

Initial Statement of Reasons

Article 3.3

Title 13, Division 1, Chapter 1

The Department of Motor Vehicles (department) proposes to amend sections 206.00, 206.02, 206.04, 206.06, 206.08, 206.10, 206.12, 206.30, and 206.40; delete sections 206.20, 206.22, 206.30, 206.35, 206.40, 206.50, 206.52, 206.54, 206.56, 206.58, and 206.60; and adopt section 206.16 in Article 3.3, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to the Environmental, Special Interest, and Special Recognition license plate programs.

Special Interest and Environmental license plates:

As required by California law, the department offers environmental license plates that display a registration number issued in a combination of letters or numbers, or both, requested by the owner or lessee of a vehicle. These plates are commonly called “personalized license plates.” California law also authorizes the department to issue special interest license plates that have a distinctive design and allow vehicle owners to support the causes funded by the specific sponsoring agency. Specialized license plates are additional plate series developed by state agencies, or created by the legislature, and available through the department, the revenue from which is directed to fund specified state programs. Various Vehicle Code sections that authorize and direct the department to establish and issue non-standard plates are contained in Articles 8, 8.4, 8.5 and 8.6 of Chapter 3 of Division 1 of the Vehicle Code. Fees are established in the Vehicle Code, and the department has no discretion or authority to set or alter fees but is required to collect and account for them.

Special Recognition license plates:

The legislature has created a variety of license plate series that are distinctive, and for which additional evidence of eligibility is required. The department refers to these as Special Recognition license plates to clarify that they have additional requirements, even though they may also be Specialized, Special Interest or Environmental license plates due to the placement of the various provisions within the several Articles of Chapter 3 of Division 1 of the Vehicle Code. Many Californians have been of service to their country or community and others are historic car hobbyists. The department is authorized to offer a variety of license plate styles for those qualified California vehicle owners who are interested in applying for them.

Vehicle Code section 5060 prescribes the rules for special interest license plates which are sponsored by other departments and whose additional fees fund various charitable causes. Vehicle Code sections 5100, 5101, 5102, 5103, 5104, and 5105 prescribe the rules for environmental license plates whose additional fees fund California environmental protection projects. Vehicle Code sections 5004, 5004.5, 5005, 5006, 5008, 5101.2, 5101.4, 5101.5, 5101.6, 5101.8, and 5156(d)(2)(C) prescribe the rules for special recognition license plates which require additional documentation and/or certification from applicants before the department can approve their application and issue the requested plate.

Additionally, the Vehicle Code authorizes the department to establish and prescribe forms necessary to process registration transactions. The information requested on the department's application forms allows the department to verify the appropriate records are being updated and ensure the correct license plates, registration cards, or other departmental documents are being issued. The department's regulations identify forms by name, form number, and revision date to ensure interested parties are aware of the current version of that form to submit to the department at the time of application. Because so many departmental forms are available online, it is necessary for clarity that the regulations identify the correct revision date.

The July 2000 version of the special license plate application form was used for special interest, environmental, and special recognition license plates and included a fee schedule on the second page. Since then, the REG 17 was amended to remove the special recognition license plates making it easier to complete and to remove the fee schedule. The form REG 17A was developed as the application for special recognition license plates.

These proposed regulations intend to amend the application for environmental and special interest license plates and adopt the application for special recognition license plates such that it is clear to applicants what is required to be approved by the department for any type of special license plate offered. There are also changes to the regulation relating to the personalized configuration on an environmental license plate to reflect the department's discretion to decide the types of messages that will not be available on a license plate and makes clarifying changes to the rules regarding plate configurations that refer to content the department deems unsuitable for a license plate, regardless of any viewpoint expressed. The changes proposed render the entire regulation compliant with current first amendment law and addresses language not specifically addressed in several recent civil court decisions evaluating several subparts of the personalized plate rule. Also, the proposed regulations intend to amend some sections for additional clarity. The existing regulations and the application submittal procedures are outdated. By updating and condensing the rules, they will be clearer to the regulated public and easier to find. And making sure there is consistency between the forms and the regulation requirements will additionally provide clarity for the public.

PROBLEM THE DEPARTMENT INTENDS TO ADDRESS

The problem addressed by these regulations is twofold: 1) the need for a constitutionally compliant standard the department can use to review personalized plate configuration requests that protects the safety of the motoring public, and 2) updated application requirements to efficiently process personalized and other plate requests.

The first problem is a lack of clarity to the public concerning the types of messages the department will reject. The department may reject personalization requests so long as it does so in a consistent, reasonable, and viewpoint neutral way. The department has determined some of the language in the current regulation may permit a subjective review of a plate configuration.

The personalized configuration standard is being revised to remove the language enabling a subjective review of a plate configuration.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the department, would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Article 3.3

The department is removing titles located in Article 3.3 that are not necessary. The first title being removed is “Year of Manufacture Program” which is removed from before section 205.00 and instead added to the title of that section.

Necessity: This title is being removed and instead added to the title of the section within which this information is located. This clarifies where the information is found and makes it easier for the regulated public to locate information that may interest them.

The second title that is being removed is “Press Photographer License Plates.”

Necessity: The sections with information about Press Photographer license plates are being repealed. The information for these plates will instead be found in the incorporated by reference form, REG 17A (NEW 5/2020), Special Recognition License Plate Application.

The third title being removed from Article 3.3 is “Legion of Valor and Purple Heart License Plates.”

Necessity: As with Press Photographer License Plates the regulations detailing these plates are being repealed and the information placed in the incorporated by reference form, REG 17A (NEW 5/2020), Special Recognition License Plate Application.

§ 206.00. Definitions for Environmental, Special Interest and Special Recognition License Plates.

This section is being adopted to add definitions for Environmental, Special Interest and Special Recognition License Plates to add clarity to the regulations under Article 3.3.

Necessity: The terms used in Article 3.3 for the various types of license plates needs to be defined so the regulated public understands what type of license plate they wish to purchase. In this definition section the terms “Environmental License Plates”, “Special Interest License Plates” and “Special Recognition License Plates” are defined to allow the public to better understand what these terms reference within the regulatory text.

§ 206.02 Special Interest or Environmental License Plate Application.

This section was moved from 206.00 and changes were made as follows:

The title is amended to delete “Information Required on a... “and to change “/” to “or”.

Necessity: Due to the edits made throughout this section the existing title no longer accurately represents the content of the section, therefore the department determined it is necessary to amend the title for consistency. Also, the application gives the applicant the option of ordering an Environmental license plate (popularly known as a personalized license plate) that is not a Special Interest license plate as well as the option of ordering a Special Interest license plate that is sequential or environmental in configuration; therefore, the department determined that using the distinguishing “or” is more accurate and necessitates the amendment.

Subsection (a) is amended to add “A registered owner or lessee may request a Special Interest or Environmental License Plate; to change the “/” to “or”; to add “completed” before the form name; to add “...or Environmental...” to the form name; to change “Rev. 7/2000” to “Rev. 4/2020” related to the form version; to add the phrase “, or completed and submitted through the department’s online ordering system” at the end of the sentence.

Necessity: In order to conform the language in this section with the title of the application form, it is necessary for the department to make the edit that changes the “/” to “license plates or”.

Additionally, the department has revised the form REG 17 (Special Interest or Environmental License Plate Application); therefore, it is necessary to update the revision date in the regulations. By allowing online ordering the department can reduce the number of people coming into the field offices which is necessary considering the long lines created by REAL ID applications and more recently with the need to reduce crowding in the field offices due to COVID 19.

The Special Interest License Plate Application, form REG 17 was adopted in 2001 under OAL File number 01-1220-01S (Register 2002, No. 6). Because the form REG 17 has not been revised in many years, the changes made to the form are too numerous to identify from the old version to the new version. Therefore, the department is adopting the form in its entirety.

Special Interest or Environmental License Plate Application form, REG 17

The form REG 17 is the department-designated form used when a vehicle owner is applying for special interest or environmental license plates. The form consists of two parts. The first part contains a heading and six fillable sections that solicits information related to the license plate applicant and license plate choice. The second part provides instructions on how to configure the personalization choice and information regarding the submission of the application and payment.

PART 1

The top of the form contains the title.

Just below the title is the informational statement “For more information, to order online, or to check configuration availability, visit www.dmv.ca.gov.” Beneath that statement are four check

boxes for the applicant to indicate their reason for completing the application (original, replacement, reassign/retain/release, or exchange) with instructions to ‘Complete Sections’, and the appropriate section numbers, just below.

