

AMENDED IN SENATE AUGUST 7, 2024

AMENDED IN SENATE JULY 3, 2024

AMENDED IN SENATE JUNE 18, 2024

AMENDED IN ASSEMBLY APRIL 24, 2024

AMENDED IN ASSEMBLY APRIL 1, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 3138**

**Introduced by Assembly Member Wilson**

February 16, 2024

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An act to ~~amend, repeal, and add~~ *amend* Section 4854 of, and to add Section 4855 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3138, as amended, Wilson. ~~Vehicle identification and registration: license plates.~~ *License plates and registration cards: alternative devices.*

Existing law requires a vehicle to display a license plate, issued by the Department of Motor Vehicles, with tabs that indicate the month and year the vehicle registration expires. Existing law requires the department to issue a registration card upon registering a vehicle that includes, among other information, the name of the owner and the vehicle registration number. Existing law authorizes the department to establish a program allowing an entity to issue devices as alternatives to the conventional license plates, stickers, tabs, and registration cards, subject to specific requirements that include limitations on how vehicle location technology is used with an alternative device and how an alternative device may display certain specialized license plates. *Existing*

*law imposes requirements and restrictions on electronic information generated by an alternative device.*

~~This bill would authorize the department to approve the use of an alternative device to replicate a specialized license plate or a license plate requiring an occupational license, as specified.~~

Commencing January 1, 2027, this bill would modify the limitations on the use of vehicle location technology. The bill would also require the department to submit, by December 31, 2025, a report to the Legislature discussing the state’s authority to regulate the content and messaging on license plates.

*This bill would authorize any vehicle, beginning on January 1, 2027, to be offered an alternative device to a license plate or registration card that includes vehicle location technology. The bill would specify requirements for how vehicle location technology is disabled or enabled and prohibit an alternative device from recording or transmitting personal identifiable information, as specified. The bill would require the department to delete data from an alternative device or the provider of an alternative device that the department is not authorized to receive. The bill would expand the types of specialized license plates that may be replicated on an alternative device.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds that a recent court decision,  
2 *Ogilvie v. Gordon* (2020) 540 F.Supp.3d 920, has raised questions  
3 about the constitutionality of California’s laws and regulations  
4 regarding appropriate messages on license plates.

5 ~~SEC. 2.— Section 4854 of the Vehicle Code is amended to read:~~

6 4854. (a) ~~The department shall establish a program authorizing~~  
7 ~~an entity to issue devices as alternatives to the conventional license~~  
8 ~~plates, stickers, tabs, and registration cards authorized by this code,~~  
9 ~~subject to all of the following requirements:~~

10 (1) ~~The alternative device is subject to the approval of the~~  
11 ~~department and the Department of the California Highway Patrol~~  
12 ~~and shall not be used in lieu of a device issued by the Department~~  
13 ~~of Motor Vehicles until that approval has been granted.~~

14 (2) (A) ~~Except as specifically authorized in subparagraph (B),~~  
15 ~~an alternate device shall not include vehicle location technology.~~

1 The department shall, by no later than January 1, 2024, in a manner  
2 determined by the department, recall any devices with vehicle  
3 location technology that have been issued pursuant to Section  
4 4853, to vehicles other than those described in subparagraph (B).  
5 The department may adopt regulations to carry out this  
6 requirement.

7 (B) Vehicle location technology may be offered for vehicles  
8 registered as fleet vehicles, pursuant to Article 9.5 (commencing  
9 with Section 5301), commercial vehicles, as defined in Section  
10 260, and those operating under an occupational license, pursuant  
11 to Division 5 (commencing with Section 11100).

12 (C) The vehicle location technology, if any, shall be capable of  
13 being disabled by the user.

14 (D) The vehicle location technology, if any, may be capable of  
15 being manually disabled by a driver of the vehicle while that driver  
16 is in the vehicle.

17 (3) If the device is equipped with vehicle location technology,  
18 an alternative device shall display a visual indication that vehicle  
19 location technology is in active use.

20 (4) Data exchanged between the department and the device, or  
21 the provider of the device, is limited to that data necessary to  
22 display evidence of registration compliance, including the payment  
23 of registration fees, plate configurations, and the information or  
24 images displayed on the alternative product.

25 (5) The department shall not receive or retain directly from an  
26 alternative device authorized by this section or the provider of the  
27 alternative device any electronic information regarding the  
28 movement, location, or use of a vehicle or person with an  
29 alternative device.

30 (6) Use of the alternative device is optional, and users shall  
31 affirmatively opt in to using the alternative device instead of a  
32 conventional license plate, sticker, tab, or registration card.

33 (b) (1) The department shall adopt regulations to carry out this  
34 program, including, but not limited to, all of the following:

35 (A) Determining standards necessary for the safe use of  
36 alternative products.

37 (B) Requirements for product oversight and consumer support.

38 (C) Requirements for product size, design, display, and  
39 functionality.

40 (D) Introduction of new products through a pilot program.

