

Addendum to the Initial Statement of Reasons  
Environmental License Plates

The Department of Motor Vehicles (department) proposes to amend Sections 206.02, 206.14, and 206.16 in Article 3.3, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Special Plates.

Article 3.3 identifies various special plates that are made available to applicants, including environmental plates, commonly referred to as personalized plates. The department also makes available license plates that require the applicant to provide documentation prior to being issued license plates, such as purple heart plates, former prisoner of war plates, and historical vehicle plates.

The department published the originally proposed text on October 6, 2023, in the California Regulatory Notice Register (OAL File Number 2023-0926-02). The department also made the proposed regulatory text available on its website, and through email to interested parties. No comments were received on the proposed regulatory text.

The department submitted the proposed action to the Office of Administrative Law for review and, during its review, the OAL determined additional changes would be necessary to ensure the regulatory text is clear, including various amendments to the forms incorporated by reference in the regulatory text.

§ 206.00. Definitions for Environmental, Special Interest and Special Recognition License Plates.

Subsection (c) contains a non-substantive edit to add a comma between the words “California Firefighter” and “and Horseless Carriage.”

The Note section contains two non-substantive amendments to add an ‘s’ to the word Section in the Reference note and to place a comma between sections 5008 and 5060.

§ 206.02. Special Interest or Environmental License Plate Application.

Subsection (a) is amended to update the revision date of the Environmental License Plate Application, form REG 17 to 11/2023. The form REG 17 was amended at the top of the first page to add clarifying language that will assist a person who is accessing the department’s website to find special license plate fee information.

Language is also added to the top of the first page under the REPLACEMENT heading requesting the applicant to make another configuration choice if both previously issued license plates were lost or stolen.

Language is added to the second page to assist the applicant who is accessing the department’s website to find special license plate fee information and providing the applicant the link where online payment can be made.

Lastly, language is added to the second page to inform the applicant of privacy information related to information the department collects.

Subsection (b) is amended to remove reference to the fees being found on the form REG 17. The initial statement of reasons explained that fee information would not be on the form, however, the corresponding change was not made to the regulatory text. This amendment is necessary to ensure the reader is aware they cannot use the form REG 17 to find fees but they can access the department's website for current fees.

Subsection (c)(4) is amended to ensure the text aligns with the existing CCR text. Currently, subsection (c)(4) notes the department will refuse any configuration that may carry connotations that are offensive to good taste and decency. Because the term "good taste and decency" is subjective, the department is clearly establishing in subsections (c)(4)(A) through (F), those criteria it will use to determine whether a configuration should be issued. The proposed amendments comply with the court decision in the matter of *Ogilvie v. Gordon* (United States District Court, Northern District of California; Case 4:20-cv-01707-JST) that enjoins the department from enforcing the "offensive to good taste and decency" provision. The department has determined the revisions made to subsections (c)(4)(A) through (F) are the best way to ensure compliance with the related court case while also respecting an applicant's first amendment rights.

Subsection (c)(4)(C) is amended to remove the word "has" and replace with "conveys." The word "convey" is appropriate in this sentence as it establishes how the configuration is received by the viewer.

Subsection (c)(4)(C) is further amended to remove the word "heritage" as the term is unclear. The reference to "sexual identity" is revised to read "gender identity." Sexual identity and sexual orientation are similar, however, the department determined it could capture more groups by using the term gender identity. Gender identity is more likely to capture transgender individuals, non-binary, asexual, etc.

Subsections (c)(4)(E) and (F) are depicted with a double underline. The original text failed to underline both of those identifiers.

The Note section is updated to add reference to Vehicle Code sections 5156.7 and 5158 and to adopt the citation to *Ogilvie v. Gordon*.

#### § 206.14. Cancellation of Environmental License Plates.

Subsection (a) is amended to change the originally proposed word of "may" back to the current reading that includes the word "shall." In its initial statement of reasons, the department explained reasons where the department may not recall a plate that has been cancelled. One of those reasons include circumstances where the department's operational ability or need may not be able to accommodate the change. The department has determined it necessary to ensure clarity and avoid confusion by continuing to state that plate configurations that do not comply with the requirements of Section 206.02(c)(4)(A) through (F) will be cancelled.

Subsection (e) is renumbered to subsection (d).

§ 206.16. Special License Plate or Special Recognition License Plate Application.

Subsection (b) is amended to update the revision date of the Special Recognition License Plate Application, form REG 17A from 5/2020 to 11/2023. The form REG 17A is amended in Section 2 to remove the space where the applicant provides an explanation of the meaning of their personalized configuration. The department has determined this is no longer necessary.

Section 2 is amended to remove the Honorary Consul plate option and Section 2.B. is amended to remove reference to the Honorary Consul certification. In November 2021, the U.S. Department of State issued a Notice calling for the Cessation of Honorary Consul License Plate issuance. The Cessation Notice required the elimination of honorary consul license plates issued by states and requested that departments recall license plates that have already been issued. Federal preemption requires the department to comply with this directive despite Vehicle Code section 5006 having not been repealed. At the direction of the U.S. Department of State, the Honorary Consul license plates were discontinued. The department no longer issues, replaces, or reassigns Honorary Consul license plates. Vehicles registered with Honorary consul plates received a letter explaining the program was discontinued and requiring the plates to be surrendered to the department or destroyed. The Honorary Consul plates option is removed from the REG 17A because they are no longer available.

Subsection (c) is amended to remove reference to the fees being found on the form REG 17A. The initial statement of reasons explained that fee information would not be on the form, however, the corresponding change was not made to the regulatory text. This amendment is necessary to ensure the reader is aware they cannot use the form REG 17A to find fees.