



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-984 Vehicle identification and registration: alternative devices. (2021-2022)

SHARE THIS:  

Date Published: 10/03/2022 02:00 PM

Assembly Bill No. 984

CHAPTER 746

An act to amend Sections 4463 and 4853 of, and to add Section 4854 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 984, Wilson. Vehicle identification and registration: alternative devices.

Existing law requires a vehicle to display a license plate, issued by the Department of Motor Vehicles, with tabs that indicate the month and year the vehicle registration expires. Existing law authorizes the department to conduct a pilot program, until January 1, 2023, if certain conditions are met, to evaluate the use of alternatives to stickers, tabs, license plates, and registration cards. Under existing law, a person who alters, forges, counterfeits, or falsifies, among other things, a device issued pursuant to the pilot program, is guilty of a felony.

This bill would require the department to establish a program authorizing an entity to issue alternatives to stickers, tabs, license plates, and registration cards under specified conditions that include, among others, approval of the alternative devices by the Department of the California Highway Patrol. The bill would make this authorization applicable to environmental license plates and specialized license plates displayed on an alternative device, as specified. The bill would allow the failure or malfunction of an alternative device to be deemed a correctable violation, as specified. The bill would require the provider of the device to build into the device a process for frequent notification if the device becomes defective and would require the provider to seek to replace defective devices as soon as possible. The bill would require an entity seeking approval to issue alternative devices or electronic vehicle registration cards to submit a business plan to the Department of Motor Vehicles, as specified. The bill would require the department to adopt regulations to carry out the program, including establishing reasonable fees to reimburse the department for the costs of implementing the program, reporting requirements, and to determine standards necessary for the safe use of alternative products, and would extend the existing authorization for a pilot program described above until the effective date of those regulations. The bill would make alteration, forgery, counterfeit, or falsification of a device issued pursuant to these provisions a felony. By creating a new crime, this bill would impose a state-mandated local program.

The bill would generally prohibit an alternative device from being equipped with GPS or other vehicle location tracking capability, but would allow tracking technology to be installed on alternative devices used by specified vehicles, including fleet and commercial vehicles. The bill would generally prohibit an employer from using an alternative device equipped with tracking technology to monitor employees, except the bill would allow an employer to use an alternative device to locate, track, watch, listen to, or otherwise surveil an employee during work hours if strictly necessary for the performance of the employee's duties. The bill would require the employer to first notify the employee that monitoring will occur, as specified, and would allow an employee to disable the alternative device's monitoring capabilities, including vehicle location technology, outside of work hours. The bill would impose civil penalties for a violation of these requirements and authorize the issuance of citations, as prescribed. The bill would also prohibit retaliation against an employee by an employer or a person acting on the employer's behalf for

disabling an alternative device's monitoring capabilities outside of work hours, and would authorize an employee to file a complaint with the Labor Commissioner for a violation of that prohibition.

The bill would require the Department of Motor Vehicles to, by no later than January 1, 2024, recall any alternative devices equipped with GPS or other tracking technology that have been issued, pursuant to the existing pilot program, to vehicles other than those specified vehicles, including fleet and commercial vehicles, for which GPS or other tracking technology is authorized.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 4463 of the Vehicle Code is amended to read:

4463. (a) A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of a felony and upon conviction thereof shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or two or three years, or by imprisonment in a county jail for not more than one year:

(1) Alters, forges, counterfeits, or falsifies a certificate of ownership, registration card, certificate, license, license plate, temporary license plate, device issued pursuant to Sections 4853 and 4854, special plate, or permit provided for by this code or a comparable certificate of ownership, registration card, certificate, license, license plate, temporary license plate, device comparable to that issued pursuant to Sections 4853 and 4854, special plate, or permit provided for by a foreign jurisdiction, or alters, forges, counterfeits, or falsifies the document, device, or plate with intent to represent it as issued by the department, or alters, forges, counterfeits, or falsifies with fraudulent intent an endorsement of transfer on a certificate of ownership or other document evidencing ownership, or with fraudulent intent displays or causes or permits to be displayed or have in their possession a blank, incomplete, canceled, suspended, revoked, altered, forged, counterfeit, or false certificate of ownership, registration card, certificate, license, license plate, temporary license plate, device issued pursuant to Sections 4853 and 4854, special plate, or permit.