- 1     ~~(E) Transitioning pilot products, and approved enhancements~~  
2 ~~to existing alternative products, to a statewide product offering.~~
- 3     ~~(F) Approval of products for statewide use.~~
- 4     ~~(G) Determining data sharing, privacy, and security protocols~~  
5 ~~pursuant to Section 1 of Article I of the California Constitution's~~  
6 ~~right to privacy and other applicable privacy laws.~~
- 7     ~~(H) Processes for revoking an alternative product's authority~~  
8 ~~for use.~~
- 9     ~~(I) Testing enhancements to approved alternative products.~~
- 10    ~~(J) Determining the types of plates eligible to participate and~~  
11 ~~associated approval processes.~~
- 12    ~~(K) Establishing reasonable fees to reimburse the department~~  
13 ~~for the costs to implement the program.~~
- 14    ~~(L) Reporting requirements.~~
- 15    ~~(M) Requirements to ensure registered users of a device are~~  
16 ~~aware of GPS capability and usage and can deactivate the function.~~
- 17    ~~(N) Requirements to ensure nonregistered vehicle operators are~~  
18 ~~aware of GPS capability and usage. This may include, but is not~~  
19 ~~limited to, live notifications of the GPS function, toll-free~~  
20 ~~communication with the device provider for vehicle location~~  
21 ~~function status and deactivation, or visual indicators of GPS~~  
22 ~~capability or usage.~~
- 23    ~~(2) In developing these regulations, the department may consult~~  
24 ~~with the Department of the California Highway Patrol and shall~~  
25 ~~conduct hearings with the opportunity for public comment on the~~  
26 ~~adoption of any regulation applicable to alternative registration~~  
27 ~~products.~~
- 28    ~~(3) In developing these regulations, the department may specify~~  
29 ~~timeframes for compliance and temporary operating authority for~~  
30 ~~products piloted under Section 4853 that are submitted for approval~~  
31 ~~under this section.~~
- 32    ~~(4) An entity seeking approval to issue an alternative device or~~  
33 ~~electronic vehicle registration card for pilot or statewide use under~~  
34 ~~this section shall submit a business plan for the device to the~~  
35 ~~department for approval that includes, but is not limited to, all of~~  
36 ~~the following:~~
- 37    ~~(A) An administrative oversight plan.~~
- 38    ~~(B) A product support plan, including, but not limited to,~~  
39 ~~methods of providing proof of registration that are not subject to~~

1 technological failures to be used in the event of the alternative  
2 device malfunctioning or failing.

3 (C) Information technology security, privacy, and cybersecurity  
4 evaluations and measures to protect against unauthorized access  
5 to information and the device.

6 (D) Procedures to comply with applicable privacy and security  
7 requirements, including, but not limited to, the California  
8 Consumer Privacy Act of 2018 (Title 1.81.5 (commencing with  
9 Section 1798.100) of Part 4 of Division 3 of the Civil Code). For  
10 purposes of this section, a provider of the device shall not share  
11 or sell the information obtained to provide the device, or any other  
12 information obtained by virtue of contracting with the department  
13 to provide the device, including, but not limited to, information  
14 collected by the device itself, nor shall it use the information for  
15 any purpose other than as strictly necessary to provide the device  
16 and show proof of vehicle registration.

17 (E) Ensuring that the information transmitted between the  
18 alternative device or electronic vehicle registration card, the  
19 department, and the provider, as well as any mobile application  
20 required for the alternative device or electronic vehicle registration  
21 card, including storage, is encrypted and protected to the highest  
22 reasonable security standards broadly available.

23 (5) An alternative device intended to serve in lieu of a license  
24 plate shall be subject to all of the following requirements:

25 (A) Have a minimum effective viewable area that meets the  
26 size specifications of Section 4852.

27 (B) Provide legibility and visibility according to standards  
28 consistent with those applied to standard metal license plates.

29 (C) Be displayed in a manner consistent with Article 9  
30 (commencing with Section 5200).

31 (D) Display only information and images approved by the  
32 department or deemed necessary by the department.

33 (E) Be readable by automated license plate readers used by the  
34 Department of the California Highway Patrol and any other  
35 automated enforcement system.

36 (F) Be readable by the human eye during hours of both daylight  
37 and darkness at a distance of no less than 75 feet.

38 (G) The alphanumeric characters assigned to the vehicle by the  
39 department and evidence of valid registration are capable of and

1 shall be displayed on the device whenever a vehicle is in motion,  
2 stationary, parked on or off of a road or highway, or unoccupied.  
3 ~~(6) An alternative device intended to serve in lieu of a~~  
4 ~~registration card is subject to both of the following requirements:~~  
5 ~~(A) Meets the requirements of Section 4453.~~  
6 ~~(B) May be used to comply with Section 4462.~~  
7 ~~(7) The department may establish additional requirements it~~  
8 ~~deems necessary to implement this subdivision.~~  
9 ~~(8) The department may authorize an alternative device to~~  
10 ~~replicate a specialized license plate or a license plate requiring an~~  
11 ~~occupational license that the department has approved pursuant to~~  
12 ~~this code.~~  
13 ~~(e) An alternative device failure or malfunction may be deemed~~  
14 ~~a correctable violation if all of the provisions of Section 40610 are~~  
15 ~~met.~~  
16 ~~(d) The provider of the device, if the device has digital~~  
17 ~~capabilities, shall build into the device a process for frequent~~  
18 ~~notification if the device becomes defective. The provider of the~~  
19 ~~device shall seek to replace defective devices as soon as possible.~~  
20 ~~(e) Alternative devices issued pursuant to this section may emit~~  
21 ~~diffused nonglaring light only to the extent necessary to meet the~~  
22 ~~visibility requirements of Sections 5201 and 24601.~~  
23 ~~(f) (1) An employer, or a person acting on behalf of the~~  
24 ~~employer, shall not use an alternative device to monitor employees~~  
25 ~~except during work hours, and only if strictly necessary for the~~  
26 ~~performance of the employee’s duties. For purposes of this section,~~  
27 ~~“monitor” includes, but is not limited to, locating, tracking,~~  
28 ~~watching, listening to, or otherwise surveilling the employee.~~  
29 ~~(2) An employer, or a person acting on behalf of the employer,~~  
30 ~~shall not retaliate against an employee for removing or disabling~~  
31 ~~an alternative device’s monitoring capabilities, including vehicle~~  
32 ~~location technology, outside of work hours. An employee who~~  
33 ~~believes they have been subject to a violation of this paragraph~~  
34 ~~may file a complaint with the Labor Commissioner pursuant to~~  
35 ~~Section 98.7 of the Labor Code. In addition to the civil penalties~~  
36 ~~described in this provision, an employee retaliated against in~~  
37 ~~violation of this section shall be entitled to all available penalties,~~  
38 ~~remedies, and compensation, including, but not limited to,~~  
39 ~~reinstatement and reimbursement of lost wages, work benefits, or~~  
40 ~~other compensation caused by the retaliation.~~

