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July 19, 2016

Honorable Jerry Brown Governor,  
State of California State Capitol  
Sacramento, CA 95814

***Re: AB 516 (Mullin): Request for Veto***

Dear Governor Brown:

I am writing to respectfully request your veto of AB 516 (Mullin), which in my view would increase the numbers of consumers who are unfairly penalized when they do not receive their permanent license plates within the 90-day deadline for displaying them on their car.

I would note that your administration has a policy of reducing unjustified penalties of the citizens of California when those penalties disproportionately impact low-income people and their families, and communities of color. Simply put, AB 516 would result in more litigation when people are pulled over by police, ticketed, and yes even arrested, and their vehicles impounded, oftentimes due to circumstances beyond their control.

A little background about my office. In 1999 I was working for a firm where my primary duties were to represent car dealers in litigation by consumers. I came to see how unethical many car dealers were in the sales of used cars. The final straw for me was when the president of a major new/used car dealership I was representing openly destroyed evidence of its liability in a used car case. It was then that I shifted to representing consumers against such dealers. Since that time I personally have represented over 700 consumers against various new and used car dealers in California. While there are ethical dealers, there are also many unethical ones.

## *Simons & Associates*

Hon. Jerry Brown, Governor

**Re: AB516 (Mullin)**

July 19, 2016

2 of 4

If I might provide several examples:

Frist is the case of John B. John meet David, a licensed used car wholesaler, through his Church. David professed to have a ministry of helping disadvantaged individuals, such as John, in obtaining quality used cars. David had John come down to a dealership, where David worked, and sold him a car. Unbeknownst to John, the sales paperwork was NOT on the dealer's contract but on one by David. Unbeknownst to John the car was not sold from the dealer's inventory, but had been purchased by David from a private party and David did not have clear title to transfer. More than six months after the transaction John did not have his plates. Further, DMV would not issue plates/registration to John because there was a problem with the title. As a result, John was stopped by various police agencies, on one occasion he was arrested at gun point, and had to appear in court to defend himself. The ultimate civil judgment against David has not been satisfied despite the passage of over three years.

Another example is Markisha F. Markisha is an African-American single mother of three young children. Markisha needed transportation so she went to a local used car dealer. In February 2015 Ace Auto Dealer, after accepting a \$2,000 down payment, sold Markisha a 2007 Dodge Charger for \$12,500. In March of 2015, more than a month later, Ace informed Markisha that it was, purportedly, unable to secure financing. Markisha tendered her payments to Ace every month. Ace refused to accept the payments. In August 2015, Markisha was stopped for lunch and, when she returned to her car, the car had been impounded. Markisha learned that there were over 50 parking tickets on the vehicle that pre-dated her purchase. To worsen matters Markisha was unable to recover all of her property from the car because she was not the legal/registered owner, according to DMV. Litigation with Ace is currently pending, however, Ace has since closed its doors.

I could provide many more examples from my files, but I am sure you see the point. I should also note that a number of my clients have lost their jobs when their car was impounded, as this was their only means of transportation to and from work.

I support the intent of this bill, i.e. to provide temporary license tags, in order to make cars identifiable for law enforcement and other legitimate purposes. However, in my

## *Simons & Associates*

Hon. Jerry Brown, Governor

**Re: AB516 (Mullin)**

July 19, 2016

3 of 4

view, the author failed to address several major problems raised by consumer groups, and civil rights organizations.

As pointed out in my examples above, innocent consumers are pulled over and ticketed, their vehicles impounded, and they are arrested, due to failures of car dealers or others to provide them with their permanent plates on time. Under AB 516, this number will increase significantly. The Bill makes it easier for law enforcement agencies to scan temporary tags and tell at a glance whether they have expired. This is unjust, and results in a waste of state and local resources. The State should not penalize consumers, by making it illegal for them to drive their own cars, when they have not received their permanent license plates within the 90-day deadline due to circumstances beyond their control.

Circumstances where:

- Car dealers go out of business without submitting registration documents to the Department of Motor Vehicles
- Car dealers fail to obtain proper title to used vehicles prior to sale
- Car dealers sell used vehicles that have outstanding, unpaid liens and are registered in the name of the lienholder
- Car dealers who sell used vehicles that have out-of-state registrations
- Car dealers who sell used vehicles with late registration fees due, or with unpaid tickets due
- First-line service providers who fail to process documents and send permanent license plates to the correct address within the 90-day deadline for consumers to display them
- Computer errors or other mistakes made by the DMV

My files are replete with real life examples of how Californians are being impacted by the unfair policies the bill would make even worse. Unfortunately, the Bill's author rejected amendments that were presented to his staff by several concerned groups, including CARS and the California Police Officers Association (CPOA) to address these serious problems that would be worsened under AB 516. Those amendments would have stated that consumers should not be cited if they displayed a temporary tag that had expired, but had not received their permanent plates. Instead, the author amended the bill with language that places an impossible burden on the consumer. It requires consumers to fill out a DMV form that is designed solely for registered owners

***Simons & Associates***

Hon. Jerry Brown, Governor

***Re: AB516 (Mullin)***

July 19, 2016

4 of 4

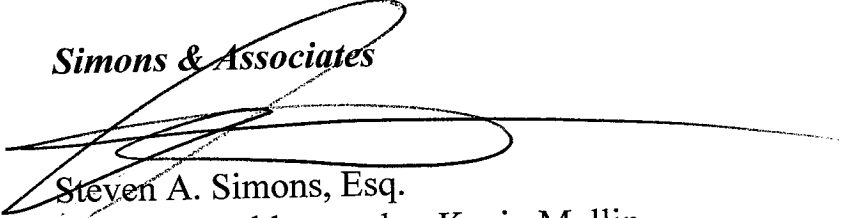
of vehicles whose license plates are missing or stolen. A number of my clients in the past have attempted to use this form, only to be rejected by the DMV because they are not the registered owner. They are not the registered owner, because of situations beyond their control. So instead of preventing consumers whose registration has not been completed from being pulled over and cited. The consumer is now in the proverbial Catch-22.

Further, while the bill says that when consumers are ticketed, it is a "correctable offense," or "fix-it" ticket, the ability to correct it is illusory. This would only result in more frustration, injustice and confusion. I serve as a Judge Pro-Tem in the Los Angeles Superior Court. I have seen these cases come before me where the consumer-defendant says they cannot obtain the registration. I get it, because this is my area of expertise. However, not all judges and pro-tem's get it, and many consumers are forced to pay a fine for lack of registration in these circumstances.

In short, I would urge that you veto AB516 and thank you for your consideration of this request. Should you or your staff have any questions regarding our position, please do not hesitate to contact me directly.

Very truly yours

***Simons & Associates***



Steven A. Simons, Esq.

CC: Assembly member Kevin Mullin

Michael Martinez

Ronda Paschal