made the determination that personalized plates are not government speech and therefore the DMV cannot place restrictions on plates that may carry connotations offensive to good taste and decency, or which would be misleading. *Walker v. Texas Division, Sons of Confederate Veterans* explicitly placed aside the issue on whether personalized plates are government speech. DMV has not appealed the decision made in *Ogilvie*, allowing individuals to continue to have plates that may be offensive to others.

This bill requires DOE to sponsor a mental health awareness license plate program and requires the funds from the plate to be deposited into the newly created Mental Health Awareness Fund, with funds generated to be spent on mental health services in public schools. The plate will have the words "You are Not Alone" below the numerical series, and an image on the left of the series that will be a piece of artwork donated from California artists for the license plate design.

According to the author, "Youth anxiety, depression, and suicide are serious social and public health concerns. According to the National Institute of Health, suicide is the second leading cause of death among young people ages 10-24 in the U.S.

According to a recent state audit, the youth suicide rate increased 15% between 2009 and 2018. The COVID-19 pandemic has only increased mental health issues among youth across the state. In 2020, mental health related emergency room visits of teenagers increased by 31% compared to 2019.

While there has been an overall increase in student mental health needs, student suicidal ideation can vary on average between individual schools from 4% to 70%. One of the key determinations for overall students' mental health is the school district's level of mental health awareness. The lack of stability and support for students across the state has increased stress, anxiety, and depression for all students while they try to cope with unprecedented circumstances. This bill will create a mental health awareness license plate program to bring greater awareness and greater funding for programs and services that help Californians dealing with a mental illness."

The National Alliance on Mental Illness, California (NAMI-CA), writing in support of this bill, argues " Children and youth are experiencing escalating mental health needs and face numerous barriers to accessing care and support. Early data indicate that the COVID-19 public health emergency is further exacerbating children's mental health needs. For example, the Centers for Disease Control and Prevention reported that beginning in April 2020, the proportion of mental-health related emergency department visits among all pediatric emergency department visits increased by 24% for children ages 5-11 and by 31% for children ages 12-17. Now more than ever, our public schools deserve our support so they can meet the rising mental health crisis among California's public school students."

A Bill Is Not Necessary to Create a New Specialized Plate: Creating a new specialized license plate does not require legislation. Members of the Legislature or private individuals can ask state agencies to sponsor a new plate. If there is a good plan in place to get to the 7,500 prepaid commitments, an agency would likely be willing to sponsor a plate because it would result in additional revenue for that agency.

One such agency that has taken advantage of this is the Natural Resources Agency (NRA). DMV provides a packet to state agencies on how to sponsor a plate on their own. NRA in this past year has reached out to multiple professional sports teams and has signed a deal with at least one team and will likely announce a deal with others.

AB 84 was intended to stop members of the Legislature from introducing such bills because they were considered constitutionally suspect under the first amendment at the time.

Members of the Legislature continue to introduce bills requiring agencies to sponsor plates; however, these bills have largely been unsuccessful in resulting in the minimum threshold of obtaining 7,500 commitments. Of the 12 legislatively-sponsored plates approved since 2000, only two have met the threshold. Of the four that have passed since 2014, only one reached the threshold. In the 2015-16 Legislative Session, seven bills were introduced directing a state agency to sponsor a specialized license plate. All seven died in either the Senate or Assembly Appropriations Committee. In the 2017-2018 session, five specialized license plates were introduced. One made it to the Governor and was vetoed. In the 2019 session, two specialized license plates were introduced and both were held in Senate Appropriations Committee. In the 2020 session, three bills were introduced. One died in Assembly Appropriations Committee, the other two were never set for a hearing. In 2021 one bill has been held in Assembly Appropriations Committee.

Previous Legislation:

AB 84 (Leslie), Chapter 454, Statutes of 2006, restricts specialized license plates to only be issued if sponsored by a state agency that receives 7,500 commitments from individuals to purchase the plates.

SB 1233 (Glazer) of 2020 was nearly identical to this bill. That bill died in Senate Transportation Committee.

AB 226 (Mathis) of 2019 and 1884 (Harper) of 2016 would have required the Department of Health Care Services to apply to DMV to sponsor a mental health awareness license plate program and would have created a Mental Health Awareness Fund. Both bills were held in Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

All It Takes
Association of Regional Center Agencies
Beingwellca
California Alliance of Child and Family Services
California Association of Marriage and Family Therapists
California Association of Social Rehabilitation Agencies
California Association of Student Councils
California Department of Education
California Hospital Association/California Association of Hospitals and Health Systems
California Psychological Association
California State Association of Psychiatrists (CSAP)
California State Pta
City of Orinda
County Behavioral Health Directors Association of California
Dbsa California
Generation Up
National Alliance on Mental Illness (NAMI-CA)
Steinberg Institute
The Miles Hall Foundation
Tulare County Supervisor Amy Shuklian

Opposition

None on file

Analysis Prepared by: David Sforza / TRANS. / (916) 319-2093