

TITLE 13: DEPARTMENT OF MOTOR VEHICLES

Title 13, Division 1

Article 3.3 – Special Plates

NOTICE IS HEREBY GIVEN

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 adopts 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.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **November 20, 2023**, for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, 1652, and 5110, in order to implement, interpret, or make specific Vehicle Code sections 5101 and 5105.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 1652 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 that is to be submitted to the department at the time of application. Because so many department 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 both special interest 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. The REG 17A was developed as the application for special recognition license plates.

These proposed regulations also 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 address language not specifically addressed in the 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 them 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.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

Anticipated benefits of the proposed regulation are discussed below in the Results of Economic Impact Assessment/Analysis section of this document and discussed in the Initial Statement of Reasons document.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other state regulations and has concluded there are no other regulations that establish application guidelines for the special interest or special recognition license plate programs. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

The department conducted a review of federal regulations and statutes and has determined that no other regulations address the application for Environmental, Special Interest, or Special Recognition license plates.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Special Interest or Environmental License Plate Application, form REG 17 (Rev. 4/2020)
- Special Recognition License Plate Application, form REG 17A (NEW 5/2020)
- Statement of Facts, form REG 256, Rev. 8/2008

The form REG 17, REG 17A and the form REG 256 will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- 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 to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Effects on Housing Costs: None.
- Impacts Directly Affecting Businesses: 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.
- Small Business Impact: This proposed regulatory action may affect small business.

- Local Agency/School Districts Mandate: The proposed regulation 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.
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. If an applicant is a business, the proposed amendments do not present any change that would have any economic impact on businesses.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

- Creation or elimination of jobs or creation of new businesses or elimination of existing businesses within the State of California:

As these proposed regulations establish the separate application forms for Special Interest License Plates and Special Recognition License Plates and make clarifying amendments, the department has determined that this proposed action will neither create nor eliminate jobs within the State of California, nor will the proposal create new businesses or eliminate existing businesses within California.

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

These regulations are unlikely to expand businesses within the State of California.

- Benefits of the Regulations 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 to be issued specialized, special interest or special recognition plates are streamlined and clarified. Previously, requirements have appeared in both the regulation and in the forms, resulting in duplication. The department is instead removing the duplicative information from the regulation text and is 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 with 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 worker safety or the state's environment.

PUBLIC DISCUSSION OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department 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 the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Specialist
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 282-7294
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Peggy Gibson, Attorney IV
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, the application forms, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.