Necessity: For the department to process an application for a special interest or environmental license plate accurately, it necessary to require the applicant to indicate why they are submitting the application (original, replacement, reassign, retain, release, exchange).

Next there are a few additional informative statements:

- Note: the department will not honor a change of license plate selection or letter/number configuration, or a request for a refund after this application is submitted.

This “Note” is a restatement of subsection (d) of 206.02 and is included for the convenience of the applicant.

- Special Interest license plates belong to the license plate owner, not the vehicle. When selling your vehicle, you may: 1) remove the license plates and reassign the license plates to another vehicle immediately; 2) retain for future use on another vehicle; 3) or surrender them to the department. You may be subject to annual retention fees if you do not immediately plate the license plates on another vehicle; and

In order to assist applicants in understanding the options, which were already existing, they have when they sell the vehicle that their license plates are assigned to, the department finds it necessary to include this information on the application.

- *REPLACEMENT: If BOTH license plates were lost or stolen, the same configuration cannot be reissued on any license plate type.

If the department was to reissue the same configuration of a license plate where both had been stolen (or lost) it could result in two different vehicles using identical license plates. Typically, the stolen license plates are used for fraudulent activity, such as evading the payment of toll fees. In order to continue its efforts in fraud prevention, the department finds it necessary to keep this policy in place and states it here for the convenience of the applicant.

- Section 1 – License Plate Selection

Section 1 requires the applicant to indicate the license plate type for which they are applying. The department currently offers the following special interest license plates:

Breast Cancer Awareness, California Arts Council, California Agricultural (CalAg), California Memorial, California Museums (Snoopy), Collegiate (only UCLA available), Kids – Child Health and Safety Funds, Pet Lovers, Veterans’ Organization, Environmental (ELP), California Coastal Commission (Whale Tail), Lake Tahoe Conservancy, Yosemite Foundation, and California 1960s Legacy.

Necessity: Requiring the applicant to check the box next to the type of special interest license plate they are applying for commits the applicant to the selection and informs the department how to proceed with processing the application and is necessary to ensure that the department

processes the application correctly. The license plates listed on the application are license plates specified in statute that do not require additional documentation, certification, or a declaration for the applicant to have their application approved. The license plates that do require additional documentation, certification, or a declaration were moved to a new application form and are now grouped together as special recognition license plates.

- Section 2 – Select Configuration

Section 2 requires the applicant to provide an indication of the type of vehicle the license plate will be assigned to. The applicant is required to indicate whether the license plate is being requested for an automobile, a commercial vehicle, a trailer, or a motorcycle (with the information included that “select motorcycle license plates will be issued a special interest decal on the left”). Through marking the appropriate checkbox, sequential or personalized, the applicant indicates which type of license plate configuration they are applying for. If the applicant chooses sequential, they are also required to provide their vehicle’s current license plate number and its vehicle identification number. This information will allow the department to retrieve the appropriate vehicle registration record so that the department can efficiently update the record to reflect the new license plate configuration. If the applicant checks personalized, they are also required to provide their first, second, and third choice of personalized configuration and the meaning of each choice. There are also checkboxes for the applicant to indicate if they prefer to pick up the plates at a department office or an auto club office of which the applicant must be a member.

Additionally, these informative statements are included:

- When ready for pick up, your new license plates must be assigned to a vehicle currently registered in California (cannot be on Planned Non-Operation status).
- The department shall refuse any configuration that does not comply with 13 CCR 206.02 (c).

Necessity: This section is necessary to allow the applicant to provide a clear description to the department of how the final plate letters, numbers, and/or symbols should appear on the license plate if they have opted for a personalized configuration to help ensure the departmental records are updated accurately. It is also necessary to help ensure the department send the license plates to the appropriate location for pick up. Additionally, the first informative statement is a restatement of the statutory requirement to pay registration fees (VC 4000) and the second informative statement points to existing regulation both of which are included to make people aware and help reduce any potential confusion of applicants.

- Section 3 – Replacement

Section 3 is only to be completed by applicants who are requesting a replacement license plate for their special interest or environmental license plate that was lost, mutilated, or stolen. There is space for the applicant to provide the special interest license plate number and check boxes to indicate if the applicant needs one or two plates and what happened to their license plate(s).

Necessity: The information required from the applicant in this section is necessary to ensure the department has all the information needed to process the application correctly, update its records, and allow for efficient tracking of the license plate.

- Section 4 – Reassign, Retain, or Release

Section 4 provides spaces for an applicant to inform the department of the license plate number of their special interest or environmental license plate and the vehicle identification number of the vehicle that it is currently assigned to. If the applicant is not reassigning their special interest or environmental license plate to a different vehicle, there is a check box for the applicant to indicate that they are choosing to retain their special interest or environmental license plate for future use. Or, if they are choosing to release interest (surrender to DMV) or release interest to new owner there are checkboxes to indicate that choice. In the case of the applicant who is choosing to reassign their special interest or environmental license plate, there is a checkbox to indicate that and space to provide the license plate number of the license plate currently on the vehicle they are moving their special interest or environmental license plate to, and the vehicle identification number of that vehicle.

Necessity: The information required from the applicant in this section is necessary to ensure the department has all the information needed to process the application correctly, update its records, and allow for efficient tracking of the license plate.

- Section 5 – Purchaser/Owner

Section 5 requires the applicant to provide the true full name and street address or PO Box of the person purchasing the special interest or environmental license plate and the true full name and street address or PO Box of who the owner will be, if different than the purchaser (such as when the license plate is a gift or a released one).

Necessity: This information is necessary to ensure the department can create an accurate registration record for the license plate.

- Section 6 – Signature

Section 6 contains the certification statement that the applicant has provided true and correct information on the form and provides space for the applicant's signature, the date, their daytime phone number, and email address (optional). This certification is consistent with the provisions of Code of Civil Procedure section 2015.5(b) and is consistent with all other departmental forms containing certifications.

Necessity: The department requires this certification on all its application forms and therefore it is necessary to do so here on this application to maintain consistency in its business practices.

Additionally, this certification serves to indicate to applicants the seriousness of providing true and correct information on the application which the department finds necessary in continued efforts in the prevention of fraud.

PART 2

Instructions

Page 2 of the application is entitled “Instructions” first contains information on how to fill out a personalized configuration choice including special instructions for the KIDS license plate.

Second, the “Instructions” contains helpful information for the applicant regarding submitting their application and payment (of required fees).

Necessity: The department determined that providing the information contained on page 2 will assist the applicant in filling out the application and submitting the application. The department cannot process the application and issue the license plates if the application is not completed accurately, therefore the department determined it is necessary to include the “Instructions” as part of the application form.

Subsection (a)(1) is amended to replace the phrase “to any department location which processes vehicle registrations” with “to any departmental field office”.

Necessity: In addition to being located at the department’s field offices, there are departmental kiosks in grocery stores and libraries that the public can utilize for various registration transactions. While the kiosks could be considered a “departmental location”, they cannot accept applications for special interest or environmental license plates, so it is necessary to make the amendment.

Subsection (a)(2) is amended to add “SPU, MS D238,” after “...Department of Motor Vehicles” and before “P.O. Box...” and to delete “, or to any department location which processes vehicle registrations” at the end of the sentence.

Necessity: The department has many processing units and adding the unit’s name and mail stop (MS) number to the address will help ensure that applications get to the correct unit efficiently, therefore the department determined it is necessary to make this amendment. Additionally, for similar reasons as above, the department has many offices and kiosks throughout the state which process vehicle registrations and allowing applicants to mail an application to any of those locations would likely result in lost applications and delays in processing all of which can be largely avoided by having one specific address to where applications are mailed.

Subsection (a)(3) is amended to change the existing language to “If application is made online, it shall be made through the department’s online ordering system at www.dmv.ca.gov.”

Necessity: Previous versions of the form REG 17 do not contain all the license plate types available and do not require the applicant to provide all the information needed by the department to correctly process the application, therefore the department determined it is necessary to only accept the most current version of the form therefore the existing language in this subsection is obsolete. With the addition made at the end of subsection (a) above regarding

applying online, the department determined providing the additional detail of the department's web address is beneficial to the public and therefore necessary to include here.

Subsection (b) is amended to direct applicants to where they can find the required fees online.

