

Introduced by Senator CogdillFebruary 21, 2007

An act to amend Section 10783 of the Revenue and Taxation Code, and to amend Sections 5101.5, 5101.6, and 9105 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 386, as introduced, Cogdill. Vehicles: special license plates.

Existing law authorizes a person who is a former American prisoner of war or a Congressional Medal of Honor recipient to apply for special license plates for his or her vehicle. The person's surviving spouse may retain the special license plates, subject to certain conditions.

Existing law exempts former American prisoners of war and Congressional Medal of Honor recipients, among others, from payment of vehicle registration fees and payment of charges under the Vehicle License Fee Law.

This bill would exempt the surviving spouse of a former American prisoner of war or of a Congressional Medal of Honor recipient from payment of the specified fees and charges if that spouse elects to retain the special license plates. The bill would authorize a member of the former prisoner of war's, or the Congressional Medal of Honor recipient's, family, as defined, to retain one of the special license plates as a family heirloom, upon submitting an affidavit to the Department of Motor Vehicles agreeing not to attempt to use the special license plates for vehicle registration purposes, subject to the condition that the special license plates are not valid for use for vehicle registration purposes or for the specified exemption from fees and charges by a person other than the person issued the special license plates and the surviving spouse of that person.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10783 of the Revenue and Taxation Code
 2 is amended to read:
 3 10783. (a) The license fee imposed by this part does not apply
 4 to a passenger vehicle, a motorcycle, or a commercial vehicle of
 5 less than 8,001 pounds unladen weight, unless the vehicle is used
 6 for transportation for hire, compensation, or profit, if the vehicle
 7 is owned by any ~~disabled~~ *of the following:*
 8 (1) *A disabled veteran, as defined in Section 295.7 of the Vehicle*
 9 *Code, any former.*
 10 (2) *A former American prisoner of war, or any veteran who is*
 11 *a Congressional Medal of Honor recipient.*
 12 (3) *The surviving spouse of a former American prisoner of war*
 13 *who has elected under subdivision (c) of Section 5101.5 of the*
 14 *Vehicle Code to retain the special license plates.*
 15 (4) *A Congressional Medal of Honor recipient.*
 16 (5) *The surviving spouse of a Congressional Medal of Honor*
 17 *recipient who has elected under subdivision (d) of Section 5101.6*
 18 *of the Vehicle Code to retain the special license plates.*
 19 (b) The exemption granted by subdivision (a) shall extend to
 20 not more than one vehicle owned by the veteran, *Congressional*
 21 *Medal of Honor recipient*, or former American prisoner of war,
 22 *or surviving spouse*, and is applicable to the same vehicle as
 23 described in subdivision (b) of Section 9105 of the Vehicle Code.
 24 (c) (1) The Department of Motor Vehicles may require ~~any a~~
 25 *disabled veteran* applying for an exemption under this section to
 26 submit a certificate signed by a physician ~~or~~ *and* surgeon
 27 substantiating the disability.
 28 (2) The Department of Motor Vehicles may require ~~any a~~ person
 29 applying for an exemption under this section for either of the
 30 following reasons to do any of the following:
 31 (A) By reason of the person's status as a former American
 32 prisoner of war, to show, by satisfactory proof, his or her former
 33 prisoner-of-war status.

1 (B) By reason of the person's status of receiving the
2 Congressional Medal of Honor, to show, by satisfactory proof,
3 that he or she is a Congressional Medal of Honor recipient.

4 ~~(d) This section shall become operative on July 1, 1999.~~

5 SEC. 2. Section 5101.5 of the Vehicle Code is amended to
6 read:

7 5101.5. (a) ~~Any~~A person otherwise eligible under this article
8 who is a former American prisoner of war may apply for special
9 license plates for the vehicle under this article. The special *license*
10 plates assigned to the vehicle shall run in a separate numerical
11 series and contain a replica design of the American Prisoner of
12 War Medal followed by the letters "POW" and four numbers. The
13 special license plates issued under this subdivision also shall
14 contain the following words: "Ex-Prisoner of War." The
15 department shall, pursuant to this article, reserve and issue the
16 *special* license plates provided for by this section only to persons
17 who show by satisfactory proof ~~his or her former prisoner of war~~
18 *prisoner-of-war* status. ~~Any~~ A person otherwise issued license
19 plates within this series pursuant to this article prior to January 1,
20 1982, may retain them.

21 (b) Special license plates may be issued pursuant to subdivision
22 (a) only for a vehicle owned or coowned by a former American
23 prisoner of war.

