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**AB-256 Vehicles: registration.** (2023-2024)

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**Assembly Bill No. 256**

**CHAPTER 297**

An act to amend Sections 4000, 5204, and 40225 of the Vehicle Code, relating to vehicles.

[ Approved by Governor October 04, 2023. Filed with Secretary of State October 04, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 256, Dixon. Vehicles: registration.

Existing law requires current month and year tabs, indicating the month and year of expiration of a vehicle's registration, to be attached to the rear license plate assigned to the vehicle for the last preceding registration year in which the licensed plates were issued. Under existing law, a vehicle that fails to display current month and year tabs or display expired tabs is in violation of law. Existing law prohibits a person from driving, moving, or leaving standing upon a highway, or in an offstreet public parking facility, any motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly, unless it is registered and the appropriate fees have been paid, except as specified.

This bill would, commencing July 1, 2024, until January 1, 2030, prohibit a violation of these provisions from being the sole basis for any enforcement action before the 2nd month after the month of expiration of the vehicle's registration. Notwithstanding this provision, the bill would authorize enforcement action before the 2nd month following the month of expiration if a vehicle is stopped for any other violation of the Vehicle Code.

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

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

**SECTION 1.** Section 4000 of the Vehicle Code is amended to read:

**4000.** (a) (1) A person shall not drive, move, or leave standing upon a highway, or in an offstreet public parking facility, any motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly, unless it is registered and the appropriate fees have been paid under this code or registered under the permanent trailer identification program, except that an off-highway motor vehicle which displays an identification plate or device issued by the department pursuant to Section 38010 may be driven, moved, or left standing in an offstreet public parking facility without being registered or paying registration fees.

(2) For purposes of this subdivision, "offstreet public parking facility" means either of the following:

(A) Any publicly owned parking facility.

(B) Any privately owned parking facility for which no fee for the privilege to park is charged and which is held open for the common public use of retail customers.

(3) This subdivision does not apply to any motor vehicle stored in a privately owned offstreet parking facility by, or with the express permission of, the owner of the privately owned offstreet parking facility.

(4) (A) (i) A violation of this subdivision shall not be the sole basis for any enforcement action before the second month after the month of expiration of the vehicle's registration.

(ii) Notwithstanding clause (i), if a vehicle is stopped for any other violation of this code, enforcement action for a violation of this subdivision may be taken before the second month following the month of expiration.

(B) This paragraph shall be operative from July 1, 2024, to January 1, 2030, inclusive.

(b) A person shall not drive, move, or leave standing upon a highway any motor vehicle, as defined in Chapter 2 (commencing with Section 39010) of Part 1 of Division 26 of the Health and Safety Code, that has been registered in violation of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code.

(c) Subdivisions (a) and (b) do not apply to off-highway motor vehicles operated pursuant to Sections 38025 and 38026.5.

(d) This section does not apply, following payment of fees due for registration, during the time that registration and transfer is being withheld by the department pending the investigation of any use tax due under the Revenue and Taxation Code.

(e) Subdivision (a) does not apply to a vehicle that is towed by a tow truck on the order of a sheriff, marshal, or other official acting pursuant to a court order or on the order of a peace officer acting pursuant to this code.

(f) Subdivision (a) applies to a vehicle that is towed from a highway or offstreet parking facility under the direction of a highway service organization when that organization is providing emergency roadside assistance to that vehicle. However, the operator of a tow truck providing that assistance to that vehicle is not responsible for the violation of subdivision (a) with respect to that vehicle. The owner of an unregistered vehicle that is disabled and located on private property, shall obtain a permit from the department pursuant to Section 4003 prior to having the vehicle towed on the highway.

(g) (1) Pursuant to Section 4022 and to subparagraph (B) of paragraph (3) of subdivision (o) of Section 22651, a vehicle obtained by a licensed reposessor as a release of collateral is exempt from registration pursuant to this section for purposes of the reposessor removing the vehicle to their storage facility or the facility of the legal owner. A law enforcement agency, impounding authority, tow yard, storage facility, or any other person in possession of the collateral shall release the vehicle without requiring current registration and pursuant to subdivision (f) of Section 14602.6.

(2) The legal owner of collateral shall, by operation of law and without requiring further action, indemnify and hold harmless a law enforcement agency, city, county, city and county, the state, a tow yard, storage facility, or an impounding yard from a claim arising out of the release of the collateral to a licensee, and from any damage to the collateral after its release, including reasonable attorney's fees and costs associated with defending a claim, if the collateral was released in compliance with this subdivision.