Necessity: This amendment is necessary as it is helpful to the regulated public to let them know how to locate the fees on the department's website.

Subsections (c) and (c)(1) through (7) are deleted.

Necessity: The requirements in these subsections have been included on the revised version of the form REG 17, Special Interest or Environmental License Plate Application, which is being incorporated by reference into these regulations in Section 206.02 and therefore is unnecessary to include here.

New subsection (c) is added stating "Environmental license plate configuration:" which signifies that the subsections to follow are specific to environmental license plates.

Necessity: Without new subsection (c) the language in the renumbered subsections (1) through (4) would not be anchored with a labeling introductory phrase which could be confusing, therefore it is necessary to make the addition.

Subsections (A) through (D) are renumbered to (1) through (4).

New subsection (c)(2) is amended to replace the term "desired" to "requested".

Necessity: The term "requested" is an action put to a thought where the term "desired" is a thought akin to a wish with no action taken, therefore the term "requested" is a more accurate term when describing what an applicant has done with regards to indicating what configuration they want on their license plate than the term "desired" is, therefore it is necessary for the department to make this amendment.

Subsection (c)(7)(C) is renumbered to (c)(3). The text is unchanged.

Subsection (c)(7)(D) is renumbered to subsection (c)(4) is amended to remove language related to "plates that carry connotations offensive to good taste and decency."

Necessity: This amendment is necessary to create a more general statement that the department shall refuse any configuration that is misleading or is consistent with the refusal criteria listed in subsections (c)(4)(A) through (c)(4)(F).

Subsections 1. through 7. are renumbered to (A) through (F)

Necessity: In order to coincide correctly with the renumbering above it is necessary to also renumber these subsections.

Section (c)(D)1. is renumbered to (c)(4)(A) and is amended to add the phrase "or scatological meaning or" to the types of meanings that will result in a configuration request being denied. Remove the phrase "or is a term of lust or depravity" as a type of meaning that will result in a configuration request being denied.

Necessity: The department will not approve any plates that carry a sexual or scatological meaning because it is necessary for the department to prevent distracting messages that could reduce driver safety. Configurations such as MIERDA or BIGCOCK carry a scatological or sexual message that, when placed on a license plate as a registration number, carries the connotation that the department approved of the configuration. The department may regulate the speech on a plate within the permissible scope of the first amendment. The first amendment permits a government entity to regulate speech in limited or non-public fora such as a license plate, so long as it does so without imposing viewpoint restrictions on that speech, and so long as the rules regulating that speech are reasonable and consistently applied. In other words, a government may prohibit categories of speech, and particular words and topics of speech so long as the restrictions and their application do not consider the viewpoint of the speaker. To ensure department staff do not weigh in, subjectively, on the view expressed, but simply determine whether the meaning is sexual or scatological, the regulation lists categories of prohibited messages that can be applied in a viewpoint neutral way. This change broadens the prohibition on sexual content by banning all sexual content and adds the prohibition against scatological content. The department will make a reasonable reading of the request on an application and look it up using commonly available sources such as Urban Dictionary, Webster's, Wikipedia and foreign language resources. If the meaning is known in the community to be sexual or scatological, the request will be denied. The necessity for prohibiting these types of messages is the need to prevent such configuration from shocking or emotionally inciting other drivers on California roads, who would read sexual or scatological references and become distracted.

Previously, the rule permitted department staff to consider the relative offensiveness of the sexual or scatological message requested, and deny the offensive messages, and leave what staff thought may be humorous, or mildly scandalous. However, such procedures created an inconsistent, viewpoint dependent evaluation system that is not permissible under the first amendment. The first amendment law related to vanity license plates has evolved in recent years and culminated with two California District courts considering the matter. Both agree that license plate registration numbers, opened up by statute to permit private messages, create a limited public or non-public forum, and for either, the limitation on speech imposed by a government must be viewpoint neutral, reasonable and consistent. By banning the topics of sexual or scatological message, the department's limitations on speech in this forum will be constitutional.

Former subsection (C)(7)(D)2. is repealed. It prohibited configurations with meanings that were vulgar, a term of contempt, prejudice or hostility, or insulting or degrading. Existing subsection (c)(7)(D)3. is renumbered (c)(4)(B) and amended to remove "swear word" and add "expletive," to add "or" in between "profane" and "obscene" and amended to delete ", or repulsive."

Necessity: The department recognizes that license plate messages that are determined to be degrading, contemptuous, prejudicial, or insulting require staff to come to a subjective opinion regarding whether persons in the community would be insulted, offended, shocked, etc. Specifically, the department rejected the configuration request for QUEER, determining it was a degrading term related to sexual orientation. The customer indicated it was not degrading, and

successfully sued the department for rejecting the request because the department relied on its viewpoint to conclude the term was degrading. In sum, the department may no longer rely on its prior practice of evaluating the relative offensiveness of a requested configuration. However, permitting configurations that may be viewed by some as offensive in all cases will result in driver distraction, which the department has determined is not in the best interest of Californians who rely on the attention and competence of fellow drivers to stay safe on the roads. To comply with the viewpoint neutral requirement of the first amendment, as well as the requirement that the process be reasonable and consistent, the department proposes to ban specific categories of messages, regardless of their potential prejudicial, insulting, degrading or contemptuous meaning. The changes proposed in this section delete the general viewpoint dependent standard in this subpart.

In addition, the department proposes to remove the term “repulsive” as that term means “causing repugnance or aversion”. The department determined this term is not capable of objective measurement, and thus not capable of consistent application, as a message that may be repulsive to one reviewer may not be so to another.

The deletion is reasonably necessary to maintain the first amendment compliance of this regulation. Only rules that are viewpoint neutral, and capable of consistent application, may operate to deny messages on plates. Moreover, the categories of message already prohibited elsewhere are adequate, in the department’s estimation, to address messages that would be so repulsive as to distract drivers who view the plate. That is, repulsive messages about excrement or sexual acts, or that contain profanity, etc., will be excluded for these content-based reasons, and not based on their subjective repulsiveness.

Former subsection (c)(7)(D)4. is renumbered (c)(4)(C) and is amended to add “any kind of message about the following characteristics of a group of people; race, ethnic or national origin, color, religion, heritage, disability, sexual orientation or sexual identity” after “The configuration has” and amended to delete “a negative connotation to a specific group” at the end of the sentence.

Necessity: This proposed language requires the department to reject configurations that contain any kind of message about listed characteristics of a group of people: race, ethnic or national origin, color, religion, heritage, disability, sexual identity or sexual orientation. For the sake of maintaining a safe and calm set of drivers on California roads, the department has concluded members of racial, ethnic and other groups who often endure disparaging remarks, as well as members of the general community, are sufficiently disturbed by negative comments about discrete groups that such disturbance can distract many drivers. Distracted driving increases accidents and injuries and should be avoided. To reduce to the extent possible, the distraction created by personalized plates, the department is precluding all references to such content, regardless of viewpoint. In application, the department anticipates rejecting both ANTIGAY and GAYPRID. For the regulation to comply with constitutional limits a government may place on expression in a limited or non-public forum, the government may not select from viewpoints, but may reject categories of speech. This proposal defines categorically unavailable messages, regardless of viewpoint. By defining categories of words and messages, the proposal eliminates

the risk of a viewpoint-based application, or an inconsistent, and thus unreasonable, application by reviewing staff.

Subsection (c)(4)(D) is adopted to state: “The configuration contains fighting words, or makes reference to illegal or violent acts, including but not limited to criminal gang affiliation or activity, weapons, genocide, or creates a risk of inciting violence.”

Necessity: The department has concluded these messages create a risk of harm in the case of gang references and that these references can glorify or laud crime and criminal activity in ways that can shock or create fear in the minds of fellow drivers, and in so doing reduce their capacity to safely operate their vehicles. Under this rule, configurations such as KILLYOU will not be approved as they refer to criminal or violent behavior. Again, the department has the authority to limit the messages that can be placed on a plate as a custom registration number, so long as restrictions do not limit the expression of a particular viewpoint. To best ensure the safety of drivers, the department has opted to restrict entire categories of message content even though doing so may keep some messages that would not create a driving hazard from being placed on a plate.

Former subsection (c)(7)(D)5. is renumbered (c)(4)(E) and adds the phrase “an association with government or” after “misrepresents” and deletes “entity” at the end of the sentence. Language is adopted to clarify that “government” or “law enforcement” includes elected officers, peace officers, firefighters, emergency medical technicians, paramedics or other first responder entity, and any combination of letters or numbers that indicate an affiliation to an office or any of these positions will be refused. Existing subsection (c)(7)(D)6. that prohibited any configuration deleted from regular series plates has been deleted.