24 (c) Upon the death of a person issued *the* special license plates
25 pursuant to this section, his or her surviving spouse may retain the
26 special license plates subject to the conditions set forth in this
27 section. ~~Upon the death of the~~ *If there is no surviving spouse, the*
28 ~~retained~~ special license plates shall be returned to the department
29 either ~~(1)~~ within 60 days following that death, or ~~(2)~~ upon the
30 expiration *date* of the vehicle registration, ~~whichever occurs first~~
31 *date occurs first. However, in the absence of a surviving spouse,*
32 *a member of the former prisoner of war's family may retain one*
33 *of the special license plates as a family heirloom, subject to the*
34 *conditions set forth in subdivision (h), upon submitting an affidavit*
35 *to the department agreeing not to attempt to use the special license*
36 *plates for vehicle registration purposes.*

37 ~~(d) Any vehicle exempted from fees by Section 9105 and by~~
38 ~~Section 10783 of the Revenue and Taxation Code shall lose the~~
39 ~~exemption upon the death of the former American prisoner of war.~~

1 (d) If a surviving spouse who has elected to retain the special
2 license plates as authorized under subdivision (c) dies while in
3 possession of the special license plates, the special license plates
4 shall be returned to the department either within 60 days following
5 that death, or upon the expiration date of the vehicle registration,
6 whichever date occurs first. However, a member of the former
7 prisoner of war's family may retain one of the special license plates
8 as a family heirloom, subject to the conditions set forth in
9 subdivision (h), upon submitting an affidavit to the department
10 agreeing not to attempt to use the special license plates for vehicle
11 registration purposes.

12 (e) A vehicle exempted from fees by Section 9105 and by Section
13 10783 of the Revenue and Taxation Code shall lose the exemption
14 upon the death of the former American prisoner of war, except
15 that if a surviving spouse elects to retain the special license plates
16 as authorized under subdivision (c), the exemption shall extend
17 until the death of that spouse.

18 ~~(e)~~

19 (f) Sections 5106 and 5108 do not apply to this section.

20 ~~(f)~~

21 (g) The department shall recall all former prisoner-of-war special
22 license plates issued pursuant to this section prior to January 1,
23 1999, and shall issue to the holder of those special license plates,
24 without charge, the revised special license plates authorized by
25 this section.

26 ~~(g) This section shall become operative on July 1, 1999.~~

27 (h) The special license plates issued under this section are not
28 valid for use for vehicle registration purposes or for the purposes
29 of Section 9105 or Section 10783 of the Revenue and Taxation
30 Code by a person other than the person issued the special license
31 plates under subdivision (a) and the surviving spouse of that
32 person.

33 (i) For the purposes of this section, "family" means
34 grandparents, stepgrandparents, parents, stepparents, siblings,
35 stepsiblings, children, and stepchildren of the person issued the
36 special license plates under subdivision (a).

37 SEC. 3. Section 5101.6 of the Vehicle Code is amended to
38 read:

39 5101.6. (a) ~~Any~~A person otherwise eligible under this article
40 who is a Congressional Medal of Honor recipient may apply for

1 special license plates for the vehicle under this article. The special
2 license plates assigned to the vehicle shall run in a separate
3 numerical series and shall have inscribed on the license plate the
4 words “Congressional Medal of Honor” or “Medal of Honor.” The
5 department shall reserve and issue the special license plates to all
6 applicants providing the proof required by subdivision (b).

7 (b) The applicant shall, by satisfactory proof, show that the
8 applicant is a Congressional Medal of Honor recipient.

9 (c) Special license plates may be issued pursuant to subdivision
10 (a) only for a vehicle owned or ~~co-owned~~ *coowned* by a
11 Congressional Medal of Honor recipient.

12 (d) Upon the death of a person issued special license plates
13 pursuant to this section, his or her surviving spouse may retain the
14 special license plates subject to the conditions set forth in this
15 section. ~~Upon the death of the~~ *If there is no surviving spouse, the*
16 ~~retained;~~ special license plates shall be returned to the department
17 either ~~(1)~~ within 60 days following that death, or ~~(2)~~ upon the
18 expiration *date* of the vehicle registration, ~~whichever occurs first~~
19 *date occurs first. However, in the absence of a surviving spouse,*
20 *a member of the Congressional Medal of Honor recipient’s family*
21 *may retain one of the special license plates as a family heirloom,*
22 *subject to the conditions set forth in subdivision (h), upon*
23 *submitting an affidavit to the department agreeing not to attempt*
24 *to use the special license plates for vehicle registration purposes.*