1 ~~(3) An employer or a person acting on behalf of the employer~~  
2 ~~shall provide an employee with a notice stating that monitoring~~  
3 ~~will occur before conducting any monitoring with an alternative~~  
4 ~~device. The notice shall include, at a minimum, all of the following~~  
5 ~~elements:~~  
6 ~~(A) A description of the specific activities that will be~~  
7 ~~monitored.~~  
8 ~~(B) A description of the worker data that will be collected as a~~  
9 ~~part of the monitoring.~~  
10 ~~(C) A notification of whether the data gathered through~~  
11 ~~monitoring will be used to make or inform any employment-related~~  
12 ~~decisions, including, but not limited to, disciplinary and termination~~  
13 ~~decisions, and, if so, how, including any associated benchmarks.~~  
14 ~~(D) A description of the vendors or other third parties, if any,~~  
15 ~~to which information collected through monitoring will be~~  
16 ~~disclosed or transferred. The description shall include the name~~  
17 ~~of the vendor or third party and the purpose for the data transfer.~~  
18 ~~(E) A description of the organizational positions that are~~  
19 ~~authorized to access the data gathered through the alternative~~  
20 ~~device.~~  
21 ~~(F) A description of the dates, times, and frequency that the~~  
22 ~~monitoring will occur.~~  
23 ~~(G) A description of where the data will be stored and the length~~  
24 ~~of time it will be retained.~~  
25 ~~(H) A notification of the employee's right to disable monitoring,~~  
26 ~~including vehicle location technology, outside of work hours.~~  
27 ~~(4) (A) An employer who violates this subdivision shall be~~  
28 ~~subject to a civil penalty of two hundred fifty dollars (\$250) for~~  
29 ~~an initial violation and one thousand dollars (\$1,000) per employee~~  
30 ~~for each subsequent violation.~~  
31 ~~(B) For purposes of determining the penalty described in~~  
32 ~~subparagraph (A), the penalty shall be assessed per employee, per~~  
33 ~~violation, and per day that monitoring without proper notice is~~  
34 ~~conducted.~~  
35 ~~(C) The Labor Commissioner shall enforce this section using~~  
36 ~~the procedures set forth in Section 1197.1 of the Labor Code, as~~  
37 ~~applicable, including through the issuance of citations against~~  
38 ~~employers who violate this section. The procedures for issuing~~  
39 ~~and contesting citations, and enforcing judgments for civil~~  
40 ~~penalties, that are issued by the Labor Commissioner pursuant to~~

1 this section shall be the same as those set forth in Section 1197.1  
2 of the Labor Code.

3 ~~(D) An employer, and any third-party vendor that contracts with  
4 an employer to provide GPS tracking of vehicles through an  
5 alternative device as described in this section, upon request, shall  
6 furnish any report or information that the Labor Commissioner or  
7 the Division of Labor Standards Enforcement requires to carry out  
8 this section.~~

9 ~~(g) This section shall remain in effect only until January 1, 2027,  
10 and as of that date is repealed.~~

11 ~~SEC. 3. Section 4854 is added to the Vehicle Code, to read:~~

12 ~~4854. (a) The department shall establish a program authorizing  
13 an entity to issue devices as alternatives to the conventional license  
14 plates, stickers, tabs, and registration cards authorized by this code,  
15 subject to all of the following requirements:~~

16 ~~(1) The alternative device is subject to the approval of the  
17 department and the Department of the California Highway Patrol,  
18 and shall not be used in lieu of a device issued by the Department  
19 of Motor Vehicles until that approval has been granted.~~

20 ~~(2) An alternative device shall not include vehicle location  
21 technology, unless the vehicle location technology complies with  
22 the requirements of this section and has all of the following  
23 features:~~

24 ~~(A) The vehicle location technology shall be capable of being  
25 permanently disabled by means of a nonreversible method that  
26 ceases all vehicle location functionality and tracking information  
27 capabilities.~~

28 ~~(B) (i) The vehicle location technology shall be capable of  
29 being manually disabled and enabled by a driver of the vehicle  
30 while that driver is inside the vehicle.~~

31 ~~(ii) The method of manually disabling and enabling the vehicle  
32 location technology shall be prominently located and easy to  
33 disable, without requiring access to a remote, online application.~~

34 ~~(iii) The method of manually disabling and enabling the vehicle  
35 location technology shall not require a password or login  
36 information.~~

37 ~~(iv) Once the vehicle location technology is manually disabled  
38 from inside the car, the only method of reenabling the technology  
39 shall be manually from inside the car. The registered owner of the  
40 license plate, the manufacturer, the Department of Motor Vehicles,~~



1 or any other entity shall not have the capability of reenabling the  
2 vehicle location technology through remote means.