Necessity: The revised proposal requires the department to reject a configuration that misrepresents an association with government or law enforcement. Misrepresentation is not protected by the first amendment, and this restriction implements and makes specific the Vehicle Code 5105 which permits the department to reject configurations that would be misleading. The department has concluded misrepresentation regarding the driver or the vehicle being in service to law enforcement or a government entity, such as the parks department or a county, city agency, or peace officers and first responders, creates a risk of harm of facilitating impersonation of law enforcement or government officials. For the safety of other Californians, any such plates will be rejected. Also, the prohibition of use of any configuration deleted from regular series plate is no longer needed because all the content-based reasons the department will reject a plate are accounted for within the proposed revisions.

Subsection (c)(7)(D) 7. is renumbered to (c)(4)(F) and removes the word ‘foreign’ and replaces with the term ‘non-English,’ and makes clear the department will refuse issuance of a configuration that is a non-English slang word or term included in all subsections in (c) for the same reasons those configurations are refused when they are requested in English.

Former subsections (c)(8) through (c)(13) are repealed.

Necessity: The information contained in subsection (c)(8) through (c)(13) are contained on the form REG 17 (Rev. 4/2020), Special Interest or Environmental License Plate Application, which is being incorporated by reference into these regulations in subsection 206.02(a) and are, therefore, unnecessary to include here. Additionally, having the requirements on the form is more convenient for the applicant and the departmental staff, who may have to explain the requirements to applicants.

Subsection (d) is amended to change the word “choice” to the phrase “license plate selection”, to delete the phrase “spacing in the”, and to change the phrase “...license plate reservation is made” to the phrase “application is submitted”. Also, a non-substantive deletion of “al” at the end of the word “departmental” changing it to “department”.

Necessity: The phrase “license plate selection” is inclusive of the license plate type AND sequential or personalized configuration, therefore the department made the determination that making the amendment is necessary because the phrase “of choice” could be interpreted in more than one way which could cause confusion. Also, the making of a “license plate reservation” is an internal department procedure as part of processing the applications and occurs after the application is submitted, therefore it is more efficient, by preventing wasting time processing applications with errors, for the department to place the restriction of not honoring requests for changes or requests for refund (unless due to departmental error) after an application for a special interest or environmental license plate is submitted thus making the amendment necessary.

Subsection (d)(1) is amended to change the phrase “...special interest/environmental...” to “...special interest or environmental...” and to delete the word “reservation”. Also, to add the word “license” before the word “plate” where it is missing. And to delete the phrase “special interest/environmental license plates” before the word “application”.

Necessity: The same type of amendments have been made in other areas of these proposed regulations and therefore are necessary here to maintain consistency throughout. The deletion of the word “reservation” is necessary because it implies that it is the only type of department error included which is inaccurate.

Subsection (d)(2) is amended to add the phrase “special interest or environmental license plate”. Also, is amended to change the phrase “...in the configuration” to the word “requested” at the end of the sentence.

Necessity: In order to align subsection (d)(2) with the language in subsection (d)(1) and (d) respectively, it is necessary to make these amendments.

The “Note” is amended to add Vehicle Code sections 5004.3, 5024, 5064, 5066, 5067, 5068, 5072, 5074, 5075, 5156, and 5157 to the reference.

Necessity: In order to include all the Vehicle Code sections that were used for reference in the Section (206.02) it is necessary to add these citations here.

§ 206.04. Assignment of Special Interest or Environmental License Plates to Leased or Company Vehicle.

This section is being renumbered to 206.04 from 206.02 and the title is amended to add “Special Interest or” after “Assignment of...”.

Necessity: In order to align the title of this section with the title of section 206.02, it is necessary to make this amendment.

Subsection (a) is amended to add the phrase “special interest or” before “environmental license plates” in both instances, and to change the word “are” to “is.”

Necessity: The same type of amendments have been made in other areas of these regulations and therefore are necessary here to maintain consistency throughout these proposed regulations.

Subsection (b) is amended to add the phrase “special interest or” before “environmental license plates” in both instances, and to change the word “are” to “is.”

Necessity: The same type of amendments have been made in other areas of these regulations and therefore are necessary here to maintain consistency throughout these proposed regulations.

§ 206.06. Receipt of Special Interest or Environmental License Plates as a Gift.

This section is being renumbered to 206.06 from 206.04 and the title is amended to add “Special Interest or” after “Receipt of...”.

Necessity: In order to align the title of this section with the titles of sections 206.02 and 206.04, it is necessary to make this amendment.

Subsections (a) and (a)(1) are amended to add “license” in front of “plate” in every occurrence. Also, they are amended to change “plates” to “plate” in each occurrence and “were” to “was” and “are” to “is”, respectively. Additionally, subsection (a) is amended to change the word “ordered” to the word “purchased” before “...as a gift”.

Necessity: The same type of amendment (adding “license”) has been made in other areas of these regulations and therefore is necessary here to maintain consistency throughout these proposed regulations. Changing “plates” to “plate” and “were” to “was” and “are” to “is”, respectively, is non-substantive. In order to align the language used here with the language used on the application (ordered versus purchased), it is necessary to make the change noted.

Subsection (a)(2) is renumbered to (b), and new subsection (b) is amended to change the phrase “original applicant” to the word “purchaser” and to add the word “gift” before “recipient”.

Necessity: Since the phrase “original applicant” is not used in subsection (a), or anywhere else in these regulations, it is necessary to make the change to align this section with subsection (a) and the rest of these regulations. The word “gift” is used in subsection (a) and is added here for clarifying alignment.

§ 206.08. Surrender or Destruction of Current License Plates.

This section is renumbered to 206.08 from 206.06 and the title changed to add the term “destruction” and “license.”

Necessity: This section is amended to clarify the process for when plates must be returned or destroyed so it’s necessary that the title reflect the contents of the regulation. Adding the term “license” clarifies the type of plates being discussed.

The entire contents are repealed and readopted.

Necessity: In order to amend the format and language of this section it was easier to remove all the previous text and adopt it as new text.

Subsection (a) is adopted to instruct the public that when they pick up a license plate for a vehicle that is currently registered to the applicant, they must surrender the vehicle’s current license plate to DMV.

Necessity: Vehicles registered in California must display valid license plate(s) as evidence of current registration. A vehicle may only be assigned one registration number to it, therefore as part of internal process the department invalidates the current license plate (registration number) when it assigns the new license plate (registration number) to the vehicle. To curb fraudulent use of invalid license plates the department determined that having applicants for a new license plate surrender the license plate(s) currently on their vehicle is necessary.

Subsection (b) is adopted to indicate that if the applicant does not have the vehicle’s current license plates to surrender the applicant shall complete a “Statement of Facts, from REG 256, Rev. 8/2008, which is being incorporated by reference, stating that they understand the vehicle’s current license plate is no longer valid, and the applicant will destroy the license plate within 5 business days.

Necessity: Since the department’s records need to reflect that the applicant has been put on notice of the fact that their vehicle’s current license plate is no longer valid the department determined it is necessary to require the completion of the Statement of Facts when they do not have their vehicle’s current license plate available to surrender. Additionally, the department determined that 5 business days is a reasonable amount of time to allow for the destruction of the license plate(s) and aligns with subsection (c) below.

Subsection (c) is adopted to inform the applicant, whose special recognition license plate was mailed to them, they are obligated to surrender their current license or destroy their current license plate within 5 business days of receipt.

Necessity: Subsection (c) is necessary to ensure the new license plate owner is aware of their responsibility to return or destroy current license plates. This provision will ensure there are not multiple license plates accessible to a vehicle and to further ensure the vehicle only displays the license plate to which it was assigned. Subsection (c) requires the plates are required to be surrendered or destroyed within five days. The department determined that 5 business days is a

reasonable amount of time to allow for the destruction of the license plate(s) and aligns with subsection (b).

Subsection (d) informs the applicant, that license plates are considered destroyed when they have been mutilated in a manner such that they are rendered useless.

Necessity: Since the obligation to destroy current license plates is modeled after prior language in this section, which has proved to be successful in the past, and what constitutes adequate mutilation needs to be consistent regardless of license plate type, it is necessary for the department to include this definition here.