(2) Utters, publishes, passes, or attempts to pass, as true and genuine, a false, altered, forged, or counterfeited matter listed in paragraph (1) knowing it to be false, altered, forged, or counterfeited.

(b) A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in a county jail for six months, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or both that fine and imprisonment, which penalty shall not be suspended:

(1) Forges, counterfeits, or falsifies a disabled person placard or a comparable placard relating to parking privileges for disabled persons provided for by a foreign jurisdiction, or forges, counterfeits, or falsifies a disabled person placard with intent to represent it as issued by the department.

(2) Passes, or attempts to pass, as true and genuine, a false, forged, or counterfeit disabled person placard knowing it to be false, forged, or counterfeited.

(3) Acquires, possesses, sells, or offers for sale a genuine or counterfeit disabled person placard.

(c) A person who, with fraudulent intent, displays or causes or permits to be displayed a forged, counterfeit, or false disabled person placard, is subject to the issuance of a notice of parking violation imposing a civil penalty of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), for which enforcement shall be governed by the procedures set forth in Article 3 (commencing with Section 40200) of Chapter 1 of Division 17, or is guilty of a misdemeanor punishable by imprisonment in a county jail for six months, a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), or both that fine and imprisonment, which penalty shall not be suspended.

(d) For purposes of subdivision (b) or (c), "disabled person placard" means a placard issued pursuant to Section 22511.55 or 22511.59.

(e) A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of an infraction, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) and not more than two hundred fifty dollars (\$250) for a first offense, not less than two hundred fifty dollars (\$250) and not more than five hundred dollars (\$500)

for a second offense, and not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000) for a third or subsequent offense, which penalty shall not be suspended:

(1) Forges, counterfeits, or falsifies a Clean Air Sticker or a comparable clean air sticker relating to high-occupancy vehicle lane privileges provided for by a foreign jurisdiction, or forges, counterfeits, or falsifies a Clean Air Sticker with intent to represent it as issued by the department.

(2) Passes, or attempts to pass, as true and genuine, a false, forged, or counterfeit Clean Air Sticker knowing it to be false, forged, or counterfeited.

(3) Acquires, possesses, sells, or offers for sale a counterfeit Clean Air Sticker.

(4) Acquires, possesses, sells, or offers for sale a genuine Clean Air Sticker separate from the vehicle for which the department issued that sticker.

(f) As used in this section, "Clean Air Sticker" means a label or decal issued pursuant to Sections 5205.5 and 21655.9.

SEC. 2. Section 4853 of the Vehicle Code is amended to read:

4853. (a) The department may issue one or more stickers, tabs, or other suitable devices in lieu of the license plates provided for under this code. Except when the physical differences between the stickers, tabs, or devices and license plates by their nature render the provisions of this code inapplicable, all provisions of this code relating to license plates may apply to stickers, tabs, or devices.

(b) The department may establish a pilot program to evaluate the use of alternatives to the stickers, tabs, license plates, and registration cards authorized by this code, subject to all of the following requirements:

(1) The alternative products shall be approved by the Department of the California Highway Patrol.

(2) The pilot program shall be limited to no more than 0.5 percent of registered vehicles for the purpose of road testing and evaluation.

(3) The alternative products to be evaluated shall be provided at no cost to the state.

(4) Any pilot program established by the department pursuant to this subdivision shall be limited to vehicle owners who have voluntarily chosen to participate in the pilot program.

(c) In the conduct of any pilot program pursuant to this section, any data exchanged between the department and any electronic device or the provider of any electronic device shall be limited to those data necessary to display evidence of registration compliance. The department shall not receive or retain any information generated during the pilot program regarding the movement, location, or use of a vehicle participating in the pilot program.

(d) In the conduct of any pilot program pursuant to this section, the department may evaluate the inclusion of participants in the Business Partner Automation Program, pursuant to Section 1685.

(e) Subdivisions (b) to (d), inclusive, shall become inoperative on the effective date of any regulations adopted pursuant to subdivision (b) of Section 4854.

SEC. 3. Section 4854 is added to the Vehicle Code, to read:

4854. (a) The department shall establish a program authorizing an entity to issue devices as alternatives to the conventional license plates, stickers, tabs, and registration cards authorized by this code, subject to all of the following requirements:

(1) The alternative device is subject to the approval of the department and the Department of the California Highway Patrol and shall not be used in lieu of a device issued by the Department of Motor Vehicles until that approval has been granted.