3 ~~(3) Data exchanged between the department and the device, or~~  
4 ~~the provider of the device, is limited to that data necessary to~~  
5 ~~display evidence of registration compliance, including the payment~~  
6 ~~of registration fees, plate configurations, and the information or~~  
7 ~~images displayed on the alternative product.~~

8 ~~(4) The department shall not receive or retain directly from an~~  
9 ~~alternative device authorized by this section or the provider of the~~  
10 ~~alternative device any electronic information regarding the~~  
11 ~~movement, location, or use of a vehicle or person with an~~  
12 ~~alternative device.~~

13 ~~(5) Use of the alternative device is optional, and users shall~~  
14 ~~affirmatively opt in to using the alternative device instead of a~~  
15 ~~conventional license plate, sticker, tab, or registration card.~~

16 ~~(b) (1) The department shall adopt regulations to carry out this~~  
17 ~~program, including, but not limited to, all of the following:~~

18 ~~(A) Determining standards necessary for the safe use of~~  
19 ~~alternative products.~~

20 ~~(B) Requirements for product oversight and consumer support.~~

21 ~~(C) Requirements for product size, design, display, and~~  
22 ~~functionality.~~

23 ~~(D) Introduction of new products through a pilot program.~~

24 ~~(E) Transitioning pilot products, and approved enhancements~~  
25 ~~to existing alternative products, to a statewide product offering.~~

26 ~~(F) Approval of products for statewide use.~~

27 ~~(G) Determining data sharing, privacy, and security protocols~~  
28 ~~pursuant to Section 1 of Article I of the California Constitution's~~  
29 ~~right to privacy and other applicable privacy laws.~~

30 ~~(H) Processes for revoking an alternative product's authority~~  
31 ~~for use.~~

32 ~~(I) Testing enhancements to approved alternative products.~~

33 ~~(J) Determining the types of plates eligible to participate and~~  
34 ~~associated approval processes.~~

35 ~~(K) Establishing reasonable fees to reimburse the department~~  
36 ~~for the costs to implement the program.~~

37 ~~(L) Reporting requirements.~~

38 ~~(M) Requirements to ensure registered users of a device are~~  
39 ~~aware of GPS capability and usage and can deactivate the function.~~

1 ~~(N) Requirements to ensure nonregistered vehicle operators are~~  
2 ~~aware of GPS capability and usage. This may include, but is not~~  
3 ~~limited to, live notifications of the GPS function, toll-free~~  
4 ~~communication with the device provider for vehicle location~~  
5 ~~function status and deactivation, or visual indicators of GPS~~  
6 ~~capability or usage.~~

7 ~~(2) In developing these regulations, the department may consult~~  
8 ~~with the Department of the California Highway Patrol and shall~~  
9 ~~conduct hearings with the opportunity for public comment on the~~  
10 ~~adoption of any regulation applicable to alternative registration~~  
11 ~~products.~~

12 ~~(3) In developing these regulations, the department may specify~~  
13 ~~timeframes for compliance and temporary operating authority for~~  
14 ~~products piloted under Section 4853 that are submitted for approval~~  
15 ~~under this section.~~

16 ~~(4) An entity seeking approval to issue an alternative device or~~  
17 ~~electronic vehicle registration card for pilot or statewide use under~~  
18 ~~this section shall submit a business plan for the device to the~~  
19 ~~department for approval that includes, but is not limited to, all of~~  
20 ~~the following:~~

21 ~~(A) An administrative oversight plan.~~

22 ~~(B) A product support plan, including, but not limited to,~~  
23 ~~methods of providing proof of registration that are not subject to~~  
24 ~~technological failures to be used in the event of the alternative~~  
25 ~~device malfunctioning or failing.~~

26 ~~(C) Information technology security, privacy, and cybersecurity~~  
27 ~~evaluations and measures to protect against unauthorized access~~  
28 ~~to information and the device.~~

29 ~~(D) Procedures to comply with applicable privacy and security~~  
30 ~~requirements, including, but not limited to, the California~~  
31 ~~Consumer Privacy Act of 2018 (Title 1.81.5 (commencing with~~  
32 ~~Section 1798.100) of Part 4 of Division 3 of the Civil Code). For~~  
33 ~~purposes of this section, a provider of the device shall not share~~  
34 ~~or sell the information obtained to provide the device, or any other~~  
35 ~~information obtained by virtue of contracting with the department~~  
36 ~~to provide the device, including, but not limited to, information~~  
37 ~~collected by the device itself, nor shall it use the information for~~  
38 ~~any purpose other than as strictly necessary to provide the device~~  
39 ~~and show proof of vehicle registration.~~

1 ~~(E) Ensuring that the information transmitted between the~~  
2 ~~alternative device or electronic vehicle registration card, the~~  
3 ~~department, and the provider, as well as any mobile application~~  
4 ~~required for the alternative device or electronic vehicle registration~~  
5 ~~card, including storage, is encrypted and protected to the highest~~  
6 ~~reasonable security standards broadly available.~~

7 ~~(5) An alternative device intended to serve in lieu of a license~~  
8 ~~plate shall be subject to all of the following requirements:~~