Statement of Facts, DMV form REG 256 (REV. 8/2008).

The Statement of Facts form, REG 256 is being incorporated to include the License Plate/ CF Number, Vehicle/ Vessel ID Number and Year/Make which are required at the top of the form along with section G and H. G is the Statement of Facts and H is a signature under penalty of perjury.

Necessity: These portions of the form are being incorporated by reference to allow the applicant to make a statement pursuant to section 206.08 indicating that they understand that the vehicle's current license plate is no longer valid, and the applicant will destroy the license plate within 5 business days. This is necessary so the applicant understands if they are unable to provide the existing license plates at the time of picking up the new license plates, they must agree to destroy the old plates within 5 business days. The signature under penalty of perjury is necessary because this certification serves to indicate to applicants the seriousness of providing true and correct information on the application which the department finds necessary in its continued efforts to prevent fraud. The destruction of the plates is necessary to prevent the fraudulent use of these plates. One type of fraud prevented is the avoidance of paying tolls by using fraudulent plates.

§206.10 Delivery of Environmental License Plates.

This section is being renumbered to 206.10 from 206.08.

Necessity: It is being renumbered because the sections above were renumbered requiring this section to also be changed.

§ 206.12. Retention of Environmental License Plates.

This section is being renumbered to 206.12 from 206.10.

Necessity: Renumbering for other sections requires this section to also be changed.

Subsection (a) is amended to add the word “license” before the word “plate”. It is also amended to update the fee (specified in Vehicle Code Section 5106(c)) from “\$25” to “\$43” to reflect to current accurate amount.

Necessity: The same type of amendment (adding “license”) has been made in other areas of these regulations and therefore is necessary here to maintain consistency throughout these proposed regulations. Additionally, the regulations were not updated when the fee amount changed in the Vehicle Code and thus became outdated, therefore it is necessary to update the amount now for consistency with the statute update.

Subsection (a)(1) is amended to add “license” before “plate”.

Necessity: The same type of amendment (adding “license”) has been made in other areas of these regulations and therefore is necessary here to maintain consistency throughout these proposed regulations.

§ 206.14. Cancellation of Environmental License Plates.

This section is renumbered from 206.10 12 to 206.14.

Subsection (a) is amended to change “shall” to “may.”

Necessity: The department has determined that the legislature created the ability for the department to recall a plate if a prior plate that was once acceptable is no longer acceptable under departmental standards but did not require the department to so recall a plate. This indicates that other factors, such as operational ability or need, may be considered by the department in deciding whether to recall a plate. The plate recall process includes providing a hearing upon request for the affected plate holder, which carries additional costs. The department is realigning the regulation to the permissive, non-mandatory standard in the Vehicle Code.

Subsection (a)(1) is amended to change “206.00(c)(7)(D)” to “206.02(b)(4)”.

Necessity: Due to the deletions and renumbering of subsections made in section 206.02 the existing referenced subsection is no longer accurate, therefore it is necessary to make this amendment here to maintain consistency with section 206.02.

Subsection (b) et al is amended to add “license” before “plate” in all occurrences.

Necessity: The same type of amendment (adding “license”) has been made in other areas of these regulations and therefore is necessary here to maintain consistency throughout these proposed regulations.

§ 206.16. Special License Plate or Special Recognition License Plate Application.

Subsection (a) is adopted to make clear that special recognition license plates are available to applicants who meet specific criteria.

Necessity: This provision is necessary to avoid confusion. Environmental license plates and special license plates do not require the applicant to provide supplemental documentation or certification. Subsection (a) is necessary to clearly state that, when applying for a special recognition license plate, the applicant must meet special criteria. To ensure a seamless application process, the department is adopting an application form in subsection (b) that, among other things, informs the applicant of the documentation or certifications required for each special recognition license plate.

Subsection (b) adopts the form REG 17A (NEW 5/2020), Special Recognition License Plate Application and requires the applicant to submit the application either 1) in person at a departmental field office or 2) by mail to the department.

Necessity: For an individual to apply for a special recognition license plate they must provide the department with a variety of information, including certifications and/or documentation depending on the license plate type. The department determined it is most efficient to have a dedicated form for this purpose and therefore is necessary to incorporate here in these proposed regulations. Also, since there is currently no online ordering system for the special recognition license plates, it is necessary for the department to require the application be submitted in one of the two ways specified.

Special Recognition License Plate Application form, REG 17A

The form REG 17A is a new departmental form consisting of three parts with the first part containing six sections and the second part containing the additional specific requirements for 12 different license plate types.

Part 1

Under the form title there are check boxes for the applicant to indicate whether they are applying for an original special recognition license plate, to reassign, retain, release their special recognition license plate, or for a replacement special recognition license plate with direction of which form sections to fill out under the check box selected. There are also the notifications that special license plates must be assigned to a currently registered in California vehicle and that the department will not honor a change of license plate selection or request for a refund after the application is submitted.

Necessity: By requiring the applicant to check the box next to what they are applying for the department is informed on how to proceed with processing the application and is therefore necessary to ensure that the department processes the application correctly.

- Section 1 – License Plate Owner

Section 1 provides space for the applicant's name (last, first, middle) and their mailing address (street or PO Box, city, state, zip code).

Necessity: This information is necessary to ensure the department can create a registration record for the license plate.

- Section 2 – License Plate Selection

Section 2 provides check boxes for the applicant to indicate the type of vehicle the license plate will be assigned to; automobile, commercial, trailer, or motorcycle and spaces to identify the current license plate number and vehicle identification number of that vehicle. There is also restatement of statutory language about which of these license plates are available for

motorcycles with a "Note" that the Gold Star Family and California Firefighter ones have a decal applied to a white license plate, and which of these are not available for trailers. Additionally, check boxes are provided for the applicant to indicate which special recognition license plate for which they are applying. For CA Firefighter (Only) there are spaces for the applicant to provide their choice of alpha/numeric and their meaning when making a request for a personalized license plate.

Note: This is organized such that the applicant is informed if their selection requires documentation, certification, or both. And for some of these license plates there is also a declaration required.

Necessity: Requiring the applicant to check the box next to the type of vehicle and for which special recognition license plate they are applying helps ensure that the department processes the application correctly and efficiently, and therefore is necessary for the department to have the applicant do so. The license plates included on this application form were chosen by the department to be included on this new application form specifically because they require additional documentation, certification, and/or declaration from applicants. The department determined in order to help meet the goal of providing more effective customer service having a separate application for special recognition license plates is necessary. The phrase "special recognition" is a department created term chosen to distinguish these license plates, which have the additional requirements, from other special interest license plates that are available.

Section 2 also contains subsections A through D that specify what the applicant must certify to for that particular special recognition license plate, when applicable.

A. Press Photographer Certification

Subsection A contains two options for certification. The first option provides check boxes for the applicant's employer to indicate for what type of company; a newspaper, newsmagazine, news gathering, newsreel, or television station the applicant is regularly employed as a

photographer or camera person and a "Note" explaining that regularly employed means full time employment with the principal assignment as a press photographer or camera person by a newspaper, a news magazine, a news gathering company, a newsreel company, or a television station (which aligns with the existing regulatory text in section 206.30 of Title 13.) There is also

a space for the employer’s signature, title, the date, their daytime phone number, name of the company, and street address certifying that the applicant is regularly employed as a photographer or camera person for them. The second option provides check boxes for the applicant to indicate what type of company, a newspaper, newsmagazine, news gathering, newsreel, or television station they are regularly engaged as a photographer or camera person for and space for their signature and the date certifying they are regularly engaged (as defined CCRs section 206.30 of Title 13) There is also a Note explaining that that regularly engaged means devoting more than 50 percent of employment time or deriving more than 50 percent of personal income from taking pictures for newspapers, news magazines, news gathering companies, newsreels, or television (which aligns with the existing regulatory text in section 206.30 of Title 13.)

Necessity: For the department to approve an application for Press Photographer special recognition license plates, the department must determine that the applicant meets the statutory requirements (Vehicle Code §5008) and was given the discretion to determine what constitutes “by satisfactory proof” that the applicant has shown they are in fact a newspaper, newsmagazine, news gathering, newsreel, or television station photographer or camera person. The department determined that requiring the applicant to either 1) obtain this certification from their employer when they are regularly employed as...or 2) make this certification themselves when they are regularly engaged as... satisfies the proof needed and is not onerous for the applicant, and therefore the department determined one of the two certification options is necessary.

