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**AB-1338 Vehicles: specialized license plates.** (2017-2018)

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**Assembly Bill No. 1338**

**CHAPTER 115**

An act to amend Section 5101.2 of the Vehicle Code, relating to vehicle registration.

[ Approved by Governor July 24, 2017. Filed with Secretary of State July 24, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1338, Low. Vehicles: specialized license plates.

Existing law authorizes a person who is a firefighter or a retired firefighter to apply for special license plates for his or her vehicle. The special license plates, which contain the words "California Firefighter" and run in a regular numerical series, are issued upon application to the Department of Motor Vehicles, presentation of proof of certain facts, and payment of certain fees.

Existing law provides, upon the death of the person to whom the special firefighter license plates were issued, that the plates be transferred to the surviving spouse, and upon the death of the surviving spouse, or in the absence of a surviving spouse, the plates are to be returned to the department or destroyed within 60 days after the death of the plateholder or upon the expiration of the vehicle registration, whichever occurs first.

Existing law also allows a member of the deceased firefighter's family to retain one of the special license plates as a family heirloom, subject to specified conditions, after the death of the surviving spouse, or after the death of the firefighter, if there is no surviving spouse.

This bill would allow a surviving family member of a firefighter or retired firefighter, as defined, to apply for and receive a "California Firefighter" special license plate. The bill would also define spouse to include a domestic partner.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The Legislature finds and declares all of the following:

(a) California's steadfast commitment to the families of its fallen firefighters is reflected in policies adopted throughout the decades since the inception of our great state.

(b) Among those policies is the adoption of programs that authorize ongoing support to the California Firefighters Memorial Fund, which provides critically needed assistance to the California Fire Foundation, a statewide nonprofit 501(c)(3) organization that, since 1987, has offered emotional and financial assistance to the families of fallen firefighters, firefighters, and the communities that firefighters are sworn to protect.

(c) Part of the California Fire Foundation's mission includes maintaining the California Firefighters Memorial, which is located on the grounds of the California State Capitol in Sacramento.

(d) The California Firefighters Memorial depicts the heroism of the profession and the anguish felt when a firefighter falls in the line of duty, but also provides a unique and hallowed ground where all Californians may gather to share in the feeling of loss and express their support alongside all California firefighters and their families.

(e) The California Fire Foundation is further charged with providing emergency assistance and support to the families of fallen firefighters and is involved in an array of victim assistance and public education programs.

(f) When disaster strikes, firefighters are the first responders. Because of their close contact with the communities in which they serve, the California Fire Foundation also works with firefighters throughout the state to identify unmet community needs, provide and enhance victim assistance and engage in public education programs that enhance services before, during, and after the alarm bell rings.

(g) The California Firefighter License Plate program was approved by the Legislature and signed into law nearly 25 years ago and has become a key trademark within the fire service. It enables active and retired firefighters to purchase these plates for display on their vehicles, where a portion of the proceeds become a source of support for the families and communities they may one day tragically leave behind.

(h) Current law does not enable a surviving spouse, domestic partner, or child to independently apply for and receive a California firefighter license plate for his or her vehicle, while many have expressed a desire to be granted the ability to do so.

(i) It is, therefore, the intent of the Legislature in enacting this measure to provide a surviving family member of a deceased firefighter the ability to apply for and receive a firefighter special license plate as a way of further honoring the memory of his or her fallen loved one.

**SEC. 2.** Section 5101.2 of the Vehicle Code is amended to read:

**5101.2.** (a) A person otherwise eligible under this article who is a firefighter, retired firefighter, or a surviving family member of a firefighter or retired firefighter may apply for special license plates for a vehicle under this article. License plates issued pursuant to this section shall be issued in accordance with Section 5060.

(b) The applicant, by proof satisfactory to the department, shall show that he or she is a firefighter, retired firefighter, or a surviving family member of a firefighter or retired firefighter, who meets all of the following:

(1) Is presently, was at the time of his or her death, or has or had retired in good standing as, an officer, an employee, or a member of a fire department or a fire service of the state, a county, a city, a district, or any other political subdivision of the state, whether in a volunteer, partly paid, or fully paid status.

(2) Is or was until retirement or death, regularly employed as a firefighter or regularly enrolled as a volunteer firefighter.

(3) Has, or had before retirement or death, principal duties which fall within the scope of active firefighting and any of the following activities:

(A) Fire prevention service.

(B) Fire training.

(C) Hazardous materials abatement.

(D) Arson investigation.

(E) Emergency medical services.

(c) The special license plates issued under this section shall contain the words "California Firefighter" and shall run in a regular numerical series.

(d) In addition to the regular fees for an original registration, a renewal of registration, or a transfer of registration, the following special license plate fees shall be paid:

(1) A fee of fifty dollars (\$50) for the initial issuance of the special license plates. These special license plates shall be permanent and shall not be required to be replaced.

(2) A fee of thirty-five dollars (\$35) for each renewal of registration that includes the continued display of the special license plates.

(3) If the special license plates become damaged or unserviceable, a fee of thirty-five dollars (\$35) for the replacement of the special license plates, obtained from the department upon proper application therefor.

(4) A fee of fifteen dollars (\$15) for the transfer of the special license plates to another vehicle qualifying as a vehicle owned by a firefighter who has met the requirements set forth in subdivision (b).

(5) In addition, for the issuance of environmental license plates, as defined in Section 5103, with the special firefighter personal vehicle license plates and distinctive design or decal, the additional fees prescribed in Sections 5106 and 5108. The additional fees collected pursuant to this paragraph shall be deposited in the California Environmental License Plate Fund.

(e) (1) Upon the death of a person issued special license plates pursuant to this section, his or her surviving spouse may retain the special license plates. Except as provided in paragraph (2), upon the death of the surviving spouse, the plates shall be returned to the department or destroyed within 60 days after the death of the surviving spouse or upon the expiration of the vehicle registration, whichever occurs first.

(2) In the absence of a surviving spouse or where the surviving spouse dies while in possession of the special license plates, a member of the deceased firefighter's family may retain one of the special license plates as a family heirloom, subject to the conditions set forth in subdivision (f). As used in this paragraph, "family" means grandparents, stepgrandparents, parents, stepparents, siblings, stepsiblings, stepchildren, natural-born children, or adopted children of the person issued the special license plates under subdivision (a).

(f) The special license plates issued under this section are not valid for use for vehicle registration purposes by a person other than the person issued the special license plates under subdivision (a) and the surviving spouse of that person.

(g) For purposes of this section, the following definitions shall apply:

(1) "Surviving family member" means the spouse and any child, including an adopted child, stepchild, or recognized natural child of a deceased firefighter or deceased retired firefighter. "Surviving family member" does not include a former spouse.

(2) "Spouse" includes a domestic partner in a domestic partnership as described in Section 297 of the Family Code.

(h) Except as provided in paragraph (5) of subdivision (d), the revenues derived from the additional special fees provided in this section, less costs incurred by the department pursuant to this section, shall be deposited in the California Firefighters' Memorial Fund established by Section 18802 of the Revenue and Taxation Code.