(h) For purposes of this section, possession of a California driver's license by the registered owner of a vehicle shall give rise to a rebuttable presumption that the owner is a resident of California.

**SEC. 2.** Section 5204 of the Vehicle Code is amended to read:

**5204.** (a) (1) Except as provided by subdivisions (b) and (c), a tab shall indicate the year of expiration and a tab shall indicate the month of expiration. Current month and year tabs shall be attached to the rear license plate assigned to the vehicle for the last preceding registration year in which license plates were issued, and, when so attached, the license plate with the tabs shall, for the purposes of this code, be deemed to be the license plate, except that truck tractors, and commercial motor vehicles having a declared gross vehicle weight of 10,001 pounds or more, shall display the current month and year tabs upon the front license plate assigned to the truck tractor or commercial motor vehicle. Vehicles that fail to display current month and year tabs or display expired tabs are in violation of this section.

(2) (A) (i) A violation of paragraph (1) shall not be the sole basis for any enforcement action before the second month after the month of expiration of the vehicle's registration.

(ii) Notwithstanding clause (i), if a vehicle is stopped for any other violation of this code, enforcement action for a violation of paragraph (1) may be taken before the second month following the month of expiration.

(B) This paragraph shall be operative from July 1, 2024, to January 1, 2030, inclusive.

(b) The requirement of subdivision (a) that the tabs indicate the year and the month of expiration does not apply to fleet vehicles subject to Article 9.5 (commencing with Section 5301) or vehicles defined in Section 468.

(c) Subdivision (a) does not apply when proper application for registration has been made pursuant to Section 4602 and the new indicia of current registration have not been received from the department.

(d) This section is enforceable against any motor vehicle that is driven, moved, or left standing upon a highway, or in an offstreet public parking facility, in the same manner as provided in subdivision (a) of Section 4000.

(e) Prior to issuing a citation for a violation of this section, a law enforcement officer shall verify, using available department records, that no current registration exists for that vehicle. A citation shall not be issued for failure to comply with this section against any vehicle that has a current registration on file with the department.

**SEC. 3.** Section 40225 of the Vehicle Code is amended to read:

**40225.** (a) An equipment violation entered on the notice of parking violation attached to the vehicle under Section 40203 shall be processed in accordance with this article. All of the violations entered on the notice of parking violation shall be noticed in the notice of delinquent parking violation delivered pursuant to Section 40206, together with the amount of civil penalty.

(b) (1) Whether or not a vehicle is in violation of any regulation governing the standing or parking of a vehicle but is in violation of subdivision (a) of Section 5204, a person authorized to enforce parking laws and regulations shall verify, using available Department of Motor Vehicle records, that no current registration exists for that vehicle. A citation shall not be issued for failure to comply with subdivision (a) of Section 5204 against any vehicle that has a current registration on file with the department. If the person authorized to enforce parking laws and regulations does not have immediate access to those records, a citation shall not be issued for failure to comply with subdivision (a) of Section 5204. A person authorized to enforce parking laws and regulations shall issue a written notice of parking violation for a vehicle that does not have a tab or a verified current registration, setting forth the alleged violation. The violation shall be processed pursuant to this section.

(2) Commencing on July 1, 2024, a violation of paragraph (1) shall not be the basis for any enforcement action before the second month after the month of expiration of the vehicle's registration. This paragraph shall become inoperative on January 1, 2030.

(c) The civil penalty for each equipment violation, including failure to properly display a license plate, is the amount established for the violation in the Uniform Bail and Penalty Schedule, as adopted by the Judicial Council, except that upon proof of the correction to the processing agency, the penalty shall be reduced to ten dollars (\$10). The reduction provided for in this subdivision involving failure to properly display license plates shall only apply if, at the time of the violation, valid license plates were issued for that vehicle in accordance with this code. The civil penalty for each violation of Section 5204 is the amount established for the violation in the Uniform Bail and Penalty Schedule, as adopted by the Judicial Council, except that upon proof of the correction to the processing agency, the penalty shall be reduced to ten dollars (\$10).

(d) Fifty percent of any penalty collected pursuant to this section for registration or equipment violations by a processing agency shall be paid to the county for remittance to the State Treasurer and the remaining 50 percent shall be retained by the issuing agency and processing agency subject to the terms of the contract described in Section 40200.5.

(e) Subdivisions (a) and (b) do not preclude the recording of a violation of subdivision (a) or (b) of Section 4000 on a notice of parking violation or the adjudication of that violation under the civil process set forth in this article.