Note: Because access to emergency/disaster areas are allowed to individuals with Press Photographer special recognition license plates, it is important that only individuals who meet the requirements are approved for them.

B. Honorary Consul Certification

Subsection B provides space for the applicant’s signature, name of foreign country represented, and the date certifying that they are a citizen or permanent resident of the United States appointed as an honorary consul.

Necessity: For the department to approve an application for an Honorary Consul special recognition license plate, the department must determine that the applicant meets the statutory requirements (Vehicle Code §5006) and was given the discretion to determine “when the department is otherwise satisfied that issuance of the license plates is in order”. The department determined that obtaining the certification on the application, as well as the documentation noted in the table on page 2, is a satisfactory and a convenient method for the applicant and the department and therefore necessary.

C. Historical Vehicle and Horseless Carriage Certification

Subsection C provides space for the applicant’s signature and the date certifying that the applicant may only place the special recognition license plates on a motor vehicle manufactured within the stated time period and that the vehicle is operated primarily in or moved over the highway for historical exhibitions, parades, or historic vehicle club activities.

Necessity: For the department to approve an application for a Historical Vehicle or Horseless Carriage special recognition license plates, the department must determine that the applicant meets the statutory requirements (Vehicle Code §5004) and was given the discretion to “prescribe” the “manner and time” related to the application. Since the department does not have the resources to inspect these vehicles to determine their exact age or if they are of historic interest and the applicant has a vested interest in ascertaining these things, the department determined that requiring the applicant to make this certification is the most efficient method for both the applicant and the department and therefore necessary.

D. California Firefighter (Surviving Family Member) Certification

Subsection D provides space for the applicant’s signature, relationship to the firefighter, and the date certifying that they are an eligible surviving family member of a deceased firefighter, retired firefighter, or volunteer firefighter.

Necessity: For the department to approve an application for a California Firefighter (Surviving Family Member) special recognition license plate the department must determine that the applicant meets the statutory requirements (Vehicle Code §5101.2) and was given the discretion to determine what constitutes “by satisfactory proof to the department.” The department determined that requiring the certification is the most efficient method of obtaining “satisfactory proof” that the applicant is eligible and is therefore necessary.

- Section 3 – Declaration – Not for Hire

Section 3 provides space for a Pearl Harbor Survivor, Congressional Medal of Honor Recipient, Purple Heart Recipient, Former American Prisoner of War (POW), or Legion of Valor license plate applicant’s signature and the date declaring that the vehicle they are having their special recognition license plate assigned to will not be used for transportation for hire, compensation, or profit.

Necessity: For the department to approve an application for any of these listed special recognition license plates, the department must ensure statutory restrictions will be adhered to. Statute prohibits Pearl Harbor Survivor (Vehicle Code §5101.3), Congressional Medal of Honor Recipient (Vehicle Code §5101.6), Purple Heart Recipient (Vehicle Code §5101.8), Former American Prisoner of War (POW) (Vehicle Code §5101.5), or Legion of Valor (Vehicle Code §5101.4) license plates from being assigned to a vehicle that will be used for transportation for hire, compensation or profit, therefore it is necessary for the department to have the applicant make this declaration. Note: the department specifically chose the term “declaration” in order to distinguish from the term “certification” which is in use elsewhere on the form.

- Section 4 – Reassign, Retain, or Release

Section 4 provides spaces for an applicant to inform the department of the license plate number of their special recognition license plate and the vehicle identification number (VIN) of the vehicle that it is currently assigned to. If the applicant is not reassigning their special recognition license plate to a different vehicle, there is a check box for the applicant to indicate that they are choosing to retain their special recognition license plate for future use. Or, if they are choosing to

release interest (surrender to DMV) their special recognition license plate there is a checkbox to indicate that choice. In the case of the applicant who is choosing to reassign their special recognition license plate, there is a checkbox to indicate that and space to provide the license plate number of the license plate currently on the vehicle they are moving their special recognition license plate to, and the VIN of that vehicle.

Necessity: The information required from the applicant in this section is necessary to ensure the department has all the information needed to process the application correctly, update its records, and allow for efficient tracking of the license plate.

- Section 5 – Replacement

Section 5 provides check boxes for an applicant to inform the department whether they need one or two replacement license plate(s) and what happened (lost, mutilated, or stolen) to their special recognition license plate(s).

Necessity: For the department to process the applicant's request properly, it is necessary for the department to collect the information being requested.

- Section 6 – Signature of License Plate Owner or Purchaser

Section 6 contains the certification statement that the applicant has provided true and correct information on the application form and provides space for the applicant's signature, their daytime phone number, and the date. This certification is consistent with the provisions of Code of Civil Procedure section 2015.5(b) and is consistent with all other departmental forms containing certifications.

Necessity: The department requires this certification on all its application forms; therefore, it is necessary to do so here to maintain consistency in the department's business practices.

Additionally, this certification serves to indicate to applicants the seriousness of providing true and correct information on the application which the department finds necessary in continued efforts in the prevention of fraud.

PART 2

Special Recognition License Plate Requirements

This table contains the additional requirements (pursuant to statute authority) that an applicant must provide to the department in order to be approved by the department for one of 12 distinct license plates including: Amateur Radio Station, Antique Motorcycle, California Firefighter/California Firefighter (Surviving Family Member), Congressional Medal of Honor Recipient, Former American Prisoner of War (POW), Gold Star Family, Historical Vehicle, Honorary Consul, Horseless Carriage, Legion of Valor, Press Photographer, and Purple Heart Recipient.

Necessity: This table conveniently organizes the information contained across multiple Vehicle Code sections for anyone who is applying for a special recognition license plate what the additional requirements are, which enhances customer ease of use, rather than having applicants

must search the statutes to find them. The department, who is actively working towards increasing customer service where possible, determined it is necessary to include this table as part of the application for special recognition license plates.

Amateur Radio Station - Issued to the motor vehicle for which registration is sought by any person holding an unexpired amateur radio station license issued by the Federal Communications Commission. A copy of the license must accompany the application. The license plate's configuration will be the official amateur radio station call letters. Licensees may obtain only one set of license plates (Veh. Code §5005).

Necessity: The statute gives the department the discretion to determine what constitutes “satisfactory proof.” Since statute requires the applicant to be a holder of an unexpired amateur radio station license and it requires the amateur radio station license plate to display the official amateur radio station call letters, the department determined having the applicant submit a copy of their unexpired license would be readily available to the applicant and best satisfy the statutory requirement that the applicant must “show that he or she is the holder of an unexpired license issued by the Federal Communications Commission and is therefore necessary to require.

Antique Motorcycle - Issued to any owner of a motorcycle manufactured in 1942 or prior. A copy of the vehicle registration must accompany the application. For a 1943 model year motorcycle manufactured in 1942, a copy of the manufacturer's Certificate of Origin or a letter from the manufacturer indicating the manufacture date of the motorcycle must be provided (Veh. Code §5004.5).

Necessity: The statute gives the department the discretion to prescribe “the manner and time” of application for Antique Motorcycle license plates. In most cases the vehicle registration is sufficient proof of the year of manufacture and is easily obtainable. There are, however, some antique motorcycles that fall in the grey area by having a model year of 1943 but were in fact manufactured in 1942. In order to prevent the exclusion of those motorcycles the department determined that submission of a copy of the Certificate of Origin or a letter from the manufacturer indicating the manufacture date would ensure what the date of manufacture was and is therefore necessary to require.

California Firefighter and California Firefighter (Surviving Family Member) - Issued to a vehicle owned, co-owned, or leased by a firefighter, retired firefighter, or volunteer firefighter or to a surviving family member (spouse, domestic partner, or any child, including an adopted child, stepchild, or recognized natural child) of a deceased firefighter, retired firefighter, or volunteer firefighter. Surviving family member does not include a former spouse.

Documentation must be submitted with the application. Acceptable proof is Firefighter Department Identification (ID); International Association of Firefighters (IAFF) Membership Card; or California Professional Firefighters (CPF) Callback Association Membership Card (Veh. Code §5101.2).

Necessity: The statute gives the department the discretion to determine what constitutes “satisfactory proof” that the applicant is a firefighter, retired firefighter, or volunteer firefighter

or a surviving family member of a firefighter, retired firefighter, or volunteer firefighter. The department determined that requiring a copy of their Firefighter Department Identification (ID); International Association of Firefighters IAFF) Membership Card; or California Professional Firefighters (CPF) Callback Association Membership Card to accompany the application is necessary to meet the statutory requirement. Further, the department chose the three documents listed because an applicant should be able to provide a copy of one of the three documents without undue hardship (the department sees these three most commonly as they are the most recognizable membership forms of identification.)

