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July 8, 2016

The Honorable Edmund G. Brown, Jr.
Governor, State of California
California State Capitol, Room 1173
Sacramento, CA 95814

Re: Assembly Bill 516 (Mullin) – Request for Veto

Dear Governor Brown:

The Consumer Federation of California respectfully urges you to veto Assembly Bill 516 (Mullin), which 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.

Under current law, auto dealers are responsible for sending information regarding the sale of a vehicle to the Department of Motor Vehicles. The DMV is then responsible for sending permanent plates. If either a dealership or the DMV, for a host of various and likely reasons, do not fulfill their obligations, then the consumer is left to bear the consequences. These can include citations, fees, and impoundment of their vehicle. AB 516 will compound this problem since the proposed temporary license plates (TLP) will feature expiration dates and leave consumers open to easier citation.

While the bill does provide that a consumer may continue to drive a car with a TLP after 90 days if they offer evidence they have applied to the DMV for a new set of plates, a consumer should not shoulder the burden of proof when responsibility for the error lies wholly with third parties, especially since a consumer may not realize their plates have not been sent until close to or past the 90 day deadline. Furthermore, since applying to the DMV for new plates requires a consumer to be the registered owner, such an application may be impossible since in these instances dealers do not complete the registration process transferring title in the first place.

Many innocent consumers are pulled over and ticketed, their vehicles impounded, and they are arrested and imprisoned, due to the all too common failure of car dealers or others to provide them with their permanent plates on time. Under AB 516, the numbers of affected consumers will increase significantly, as it will make it easier for law enforcement agencies to scan TLPs and tell at a glance whether they have expired.

Under AB 516, altering the date on a TLP would be a wobbler/felony. As such, a low-income consumer trying to avoid citations or costly towing by altering the expiration of a TLP, after they had not received their permanent plates within 90 days, could be imprisoned for driving their own car. Tampering with the principal source of identification for a vehicle should be prohibited, but when consumers have been making good faith attempts to obtain their permanent plates, and their vehicle is readily identifiable, thanks to the license number on the temporary tag, it will be easier to impose a fine or conviction.

Finally, AB 516 would also increase the amount car dealers would be permitted to charge as “document processing fees” by five dollars. This increase is wholly unnecessary and without merit or justification. Car dealers are currently allowed to charge \$80 for any registration and processing, which is more than sufficient to cover inputting a customer’s information electronically.

AB 516 will exacerbate the harm that may be suffered by consumers who, through no fault of their own, do not receive their permanent license plates within 90 days, and will also provide a multi-million dollar windfall for car dealers, at the expense of car buyers.

We respectfully urge your veto of AB 516.

Sincerely,

A handwritten signature in black ink that reads "Richard Holober". The signature is written in a cursive, flowing style.

Richard Holober
Executive Director
Consumer Federation of California