9 ~~(A) Have a minimum effective viewable area that meets the~~  
10 ~~size specifications of Section 4852.~~

11 ~~(B) Provide legibility and visibility according to standards~~  
12 ~~consistent with those applied to standard metal license plates.~~

13 ~~(C) Be displayed in a manner consistent with Article 9~~  
14 ~~(commencing with Section 5200).~~

15 ~~(D) Display only information and images approved by the~~  
16 ~~department or deemed necessary by the department.~~

17 ~~(E) Be readable by automated license plate readers used by the~~  
18 ~~Department of the California Highway Patrol and any other~~  
19 ~~automated enforcement system.~~

20 ~~(F) Be readable by the human eye during hours of both daylight~~  
21 ~~and darkness at a distance of no less than 75 feet.~~

22 ~~(G) The alphanumeric characters assigned to the vehicle by the~~  
23 ~~department and evidence of valid registration are capable of and~~  
24 ~~shall be displayed on the device whenever a vehicle is in motion,~~  
25 ~~stationary, parked on or off of a road or highway, or unoccupied.~~

26 ~~(6) An alternative device intended to serve in lieu of a~~  
27 ~~registration card is subject to both of the following requirements:~~

28 ~~(A) Meets the requirements of Section 4453.~~

29 ~~(B) May be used to comply with Section 4462.~~

30 ~~(7) The department may establish additional requirements it~~  
31 ~~deems necessary to implement this subdivision.~~

32 ~~(8) The department may authorize an alternative device to~~  
33 ~~replicate a specialized license plate or a license plate requiring an~~  
34 ~~occupational license that the department has approved pursuant to~~  
35 ~~this code.~~

36 ~~(e) An alternative device failure or malfunction may be deemed~~  
37 ~~a correctable violation if all of the provisions of Section 40610 are~~  
38 ~~met.~~

39 ~~(d) The provider of the device, if the device has digital~~  
40 ~~capabilities, shall build into the device a process for frequent~~

1 notification if the device becomes defective. The provider of the  
2 device shall seek to replace defective devices as soon as possible.

3 (e) ~~Alternative devices issued pursuant to this section may emit~~  
4 ~~diffused nonglaring light only to the extent necessary to meet the~~  
5 ~~visibility requirements of Sections 5201 and 24601.~~

6 (f) ~~(1) An employer, or a person acting on behalf of the~~  
7 ~~employer, shall not use an alternative device to monitor employees~~  
8 ~~except during work hours, and only if strictly necessary for the~~  
9 ~~performance of the employee's duties. For purposes of this section,~~  
10 ~~"monitor" includes, but is not limited to, locating, tracking,~~  
11 ~~watching, listening to, or otherwise surveilling the employee.~~

12 ~~(2) An employer, or a person acting on behalf of the employer,~~  
13 ~~shall not retaliate against an employee for removing or disabling~~  
14 ~~an alternative device's monitoring capabilities, including vehicle~~  
15 ~~location technology, outside of work hours. An employee who~~  
16 ~~believes they have been subject to a violation of this paragraph~~  
17 ~~may file a complaint with the Labor Commissioner pursuant to~~  
18 ~~Section 98.7 of the Labor Code. In addition to the civil penalties~~  
19 ~~described in this provision, an employee retaliated against in~~  
20 ~~violation of this section shall be entitled to all available penalties,~~  
21 ~~remedies, and compensation, including, but not limited to,~~  
22 ~~reinstatement and reimbursement of lost wages, work benefits, or~~  
23 ~~other compensation caused by the retaliation.~~

24 ~~(3) An employer or a person acting on behalf of the employer~~  
25 ~~shall provide an employee with a notice stating that monitoring~~  
26 ~~will occur before conducting any monitoring with an alternative~~  
27 ~~device. The notice shall include, at a minimum, all of the following~~  
28 ~~elements:~~

29 ~~(A) A description of the specific activities that will be~~  
30 ~~monitored.~~

31 ~~(B) A description of the worker data that will be collected as a~~  
32 ~~part of the monitoring.~~

33 ~~(C) A notification of whether the data gathered through~~  
34 ~~monitoring will be used to make or inform any employment-related~~  
35 ~~decisions, including, but not limited to, disciplinary and termination~~  
36 ~~decisions, and, if so, how, including any associated benchmarks.~~

37 ~~(D) A description of the vendors or other third parties, if any,~~  
38 ~~to which information collected through monitoring will be~~  
39 ~~disclosed or transferred. The description shall include the name~~  
40 ~~of the vendor or third party and the purpose for the data transfer.~~

1 ~~(E) A description of the organizational positions that are~~  
2 ~~authorized to access the data gathered through the alternative~~  
3 ~~device.~~

4 ~~(F) A description of the dates, times, and frequency that the~~  
5 ~~monitoring will occur.~~

6 ~~(G) A description of where the data will be stored and the length~~  
7 ~~of time it will be retained.~~

8 ~~(H) A notification of the employee's right to disable monitoring,~~  
9 ~~including vehicle location technology, outside of work hours.~~

10 ~~(4) (A) An employer who violates this subdivision shall be~~  
11 ~~subject to a civil penalty of two hundred fifty dollars (\$250) for~~  
12 ~~an initial violation and one thousand dollars (\$1,000) per employee~~  
13 ~~for each subsequent violation.~~

14 ~~(B) For purposes of determining the penalty described in~~  
15 ~~subparagraph (A), the penalty shall be assessed per employee, per~~  
16 ~~violation, and per day that monitoring without proper notice is~~  
17 ~~conducted.~~