Congressional Medal of Honor Recipient - Issued to a vehicle owned or co-owned by a Congressional Medal of Honor recipient. A copy of the service record, a copy of the Department of Defense form 214, or a copy of the official Congressional letter which was given to the recipient when the award was bestowed must accompany the application (Veh. Code §5101.6).

Necessity: The statute gives the department the discretion to determine what constitutes “satisfactory proof” that the applicant is a Congressional Medal of Honor recipient. The department determined that requiring a copy of the service record, a copy of the Department of Defense form 214, or a copy of the official Congressional letter which was given to the recipient when the award was bestowed to accompany the application is necessary to meet the statutory requirement that the applicant must show that they are a recipient of a Congressional Medal of Honor. Further, the department chose the three documents listed because an applicant should be able to provide a copy of one of the three documents without undue hardship (these documents are the most produced and it is likely they are readily available.)

Former American Prisoner of War (POW) - Issued to a vehicle owned or co-owned by a former American prisoner of war as defined in Veh. Code §324.5. Documentation submitted must be one of the following: A letter of verification from the National Personnel Records Center or discharge papers declaring the bearer to be a former American POW (Veh. Code §5101.5).

Necessity: The statute gives the department the discretion to determine what constitutes “satisfactory proof” that the applicant is a former American Prisoner of War. The department determined that requiring a letter of verification from the National Personnel Records Center or discharge papers declaring the bearer to be a former American POW to accompany the application is necessary to meet the statutory requirement that the applicant must show that their former American Prisoner of War status. Further, the department chose the two documents listed because an applicant should be able to provide a copy of one of these documents without undue hardship (these documents are the most produced and it is likely they are readily available.)

Gold Star Family - Issued to a vehicle owned, co-owned, or leased by an eligible family member (as defined in Veh. Code §5156(d)(2)(C)). The Report of Casualty (DD 1300) form from the Department of Defense and the Project Gold Star License Plate Application (VSD 5 1918) from the California Department of Veterans Affairs must accompany the application (Veh. Code §5156(d)(2)(C)).

Necessity: The statute gives the Department of Veterans Affairs the discretion to determine what the required proof (DD 1300) an eligible family member must show, and they determined the

DD1300 is appropriate. Upon verification the Department of Veterans Affairs issues the document listed (VSD 5 1918), therefore it is necessary for the department to require the applicant to submit those documents with their application (REG 17A). The department does not find it necessary to require any additional documentation as the Department of Veteran's Affairs has the expertise to verify eligibility for these license plates.

Historical Vehicle - Issued for a vehicle manufactured after 1922, which is at least 25 years old, and is of historic interest. Vehicle is primarily operated in or moved over the highway for historical exhibitions, parades, or historic vehicle club activities. For commercial vehicles only: The Certificate of Ownership must be submitted with the application (Veh. Code §5004).

Necessity: The statute gives the department the discretion to prescribe the "manner and time" of application for Historical Vehicle license plates. The department determined, for commercial vehicles only, that requiring the Certificate of Ownership to be submitted with the application is necessary because it is the only document that would show the accurate age of the vehicle.

Honorary Consul - Issued for motor vehicles owned or leased by an honorary consular officer or a similar official. A photocopy of the Consular Identification Card issued by the US Department of State denoting the applicant's Honorary Consular status is required (Veh. Code §5006).

Necessity: The statute gives the department the discretion to determine "that the issuance of the license plates is in order". The department determined that submission of a photocopy of the applicant's Consular Identification Card issued by the US Department of State denoting the applicant's Honorary Consular status is necessary to meet the statutory requirement that "...issuance...is in order." Further, the department chose the document listed because an applicant should be able to provide a copy of this document without undue hardship (this document is the most produced and it is likely they are readily available.)

Horseless Carriage - Issued to a motor vehicle manufactured in 1922 or prior, or with an engine of 16 or more cylinders manufactured before 1965. Motor vehicle is primarily operated in or moved over the highway for historical exhibitions, parades, or historic vehicle club activities (Veh. Code §5004).

Necessity: The statute gives the department the discretion to prescribe the "manner and time" of application for Horseless Carriage license plates. The department determined that the certification made above is satisfactory for the reasons stated above.

Legion of Valor - Issued to a vehicle owned or co-owned by Army, Navy, or Air Force Medal of Honor recipient, or an Army Distinguished Service Cross, Navy Cross, or Air Force Cross recipient. A copy of the owner's service record or Department of Defense Form 214 must accompany the application (Veh. Code §5101.4).

Necessity: The statute gives the department the discretion to determine what constitutes "by conclusive evidence" that the applicant for Legion of Valor special recognition license plates has shown they are a recipient of an Army, Navy, or Air Force Medal of Honor recipient, or an Army Distinguished Service Cross, Navy Cross, or Air Force Cross. The department determined that a copy of the owner's service record or Department of Defense Form 214 is readily available

to the applicant and contains the information needed for the department to make the determination, therefore it is necessary to require a copy of one of the documents listed (these documents are the most produced and it is likely they are readily available.)

Press Photographer - One set of plates issued to a person regularly employed or engaged as a newspaper, newsreel, television, newsmagazine, or news gathering company photographer or camera person (Veh. Code §5008 and CCR 206.30 of Title 13).

Necessity: The statute gives the department the discretion to determine what constitutes “satisfactory proof.” The department determined that one of the certifications made above is satisfactory for the reasons stated above.

Purple Heart Recipient - Issued to a vehicle owned or co-owned by a Purple Heart recipient. Copy of Executive Order awarding the Purple Heart, service record, or Department of Defense Form 214 reflecting the owner’s Purple Heart Award is required with the application (Veh. Code §5101.8).

Necessity: The statute gives the department the discretion to determine what constitutes “satisfactory proof” that the applicant is a Purple Heart recipient. The department determined that requiring a Copy of Executive Order awarding the Purple Heart, service record, or Department of Defense Form 214 reflecting the Purple Heart Award to accompany the application is necessary to meet the statutory requirement that the applicant must show that their Purple Heart recipient status. Further, the department chose the three documents listed because an applicant should be able to provide a copy of one of these documents without undue hardship (these documents are the most produced and it is likely they are readily available.)

Subsection (c) is adopted to direct applicants to where they can find the required fees on the department’s website.

Necessity: Directing applicants to the department’s website and providing the search term of ‘special plate fees’ will ensure the applicant is consistently able to access the correct fees. Referring to the website will also eliminate confusion if the fee is increased and the form is not updated to reflect the new fees in a timely manner.

Subsection (d) is adopted to prohibit the department from honoring a request for a change of license plate selection or request for a refund after the application is submitted, unless the request is due to departmental error.

Necessity: There is a significant amount of departmental employee time expended to process an application for a special recognition license plate. The department is responsible for not only providing good customer service to the applicant but to also manage the departmental resources responsibly, therefore it is more efficient for the department to place the restriction of not honoring requests for changes or requests for refund, unless due to departmental error, after an application for a special recognition license plate is submitted and thus necessary. Additionally, the department has found that the more changes made by an applicant to their application the

greater the chance for errors to be made which wastes departmental resources and delays the applicant from receiving their new license plates, therefore the department finds it necessary to make this prohibition.

Subsection (d)(1) is adopted to allow the license plate owner to submit a new special recognition license plate application without payment of additional fees if the department erred when making the special recognition license plate and the license plate owner requests a change.

Necessity: In order to not shift the burden of the error made by the department to the applicant, the department determined that it is necessary to allow the submission of a new application without again requiring submission of fees.

Subsection (d)(2) is adopted to require the applicant to submit a new application and fees for any change requested when the department did not err when making the special recognition license plate.

Necessity: If an applicant submitted their application with errors or changes their mind about the selections, they made on their application the burden of the costs associated with processing a new application must be borne by the applicant, therefore it is necessary to require the applicant to submit a new application and fees.

§ 206.20. Requirements for Former Prisoner of War License Plates.

This entire section is deleted.