(2) (A) Except as specifically authorized in subparagraph (B), an alternate device shall not include vehicle location technology. The department shall, by no later than January 1, 2024, in a manner determined by the department, recall any devices with vehicle location technology that have been issued pursuant to Section 4853, to vehicles other than those described in subparagraph (B). The department may adopt regulations to carry out this requirement.

(B) Vehicle location technology may be offered for vehicles registered as fleet vehicles, pursuant to Article 9.5 (commencing with Section 5301), commercial vehicles, as defined in Section 260, and those operating under an occupational license, pursuant to Division 5 (commencing with Section 11100).

(C) The vehicle location technology, if any, shall be capable of being disabled by the user.

(D) The vehicle location technology, if any, may be capable of being manually disabled by a driver of the vehicle while that driver is in the vehicle.

(3) If the device is equipped with vehicle location technology, an alternative device shall display a visual indication that vehicle location technology is in active use.

(4) Data exchanged between the department and the device, or the provider of the device, is limited to that data necessary to display evidence of registration compliance, including the payment of registration fees, plate configurations, and the information or images displayed on the alternative product.

(5) The department shall not receive or retain directly from an alternative device authorized by this section or the provider of the alternative device any electronic information regarding the movement, location, or use of a vehicle or person with an alternative device.

(6) Use of the alternative device is optional, and users shall affirmatively opt in to using the alternative device instead of a conventional license plate, sticker, tab, or registration card.

(b) (1) The department shall adopt regulations to carry out this program, including, but not limited to, all of the following:

(A) Determining standards necessary for the safe use of alternative products.

(B) Requirements for product oversight and consumer support.

(C) Requirements for product size, design, display, and functionality.

(D) Introduction of new products through a pilot program.

(E) Transitioning pilot products, and approved enhancements to existing alternative products, to a statewide product offering.

(F) Approval of products for statewide use.

(G) Determining data sharing, privacy, and security protocols pursuant to Section 1 of Article I of the California Constitution's right to privacy and other applicable privacy laws.

(H) Processes for revoking an alternative product's authority for use.

(I) Testing enhancements to approved alternative products.

(J) Determining the types of plates eligible to participate and associated approval processes.

(K) Establishing reasonable fees to reimburse the department for the costs to implement the program.

(L) Reporting requirements.

(M) Requirements to ensure registered users of a device are aware of GPS capability and usage and can deactivate the function.

(N) Requirements to ensure nonregistered vehicle operators are aware of GPS capability and usage. This may include, but is not limited to, live notifications of the GPS function, toll-free communication with the device provider for vehicle location function status and deactivation, or visual indicators of GPS capability or usage.

(2) In developing these regulations, the department may consult with the Department of the California Highway Patrol and shall conduct hearings with the opportunity for public comment on the adoption of any regulation applicable to alternative registration products.

(3) In developing these regulations, the department may specify timeframes for compliance and temporary operating authority for products piloted under Section 4853 that are submitted for approval under this section.

(4) An entity seeking approval to issue an alternative device or electronic vehicle registration card for pilot or statewide use under this section shall submit a business plan for the device to the department for approval that includes, but is not limited to, all of the following:

(A) An administrative oversight plan.

(B) A product support plan, including, but not limited to, methods of providing proof of registration that are not subject to technological failures to be used in the event of the alternative device malfunctioning or failing.

(C) Information technology security, privacy, and cybersecurity evaluations and measures to protect against unauthorized access to information and the device.

(D) Procedures to comply with applicable privacy and security requirements, including, but not limited to, the California Consumer Privacy Act of 2018 (Title 1.81.5 (commencing with Section 1798.100) of Part 4 of Division 3 of the Civil Code). For purposes of this section, a provider of the device shall not share or sell the information obtained to provide the device, or any other information obtained by virtue of contracting with the department to provide the device, including, but not limited to, information collected by the device itself, nor shall it use the information for any purpose other than as strictly necessary to provide the device and show proof of vehicle registration.

(E) Ensuring that the information transmitted between the alternative device or electronic vehicle registration card, the department, and the provider, as well as any mobile application required for the alternative device or electronic vehicle registration card, including storage, is encrypted and protected to the highest reasonable security standards broadly available.

(5) An alternative device intended to serve in lieu of a license plate shall be subject to all of the following requirements:

(A) Have a minimum effective viewable area that meets the size specifications of Section 4852.