18 ~~(C) The Labor Commissioner shall enforce this section using~~  
19 ~~the procedures set forth in Section 1197.1 of the Labor Code, as~~  
20 ~~applicable, including through the issuance of citations against~~  
21 ~~employers who violate this section. The procedures for issuing~~  
22 ~~and contesting citations, and enforcing judgments for civil~~  
23 ~~penalties, that are issued by the Labor Commissioner pursuant to~~  
24 ~~this section shall be the same as those set forth in Section 1197.1~~  
25 ~~of the Labor Code.~~

26 ~~(D) An employer, and any third-party vendor that contracts with~~  
27 ~~an employer to provide GPS tracking of vehicles through an~~  
28 ~~alternative device as described in this section, upon request, shall~~  
29 ~~furnish any report or information that the Labor Commissioner or~~  
30 ~~the Division of Labor Standards Enforcement requires to carry out~~  
31 ~~this section.~~

32 ~~(g) This section shall become operative on January 1, 2027.~~

33 *SEC. 2. Section 4854 of the Vehicle Code is amended to read:*

34 4854. (a) The department shall establish a program authorizing  
35 an entity to issue devices as alternatives to the conventional license  
36 plates, stickers, tabs, and registration cards authorized by this code,  
37 subject to all of the following requirements:

38 (1) The alternative device is subject to the approval of the  
39 department and the Department of the California Highway Patrol

1 and shall not be used in lieu of a device issued by the Department  
2 of Motor Vehicles until that approval has been granted.

3 ~~(2) (A) Except as specifically authorized in subparagraph (B),~~  
4 ~~an alternate device shall not include vehicle location technology.~~  
5 ~~The department shall, by no later than January 1, 2024, in a manner~~  
6 ~~determined by the department, recall any devices with vehicle~~  
7 ~~location technology that have been issued pursuant to Section~~  
8 ~~4853, to vehicles other than those described in subparagraph (B).~~  
9 ~~The department may adopt regulations to carry out this~~  
10 ~~requirement.~~

11 ~~(B) Vehicle location technology may be offered for vehicles~~  
12 ~~registered as fleet vehicles, pursuant to Article 9.5 (commencing~~  
13 ~~with Section 5301), commercial vehicles, as defined in Section~~  
14 ~~260, and those operating under an occupational license, pursuant~~  
15 ~~to Division 5 (commencing with Section 11100).~~

16 ~~(C) The vehicle location technology, if any, shall be capable of~~  
17 ~~being disabled by the user.~~

18 ~~(D) The vehicle location technology, if any, may be capable of~~  
19 ~~being manually disabled by a driver of the vehicle while that driver~~  
20 ~~is in the vehicle.~~

21 *(2) (A) Except as specifically authorized in subparagraph (B),*  
22 *an alternative device shall not include vehicle location technology.*

23 *(B) (1) (i) Vehicle location technology may be offered for*  
24 *vehicles registered as fleet vehicles, pursuant to Article 9.5*  
25 *(commencing with Section 5301), commercial vehicles, as defined*  
26 *in Section 260, and those operating under an occupational license,*  
27 *pursuant to Division 5 (commencing with Section 11100).*

28 *(ii) Vehicles that began using an alternative device that included*  
29 *vehicle location technology during an authorized pilot program*  
30 *established by Section 4853 may continue to use that alternative*  
31 *device if the vehicle location technology meets the requirements*  
32 *set forth in this section and applicable regulations.*

33 *(iii) Beginning on January 1, 2027, and thereafter, any vehicle*  
34 *may be offered an alternative device that includes vehicle location*  
35 *technology.*

36 *(2) An alternative device that includes vehicle location*  
37 *technology shall comply with all of the following:*

38 *(i) The vehicle location technology shall be capable of being*  
39 *permanently disabled by means of a nonreversible method that*

1 *ceases all vehicle location functionality and tracking information*  
2 *capabilities.*

3 *(ii) The vehicle location technology shall be capable of being*  
4 *manually disabled and enabled by a driver of the vehicle who is*  
5 *inside the vehicle.*

6 *(iii) The method of manually disabling and enabling the vehicle*  
7 *location technology shall be prominently located inside the vehicle*  
8 *and easy to use, and shall not require access to a remote or online*  
9 *application, password, or any form of log-in information.*

10 *(iv) Once a driver has manually disabled the vehicle location*  
11 *technology from inside the vehicle, the only method of enabling*  
12 *the vehicle location technology shall be to manually enable the*  
13 *technology from inside the vehicle. The registered owner of the*  
14 *license plate, the vehicle manufacturer, the department, or any*  
15 *other entity shall not have the capability of enabling the vehicle*  
16 *location technology through remote means.*

17 *(3) If ~~the~~ an alternative device is equipped with vehicle location*  
18 *technology, ~~an~~ the alternative device shall display a visual*  
19 *indication ~~that~~ when the vehicle location technology is in active*  
20 *use.*

21 *(4) Data exchanged between the department and the alternative*  
22 *device, or the provider of the alternative device, is limited to that*  
23 *data necessary to display evidence of registration compliance,*  
24 *including the payment of registration fees, plate configurations,*  
25 *and the information or images displayed on the alternative product.*  
26 *If the department receives data from an alternative device or the*  
27 *provider of an alternative device in violation of this paragraph,*  
28 *the department shall immediately delete that data.*