Necessity: The information contained in subsection (a) has been moved to the form REG 17A, Special Recognition License Plate Application, which is being incorporated by reference into these regulations in Section 206.16 and therefore is unnecessary here. Also, subsections (b) and (b)(1) through (2) have been included on the form REG 17A, Special Recognition License Plate Application, which is being incorporated by reference into these regulations in Section 206.16 and therefore is unnecessary here. Subsection (c) is obsolete as the applicant is only required to submit a copy of their documentation (evidence) as indicated on the form REG 17A and therefore unnecessary here. Subsection (d) is obsolete as section 206.02 no longer contains a subsection (c)(3) this was referring to and therefore unnecessary here.

§ 206.22. Number of Prisoner of War License Plate Sets.

This entire section is deleted.

Necessity: Previously, when applying for Prisoner of War license plates an applicant would submit a form REG 17, Special Interest License Plate Application. With the revisions made to the REG 17 and development of a new form REG 17A, Special Recognition License Plate Application (NEW 5/2020) an applicant will now submit a form REG 17A which includes the specific eligibility proof requirements.

Additionally, this section no longer aligns with the REG 17A process so as not to confuse the public the department determined it is necessary to delete it.

§ 206.30 Press Photographer License Plate Definitions.

This entire section is deleted.

Necessity: With the revisions made to the REG 17 and development of a new form REG 17A, Special Recognition License Plate Application (NEW 5/2020) an applicant will now submit a form REG 17A which includes the specific eligibility proof requirements. Additionally, this section no longer aligns with the REG 17A process so as not to confuse the public the department determined it is necessary to delete it.

§ 206.35 Application.

This entire section is deleted.

Necessity: The form REG 17A, Special Recognition License Plate Application, which is being incorporated by reference into these regulations in section 206.16 includes all the information contained in this section, therefore the department determined it is unnecessary here in this section.

§ 206.40. Press Photographer License Plates.

This entire section is deleted.

Necessity: With the revisions made to the REG 17 and development of a new form REG 17A, Special Recognition License Plate Application (NEW 5/2020) an applicant would now submit a form REG 17A which includes the specific eligibility proof requirements. Additionally, this section no longer aligns with the REG 17A process so as not to confuse the public the department determined it is necessary to delete it.

§ 206.50. Application Requirements for Legion of Valor License Plates or Purple Heart License Plates.

This entire section is deleted. Subsection (a) et al is deleted.

Necessity: The form REG 583 (12/91) Special License Plate Application is obsolete and has not been in use by the department for many years, therefore this subsection is obsolete, and it is necessary for the department to delete it from these regulations.

Subsection (b) et al is deleted.

Necessity: The form (REG. 583) referenced in subsection (a) is obsolete, therefore subsections (a) and (a)(1) through (a)(10), which describe the information that an applicant would provide on the REG. 583, are unnecessary. Sections 206.52 and 206.54 are being deleted and subsection (b)(1) references them, therefore it is necessary to delete. Subsection (b)(2) is just a reiteration of statute and unnecessary. The fee in (b)(3) is outdated and no longer charged.

Subsection (c) et al is deleted.

Necessity: Proposed section 206.16 reflects the department's current processes for special recognition license plate applications and are applicable to the Legion of Valor and Purple Heart license plates as well as others, making this subsection obsolete, therefore the department determined it is necessary to delete.

§ 206.52. Additional Requirement for Legion of Valor License Plate Application.

This entire section is deleted.

Necessity: Form REG 17A, Special Recognition License Plate Application, which is being incorporated into these regulations in section 206.16 contains the information in this section, therefore it is unnecessary to repeat it here. Additionally, it was decided by the department that it is more efficient and convenient for applicants, and departmental staff who process the applications, to have the information on the application form.

§ 206.54. Additional Requirement for Purple Heart License Plate Application.

This entire section is deleted.

Necessity: Form REG 17A, Special Recognition License Plate Application, which is being incorporated into these regulations in section 206.16 contains the information in this section, therefore it is unnecessary to repeat it here. Also, it was decided by the department that it is more efficient and convenient for applicants, and departmental staff who process the applications, to have the information on the application form.

§ 206.56 Number of Legion of Valor License or Purple Heart License Plate Sets.

This entire section is deleted.

Necessity: All of section 206.50 is being deleted therefore it is necessary to delete this section that refers to it. The form REG 17A, Special Recognition License Plate Application, which is being incorporated by reference into these regulations in Section 206.16, contains all information and rules related to the Legion of Valor and Purple Heart Recipient license plates and therefore is unnecessary here. Vehicle Code sections 5101.4 and 5101.8 are the relevant statutes for these plates and the statutes indicate that more than one plate may be issued. The necessity statement will be amended.

§ 206.58. Surrender of Purple Heart License Plates upon Death.

This entire section is deleted.

Necessity: The information contained in this section is already covered in Vehicle Code 5101.8(d) and therefore unnecessary.

§ 206.60. Requirements for Fire Fighter License Plates.

This entire section is deleted.

Necessity: Subsection (a) is a partial restatement of Vehicle Code section 5101.2 and therefore unnecessary. Subsections (b) and (b)(1) through (3) have been included on the form REG 17A, Special Recognition License Plate Application, which is being incorporated by reference into these regulations in Section 206.16 and therefore is unnecessary here. The information in subsection (b)(4) is not being included on the form REG 17A because it has been determined by the department to have incomplete language such that people did not know how to comply with it, therefore it is necessary to be deleted.

DEPARTMENTAL DETERMINATIONS

- Technical, Theoretical and/or Empirical Studies, Reports or Documents: *Ogilvie v. Gordon*, 540 F. Supp. 3d 920 (N.D. Cal. 2020)
- Reasonable Alternatives That Would Lessen Any Adverse Impact on Small Business: No alternatives were considered or presented that would lessen any adverse impact on small businesses.
- Evidence Supporting Determination of No Significant Adverse Economic Impact on Business, Including the Ability to Compete: The department does not anticipate any of these changes will create a significant adverse economic impact on businesses including California's ability to compete. Support for this determination is provided in the Economic Impact Assessment.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.

- **Cost Impact on Representative Private Persons or Businesses:** The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Purchase of any of the special license plates are optional, therefore, the department does not anticipate any cost impact on representative private persons or businesses.
- **Effect on Housing Costs:** None.
- **Local Agency/School District Mandates:** The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- **Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:** None.
- **Small Business Impact:** This proposed action may affect small business.
- **Potential Significant Statewide Adverse Economic Impact on Business:** This action is unlikely to have any significant statewide adverse economic impact on businesses. This action mostly makes amendments or adopts departmental forms used when applying for environmental or special license plates. While the forms have been updated, the procedures followed by applicants and the overall application process is unchanged.

ECONOMIC IMPACT ASSESSMENT

(Government Code section 11346.3)

The department has made the following determinations related to this proposed regulatory action:

- **Creation or Elimination of Jobs Within the State of California**

The purpose of this proposed action is to update the department's Special Interest license plate application form and to adopt its Special Recognition license plate form and make other amendments that help make clear the related regulations. Because none of the proposed amendments impact jobs, the department does not anticipate the provisions being adopted in this regulation will create or eliminate jobs.

- **Creation or Elimination of Existing Businesses Within the State of California**

The purpose of this proposed action is to update the department's Special Interest license plate application form and to adopt its Special Recognition license plate form and make other

amendments that help make clear the related regulations. Because none of the proposed amendments impact businesses, the department does not anticipate this action will create or eliminate existing businesses in California.

- Expansion of Businesses Currently Doing Business Within the State of California

The department does not anticipate this action expanding businesses currently doing business within California. This action only amends forms and makes clarifying amendments, neither of which are anticipated to expand any businesses.

- Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State's Environment

The primary benefit of the proposed amendments to the environmental license plate regulation is in retaining fairness to California vehicle registrants seeking to express themselves in the non-public or limited public forum of a license plate registration number while still allowing the department to eliminate unsuitable configurations in a viewpoint neutral, reasonable, and consistently applied manner.

Also, various changes to the informational requirements a vehicle registrant must provide in order to be issued specialized, special interest or special recognition plates are streamlined and clarified. Previously, requirements have appeared in both the regulation and on the forms, resulting in duplication. The department is instead removing the duplicative information from the regulation text and is instead incorporating by reference the necessary form.

This action will benefit the health and welfare of California residents by ensuring applicants have convenient ways to provide the department their information when applying for environmental or special license plates and to help ensure the integrity of their registration records that are maintained in the department's databases. This action is not likely to have a significant impact on the California residents' health, worker safety or the state's environment.