25 ~~(e) Any vehicle exempted from fees by Section 9105 and by~~
26 ~~Section 10783 of the Revenue and Taxation Code shall lose the~~
27 ~~exemption upon the death of the Congressional Medal of Honor~~
28 ~~recipient.~~

29 *(e) If a surviving spouse who has elected to retain the special*
30 *license plates as authorized under subdivision (d) dies while in*
31 *possession of the special license plates, the special license plates*
32 *shall be returned to the department either within 60 days following*
33 *that death, or upon the expiration date of the vehicle registration,*
34 *whichever date occurs first. However, a member of the*
35 *Congressional Medal of Honor recipient’s family may retain one*
36 *of the special license plates as a family heirloom, subject to the*
37 *conditions set forth in subdivision (h), upon submitting an affidavit*
38 *to the department agreeing not to attempt to use the special license*
39 *plates for vehicle registration purposes.*

1 (f) A vehicle exempted from fees by Section 9105 and by Section
 2 10783 of the Revenue and Taxation Code shall lose the exemption
 3 upon the death of the Congressional Medal of Honor recipient,
 4 except that if a surviving spouse elects to retain the special license
 5 plates as authorized under subdivision (d), the exemption shall
 6 extend until the death of that spouse.

7 (f)

8 (g) Sections 5106 and 5108 do not apply to this section.

9 (h) The special license plates issued under this section are not
 10 valid for use for vehicle registration purposes or for the purposes
 11 of Section 9105 or Section 10783 of the Revenue and Taxation
 12 Code by a person other than the person issued the special license
 13 plates under subdivision (a) and the surviving spouse of that
 14 person.

15 (i) For the purposes of this section, “family” means
 16 grandparents, stepgrandparents, parents, stepparents, siblings,
 17 stepsiblings, children, and stepchildren of the person issued the
 18 special license plates under subdivision (a).

19 SEC. 4. Section 9105 of the Vehicle Code is amended to read:

20 9105. (a) ~~The fees specified in this code, except~~ Except for
 21 fees for duplicate license plates, duplicate certificates, or duplicate
 22 cards, ~~the fees specified in this code~~ need not be paid for ~~any of~~
 23 ~~the following vehicles, a vehicle that are~~ is of a type subject to
 24 registration under this code, and that ~~are~~ is not used for
 25 transportation for hire, compensation, or profit, when owned by a
 26 ~~former American prisoner of war, a disabled veteran, or a~~
 27 ~~Congressional Medal of Honor recipient:~~ any of the following:

28 (1) A disabled veteran.

29 (2) A former American prisoner of war.

30 (3) The surviving spouse of a former American prisoner of war
 31 who has elected to retain the special license plates issued under
 32 Section 5101.5.

33 (4) A Congressional Medal of Honor recipient.

34 (5) The surviving spouse of a Congressional Medal of Honor
 35 recipient who has elected to retain the special license plates issued
 36 under Section 5101.6.

37 (b) For the purposes of this section, the term “vehicle” means
 38 any of the following:

39 (1) A passenger motor vehicle.

40 (2) A motorcycle.

1 (3) A commercial motor vehicle of less than 8,001 pounds
2 unladen weight.

3 ~~(b)~~

4 (c) The exemption granted by subdivision (a) shall not extend
5 to more than one vehicle owned by a former American prisoner
6 of war, a disabled veteran, or a Congressional Medal of Honor
7 recipient, *or a surviving spouse*, and is applicable to the same
8 vehicle as described in subdivision (b) of Section 10783 of the
9 Revenue and Taxation Code.

10 ~~(e)~~

11 (d) (1) The department may require a disabled veteran applying
12 for an exemption under this section to submit a certificate signed
13 by a physician and surgeon, or to the extent that it does not cause
14 a reduction in the receipt of federal aid highway funds, by a nurse
15 practitioner, certified nurse midwife, physician assistant,
16 chiropractor, or optometrist, substantiating the disability.

17 (2) The department may require a person applying for an
18 exemption under this section for either of the following reasons
19 to do any of the following:

20 (A) By reason of the person's status as a former prisoner of war,
21 to show, by satisfactory proof, his or her former prisoner-of-war
22 status.

23 (B) By reason of the person's status of receiving the
24 Congressional Medal of Honor, to show, by satisfactory proof,
25 that he or she is a Congressional Medal of Honor recipient.