29 ~~*(5) The department shall not receive or retain directly from an*~~  
30 ~~*alternative device authorized by this section or the provider of the*~~  
31 ~~*alternative device any electronic information regarding the*~~  
32 ~~*movement, location, or use of a vehicle or person with an*~~  
33 ~~*alternative device.*~~

34 ~~*(6)*~~

35 *(5) Use of the an alternative device is optional, and users shall*  
36 *affirmatively opt in to using the alternative device instead of a*  
37 *conventional license plate, sticker, tab, or registration card.*

38 *(b) (1) The department shall adopt regulations to carry out this*  
39 *program, including, but not limited to, all of the following:*

- 1 (A) Determining standards necessary for the safe use of  
2 alternative products.
- 3 (B) Requirements for product oversight and consumer support.
- 4 (C) Requirements for product size, design, display, and  
5 functionality.
- 6 (D) Introduction of new products through a pilot program.
- 7 (E) Transitioning pilot products, and approved enhancements  
8 to existing alternative products, to a statewide product offering.
- 9 (F) Approval of products for statewide use.
- 10 (G) Determining data sharing, privacy, and security protocols  
11 pursuant to Section 1 of Article I of the California Constitution's  
12 right to privacy and other applicable privacy laws.
- 13 (H) Processes for revoking an alternative product's authority  
14 for use.
- 15 (I) Testing enhancements to approved alternative products.
- 16 (J) Determining the types of plates eligible to participate and  
17 associated approval processes.
- 18 (K) Establishing reasonable fees to reimburse the department  
19 for the costs to implement the program.
- 20 (L) Reporting requirements.
- 21 (M) Requirements to ensure registered users of a device are  
22 aware of GPS capability and usage and can deactivate the function.
- 23 (N) Requirements to ensure nonregistered vehicle operators are  
24 aware of GPS capability and usage. This may include, but is not  
25 limited to, live notifications of the GPS function, toll-free  
26 communication with the device provider for vehicle location  
27 function status and deactivation, or visual indicators of GPS  
28 capability or usage.
- 29 (2) In developing these regulations, the department may consult  
30 with the Department of the California Highway Patrol and shall  
31 conduct hearings with the opportunity for public comment on the  
32 adoption of any regulation applicable to alternative registration  
33 products.
- 34 (3) In developing these regulations, the department may specify  
35 timeframes for compliance and temporary operating authority for  
36 products piloted under Section 4853 that are submitted for approval  
37 under this section.
- 38 (4) An entity seeking approval to issue an alternative device or  
39 electronic vehicle registration card for pilot or statewide use under  
40 this section shall submit a business plan for the device to the



1 department for approval that includes, but is not limited to, all of  
2 the following:

3 (A) An administrative oversight plan.

4 (B) A product support plan, including, but not limited to,  
5 methods of providing proof of registration that are not subject to  
6 technological failures to be used in the event of the alternative  
7 device malfunctioning or failing.

8 (C) Information technology security, privacy, and cybersecurity  
9 evaluations and measures to protect against unauthorized access  
10 to information and the device.

11 (D) Procedures to comply with applicable privacy and security  
12 requirements, including, but not limited to, the California  
13 Consumer Privacy Act of 2018 (Title 1.81.5 (commencing with  
14 Section 1798.100) of Part 4 of Division 3 of the Civil Code). For  
15 purposes of this section, a provider of the device shall not share  
16 or sell the information obtained to provide the device, or any other  
17 information obtained by virtue of contracting with the department  
18 to provide the device, including, but not limited to, information  
19 collected by the device itself, nor shall it use the information for  
20 any purpose other than as strictly necessary to provide the device  
21 and show proof of vehicle registration.

22 (E) Ensuring that the information transmitted between the  
23 alternative device or electronic vehicle registration card, the  
24 department, and the provider, as well as any mobile application  
25 required for the alternative device or electronic vehicle registration  
26 card, including storage, is encrypted and protected to the highest  
27 reasonable security standards broadly available.

28 (5) An alternative device intended to serve in lieu of a license  
29 plate shall be subject to all of the following requirements:

30 (A) Have a minimum effective viewable area that meets the  
31 size specifications of Section 4852.

32 (B) Provide legibility and visibility according to standards  
33 consistent with those applied to ~~license plates~~. *standard metal*  
34 *reflectorized license plates, as set forth in this article.*

35 (C) Be displayed in a manner consistent with Article 9  
36 (commencing with Section 5200).

37 (D) Display only information and images approved by the  
38 department or deemed necessary by the department.

1 (E) Be readable by automated license plate readers used by the  
2 Department of the California Highway Patrol and any other  
3 automated enforcement system.

4 (F) Be readable by the human eye during hours of both daylight  
5 and darkness at a distance of no less than 75 feet.

6 (G) The alphanumeric characters assigned to the vehicle by the  
7 department and evidence of valid registration are capable of and  
8 shall be displayed on the device whenever a vehicle is in motion,  
9 stationary, parked on or off of a road or highway, or unoccupied.

10 (6) An alternative device intended to serve in lieu of a  
11 registration card is subject to both of the following requirements:

12 (A) Meets the requirements of Section 4453.

13 (B) May be used to comply with Section 4462.

