
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: SB 1359 **Hearing Date:** April 19, 2022
Author: Hueso
Version: March 16, 2022
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Vehicles: registration*

HISTORY

Source: Author
Prior Legislation: None
Support: California Attorneys for Criminal Justice
Opposition: None known

PURPOSE

The purpose of this bill is to require law enforcement to confirm that a vehicle does not have current DMV registration before issuing a citation for failure to display registration tabs. This bill would also prohibit the issuance of a citation for failure to display registration tabs when the vehicle's registration is current.

Existing law makes it unlawful to willfully fail or refuse to comply with a lawful order, signal or direction of a uniformed peace officer or to refuse to submit to a lawful inspection pursuant to the Vehicle Code. (Vehicle Code §2800(a).)

Existing law provides that a person shall not drive, move, or leave standing upon a highway, or in an off street public parking facility, any motor vehicle unless it is registered and the appropriate fees have been paid, with specified exceptions. (Vehicle Code §4000)

Existing law requires the California Department of Motor Vehicles (DMV) to issue the owner of any motor vehicle, other than a motorcycle, two license plates for the purpose of identifying the vehicle. (Vehicle Code §4850(a).)

Existing law provides that registration tabs, indicating the month and year of expiration, shall be attached to the rear license plate assigned to the vehicle for the last preceding registration year in which the plates were issued. (Vehicle Code §5204(a).)

Existing law provides that truck tractors and commercial motor vehicles having a gross weight of 10,001 pounds or more shall display their registration tabs on the front license plate assigned to that vehicle. (Vehicle Code §5204(a).)

Existing law specifies that vehicles that fail to display current or expired tabs are in violation of Vehicle Code §5204. (Vehicle Code §5204(a).)

Existing law provides that various Vehicle Code violations, including a violation of §5204, constitute an infraction. (Vehicle Code §40000.1)

Existing law exempts fleet vehicles and specified trailers from the registration tab display requirement in Vehicle Code §5204(a). (Vehicle Code §5204(b).)

Existing law specifies that the registration tab display requirement does not apply when proper application for renewal of registration has been made to the DMV and the indicia of current registration has not yet been received by the owner of the vehicle. (Vehicle Code §5204(c).)

Existing law provides that Vehicle Code §5204 is enforceable against any motor vehicle that is driven, moved, or left standing upon a highway, or in an offstreet public parking facility. (Vehicle Code §5204(d).)

This bill provides that prior to issuing a citation for a violation of the requirement to display registration tabs, a law enforcement officer must verify, using available DMV records, that no current registration exists for that vehicle.

This bill provides that a citation for failure to comply with the registration tab display requirement shall not be issued against any vehicle that has a current registration on file with the DMV.

COMMENTS

1. Need for This Bill

According to the author:

“Sticker theft from vehicles is a problem statewide. Oftentimes, vehicle owners pay for their registration but are still cited if their plates do not display the sticker. Existing law allows law enforcement to issue a citation, but does not require an officer to check DMV records to determine if registration fees were paid. Drivers are subject to a fine, penalties, and replacement fees that may be upwards of \$200. This bill will require an officer to check DMV records before issuing a citation. This is the right thing to do for responsible drivers and avoids unnecessary fines and citations.”

2. Traffic Stops for Minor Violations

Existing law requires most vehicles to clearly display proof of current registration by affixing a registration sticker, or “tab,” to the rear license plate.¹ In addition to other various markings, these tabs include the last preceding year that the vehicle was lawfully registered. For instance, for registration fees paid in early 2022 for that registration year, a motorist will receive a tab with the year “2022” clearly displayed on it. Failure to display registration tabs on a vehicle is

¹ Vehicle Code §5204

punishable as an infraction, but is also considered a “correctable” violation, or “fix-it ticket.”² This means that if a cited motorist shows proof of correction and pays a minor dismissal fee, the court will dismiss the charge.

Existing law authorizes peace officers to enforce traffic and vehicle-related violations, and requires motorists to submit to lawful orders and inspections in furtherance of this enforcement.³ Under existing case law, a peace officer may initiate a vehicle stop if the officer reasonably believes that a traffic-related violation has occurred.⁴ Currently, officers are not required to check DMV records to confirm that a licensing or registration-related traffic violation has occurred prior to issuing a citation. That is, an officer may issue a citation for a violation that is merely observed. However, as a matter of practice, and with the near-universal use of computers in police vehicles, officers will regularly check a motorist’s license plate against DMV records to confirm the validity of any perceived violations prior to issuing a citation. This bill requires this practice in all circumstances where an officer seeks to cite a motorist for failure to display current registration tabs.

3. Registration Tab Theft

The Author asserts that this bill is necessary to combat the widespread theft of registration tabs affixed to properly registered vehicles. Although existing law makes it a crime, punishable as a misdemeanor or felony, to fraudulently display stolen or counterfeit registration tabs, many communities still experience this problem.⁵ Some attribute the increase in registration tab theft to the passage of SB 1 (Beall, Ch. 5, Stats. of 2017), which raised vehicle registration fees, although reports of registration tab theft date back decades.⁶ In an attempt to protect their registration tabs from theft, many Californians have turned to transparent license plate covers, which are intended to prevent access to the registration sticker but ensure visibility of the license number.⁷ The author argues that, even with the availability of these security devices, registration sticker theft remains pervasive. As a result, officers may see a vehicle without a registration tab and issue a citation based simply on their observations, when in fact the vehicle is registered and the tab had been stolen. This bill aims to avoid these erroneously issued citations by requiring officers to check a license plate against DMV records before citing a motorist for a registration violation.

4. Argument in Support

According to California Attorneys for Criminal Justice:

“This bill would reduce interactions between police and individuals for minor traffic offenses, thus freeing valuable police time and resources to more urgent matters that pose an actual threat to public safety. This bill would also make individuals and police safer, as traffic stops for minor, low-level infractions can turn into violent

² Vehicle Code §40000.1, §§40610-40618; <https://www.courts.ca.gov/9529.htm>

³ Vehicle Code §2800 et. seq., and §40000.1 et. seq.

⁴ *Terry v. Ohio* 392 U.S. 1 (1968); *Brendlin v. California* 551 U.S. 249 (2007)

⁵ Vehicle Code §4463;

⁶ “Here’s how to thwart thieves who steal vehicle-registration tags.” *The Press Enterprise*. 12 May 2019. <https://www.pe.com/2019/05/12/heres-how-to-thwart-thieves-who-steal-vehicle-registration-tags/>; “License Plate Tag Theft, Fraud on the Rise.” *Los Angeles Times*. 5 April 1999. <https://www.latimes.com/archives/la-xpm-1999-apr-05-me-24377-story.html>

⁷ Vehicle Code §5201(c)(2) permits license plate security covers as long as they only cover the registration tabs and do not cover or obstruct the license plate number.

encounters between police and the public. Finally, we believe that this bill would have a positive impact on overpoliced communities. Data shows that people of color are statistically more likely to be the subject of a traffic stop for a minor infraction than their white counterparts.”

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