(B) Provide legibility and visibility according to standards consistent with those applied to license plates.

(C) Be displayed in a manner consistent with Article 9 (commencing with Section 5200).

(D) Display only information and images approved by the department or deemed necessary by the department.

(E) Be readable by automated license plate readers used by the Department of the California Highway Patrol and any other automated enforcement system.

(F) Be readable by the human eye during hours of both daylight and darkness at a distance of no less than 75 feet.

(G) The alphanumeric characters assigned to the vehicle by the department and evidence of valid registration are capable of and shall be displayed on the device whenever a vehicle is in motion, stationary, parked on or off of a road or highway, or unoccupied.

(6) An alternative device intended to serve in lieu of a registration card is subject to both of the following requirements:

(A) Meets the requirements of Section 4453.

(B) May be used to comply with Section 4462.

(7) The department may establish additional requirements it deems necessary to implement this subdivision.

(8) The department may authorize both of the following to be displayed on an alternative device:

(A) Approved environmental license plates pursuant to Article 8.5 (commencing with Section 5100).

(B) Approved specialized license plates pursuant to Article 8.6 (commencing with Section 5151).

(c) An alternative device failure or malfunction may be deemed a correctable violation if all of the provisions of Section 40610 are met.

(d) The provider of the device, if the device has digital capabilities, shall build into the device a process for frequent notification if the device becomes defective. The provider of the device shall seek to replace defective devices as soon as possible.

(e) Alternative devices issued pursuant to this section may emit diffused nonglaring light only to the extent necessary to meet the visibility requirements of Sections 5201 and 24601.

(f) (1) An employer, or a person acting on behalf of the employer, shall not use an alternative device to monitor employees except during work hours, and only if strictly necessary for the performance of the employee's duties. For purposes of this section, "monitor" includes, but is not limited to, locating, tracking, watching, listening to, or otherwise surveilling the employee.

(2) An employer, or a person acting on behalf of the employer, shall not retaliate against an employee for removing or disabling an alternative device's monitoring capabilities, including vehicle location technology, outside of work hours. An employee who believes they have been subject to a violation of this paragraph may file a complaint with the Labor Commissioner pursuant to Section 98.7 of the Labor Code. In addition to the civil penalties described in this provision, an employee retaliated against in

violation of this section shall be entitled to all available penalties, remedies, and compensation, including, but not limited to, reinstatement and reimbursement of lost wages, work benefits, or other compensation caused by the retaliation.

(3) An employer or a person acting on behalf of the employer shall provide an employee with a notice stating that monitoring will occur before conducting any monitoring with an alternative device. The notice shall include, at a minimum, all of the following elements:

(A) A description of the specific activities that will be monitored.

(B) A description of the worker data that will be collected as a part of the monitoring.

(C) A notification of whether the data gathered through monitoring will be used to make or inform any employment-related decisions, including, but not limited to, disciplinary and termination decisions, and, if so, how, including any associated benchmarks.

(D) A description of the vendors or other third parties, if any, to which information collected through monitoring will be disclosed or transferred. The description shall include the name of the vendor or third party and the purpose for the data transfer.

(E) A description of the organizational positions that are authorized to access the data gathered through the alternative device.

(F) A description of the dates, times, and frequency that the monitoring will occur.

(G) A description of where the data will be stored and the length of time it will be retained.

(H) A notification of the employee's right to disable monitoring, including vehicle location technology, outside of work hours.

(4) (A) An employer who violates this subdivision shall be subject to a civil penalty of two hundred fifty dollars (\$250) for an initial violation and one thousand dollars (\$1,000) per employee for each subsequent violation.

(B) For purposes of determining the penalty described in subparagraph (A), the penalty shall be assessed per employee, per violation, and per day that monitoring without proper notice is conducted.

(C) The Labor Commissioner shall enforce this section using the procedures set forth in Section 1197.1 of the Labor Code, as applicable, including through the issuance of citations against employers who violate this section. The procedures for issuing and contesting citations, and enforcing judgments for civil penalties, that are issued by the Labor Commissioner pursuant to this section shall be the same as those set forth in Section 1197.1 of the Labor Code.

(D) An employer, and any third-party vendor that contracts with an employer to provide GPS tracking of vehicles through an alternative device as described in this section, upon request, shall furnish any report or information that the Labor Commissioner or the Division of Labor Standards Enforcement requires to carry out this section.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.