14 ~~(7) The department may establish additional requirements it  
15 deems necessary to implement this subdivision.~~

16 ~~(8) The department may authorize both of the following to be  
17 displayed on an alternative device:~~

18 ~~(A) Approved environmental license plates pursuant to Article  
19 8.5 (commencing with Section 5100).~~

20 ~~(B) Approved specialized license plates pursuant to Article 8.6  
21 (commencing with Section 5151).~~

22 *(7) An alternative device intended to serve in lieu of a license  
23 plate or a registration card shall not record or transmit personal  
24 identifiable information and shall only record or transmit data  
25 limited to what is necessary to display evidence of registration  
26 compliance.*

27 *(8) The department may establish additional requirements it  
28 deems necessary to implement this subdivision.*

29 *(9) The department may authorize an alternative device to  
30 replicate the appearance of a license plate approved pursuant to  
31 any of the following:*

32 *(A) Section 5007.*

33 *(B) Article 8.4 (commencing with Section 5060).*

34 *(C) Article 8.5 (commencing with Section 5100).*

35 *(D) Article 8.6 (commencing with Section 5151).*

36 (c) An alternative device failure or malfunction may be deemed  
37 a correctable violation if all of the provisions of Section 40610 are  
38 met.

39 (d) The provider of the device, if the device has digital  
40 capabilities, shall build into the device a process for frequent

1 notification if the device becomes defective. The provider of the  
2 device shall seek to replace defective devices as soon as possible.

3 (e) Alternative devices issued pursuant to this section may emit  
4 diffused nonglaring light only to the extent necessary to meet the  
5 visibility requirements of Sections 5201 and 24601.

6 (f) (1) An employer, or a person acting on behalf of the  
7 employer, shall not use an alternative device to monitor employees  
8 except during work hours, and only if strictly necessary for the  
9 performance of the employee's duties. For purposes of this section,  
10 "monitor" includes, but is not limited to, locating, tracking,  
11 watching, listening to, or otherwise surveilling the employee.

12 (2) An employer, or a person acting on behalf of the employer,  
13 shall not retaliate against an employee for removing or disabling  
14 an alternative device's monitoring capabilities, including vehicle  
15 location technology, outside of work hours. An employee who  
16 believes they have been subject to a violation of this paragraph  
17 may file a complaint with the Labor Commissioner pursuant to  
18 Section 98.7 of the Labor Code. In addition to the civil penalties  
19 described in this provision, an employee retaliated against in  
20 violation of this section shall be entitled to all available penalties,  
21 remedies, and compensation, including, but not limited to,  
22 reinstatement and reimbursement of lost wages, work benefits, or  
23 other compensation caused by the retaliation.

24 (3) An employer or a person acting on behalf of the employer  
25 shall provide an employee with a notice stating that monitoring  
26 will occur before conducting any monitoring with an alternative  
27 device. The notice shall include, at a minimum, all of the following  
28 elements:

29 (A) A description of the specific activities that will be  
30 monitored.

31 (B) A description of the worker data that will be collected as a  
32 part of the monitoring.

33 (C) A notification of whether the data gathered through  
34 monitoring will be used to make or inform any employment-related  
35 decisions, including, but not limited to, disciplinary and termination  
36 decisions, and, if so, how, including any associated benchmarks.

37 (D) A description of the vendors or other third parties, if any,  
38 to which information collected through monitoring will be  
39 disclosed or transferred. The description shall include the name  
40 of the vendor or third party and the purpose for the data transfer.

1 (E) A description of the organizational positions that are  
2 authorized to access the data gathered through the alternative  
3 device.

4 (F) A description of the dates, times, and frequency that the  
5 monitoring will occur.

6 (G) A description of where the data will be stored and the length  
7 of time it will be retained.

8 (H) A notification of the employee’s right to disable monitoring,  
9 including vehicle location technology, outside of work hours.

10 (4) (A) An employer who violates this subdivision shall be  
11 subject to a civil penalty of two hundred fifty dollars (\$250) for  
12 an initial violation and one thousand dollars (\$1,000) per employee  
13 for each subsequent violation.

14 (B) For purposes of determining the penalty described in  
15 subparagraph (A), the penalty shall be assessed per employee, per  
16 violation, and per day that monitoring without proper notice is  
17 conducted.

18 (C) The Labor Commissioner shall enforce this section using  
19 the procedures set forth in Section 1197.1 of the Labor Code, as  
20 applicable, including through the issuance of citations against  
21 employers who violate this section. The procedures for issuing  
22 and contesting citations, and enforcing judgments for civil  
23 penalties, that are issued by the Labor Commissioner pursuant to  
24 this section shall be the same as those set forth in Section 1197.1  
25 of the Labor Code.

26 (D) An employer, and any third-party vendor that contracts with  
27 an employer to provide GPS tracking of vehicles through an  
28 alternative device as described in this section, upon request, shall  
29 furnish any report or information that the Labor Commissioner or  
30 the Division of Labor Standards Enforcement requires to carry out  
31 this section.

32 ~~SEC. 4.~~

33 *SEC. 3.* Section 4855 is added to the Vehicle Code, to read:

34 4855. (a) By December 31, 2025, the department shall report  
35 to the Legislature, consistent with Section 9795 of the Government  
36 Code, on the state’s authority to regulate the content and messaging  
37 on traditional and digital license plates. The report shall consider  
38 the state’s authority under both state and federal law, including  
39 the Communications Decency Act of 1996 (47 U.S.C. Sec. 230).  
40 The report shall include an analysis regarding the seven identifying

1 characters and any additional messaging or signage that may be  
2 authorized.  
3 (b) The report submitted pursuant to subdivision (a) may also  
4 include recommendations on relevant state policy regarding  
5 authorization of messaging on digital license plates, including any  
6 restrictions or constraints.

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