

AMENDED IN ASSEMBLY JANUARY 7, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 214

**Introduced by Assembly Member Calderon
(Coauthor: Assembly Member Horton)**

February 9, 2001

~~An act to amend Section 12002 of the Fish and Game Code, relating to fish and game. An act to add Chapter 3.5 (commencing with Section 811) to Division 4 of the Military and Veterans Code, relating to military reserve.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 214, as amended, Calderon. ~~Fish and Game Code: fines and penalties~~ *Military reserve relief.*

Existing law authorized reservists to delay payments on specified obligations while serving on active duty as a result of a specified presidential order, for a period commencing with the order to active duty and ending 30 days after release from active duty, not to exceed 180 days.

This bill would enact the Military Reservist and National Guard Relief Act of 2002. It would authorize reservists and National Guard members to delay payments on specified obligations while serving on active duty as a result of Operation Enduring Freedom, for a period commencing with the order to active duty and ending 90 days after release from active duty.

~~Existing law prescribes the punishment for violations of the Fish and Game Code. Existing law requires the immediate suspension of a license or permit issued pursuant to the Fish and Game Code to a~~

~~defendant who fails to appear at a court hearing for a violation of that code or who fails to pay a fine imposed pursuant to that code.~~

~~This bill would make that provision inapplicable to any violation resulting from utility tree trimming operations that are undertaken in compliance with requirements of the Public Utilities Commission or for purposes of electric system reliability.~~

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.—Section 12002 of the Fish and Game Code is~~
2 *SECTION 1. This act shall be known and may be cited as the*
3 *Military Reservist and National Guard Relief Act of 2002.*

4 *SEC. 2. Chapter 3.5 (commencing with Section 811) is added*
5 *to Division 4 of the Military and Veterans Code, to read:*

6
7 *CHAPTER 3.5. UNITED STATES MILITARY RESERVE AND NATIONAL*
8 *GUARD: TERRORIST ATTACKS ON AMERICA*

9
10 *811. (a) The Legislature finds and declares all of the*
11 *following:*

12 *(1) Due to the recent terrorist attacks on American soil, many*
13 *members of the United States Military Reserve and National*
14 *Guard who are residents of California have been called to active*
15 *duty to serve their country.*

16 *(2) This sudden and unexpected call to arms has caused*
17 *unavoidable financial and emotional hardship for those reservists*
18 *and National Guard members, their families, and their*
19 *dependents.*

20 *(3) Many of these reservists and National Guard members have*
21 *suffered directly from substantial personal income reductions.*

22 *(b) It is the intent of the Legislature, in enacting this chapter,*
23 *to provide for emergency economic relief to the reservists and*
24 *National Guard members of this state who have been called to*
25 *active duty as a result of the terrorist attacks on America.*

26 *811.5. (a) For purposes of this chapter, “reservist” means a*
27 *member of the United States Military Reserve who has been called*
28 *to active duty as a result of the terrorist attacks in America,*
29 *pursuant to Operation Enduring Freedom.*



1 (b) For purposes of this chapter, “National Guard member”
2 means a member of the National Guard who has been called to
3 active duty as a result of the terrorist attacks in America, pursuant
4 to Operation Enduring Freedom.

5 812. In addition to any other benefits provided by law and to
6 the extent permitted by federal law, any reservist, as defined in
7 subdivision (a) of Section 811.5, and any National Guard member,
8 as defined in subdivision (b) of Section 811.5 may delay payments
9 on any of the following obligations while serving on active duty,
10 if the reservist or National Guard member or the reservist’s or
11 National Guard member’s dependent or designee delivers to the
12 owner of the rental premises or to the lender or company servicing
13 the obligation a letter or other comparable evidence from the
14 reservist’s or National Guard member’s employer showing that the
15 employer’s compensation policy does not provide continuing
16 income to the reservist or National Guard member, including the
17 reservist’s or National Guard member’s military pay, of more than
18 90 percent of the reservist’s or National Guard member’s monthly
19 salary and wage income earned before the call to active duty, until
20 90 days after the reservist or National Guard member is released
21 from active duty:

22 (a) (1) Rental payments, as defined in Section 813.

23 (2) Principal and interest payments on a mortgage, as defined
24 in Section 2920 of the Civil Code.

25 (3) Credit card as defined in Section 1747.02 of the Civil Code.

26 (4) Retail installment contract as defined in Section 1802.6 of
27 the Civil Code.

28 (5) Retail installment account, installment account, or
29 revolving account as defined in Section 1802.7 of the Civil Code.

30 (6) Any loan subject to the Automobile Sales Finance Act
31 (Chapter 2b (commencing with Section 2981) of Part 4 of Division
32 3 of Title 14 of the Civil Code).

33 (7) Any payment of property tax or any special assessment of
34 in-lieu property tax imposed on real property which is assessed on
35 residential property owned by the reservist or National Guard
36 member and used as that reservist’s or National Guard member’s
37 primary place of residence on the date the reservist or National
38 Guard member was ordered to active duty.

39 (b) Upon request of the reservist or the National Guard
40 member, or the reservist’s or National Guard member’s dependent



1 or designee and within five working days of that request, the
2 employer of a reservist or National Guard member shall furnish
3 the letter or other comparable evidence showing that the
4 employer's compensation policy does not provide continuing
5 income to the reservist or National Guard member, including the
6 reservist's or National Guard member's military pay, of more than
7 90 percent of the reservist's or National Guard member's monthly
8 salary and wage income earned before the call to active duty.

9 813. For purposes of this chapter, "rental payment" shall be
10 limited to payments with respect to premises that are occupied
11 primarily for dwelling purposes by the spouse, children, or other
12 dependents of a reservist or National Guard member. All rental
13 payments delayed pursuant to this chapter shall be repaid in 54
14 equal installments, beginning with the first regular rental payment
15 that becomes due on or after 90 days after the reservist's or
16 National Guard member's release from active duty.

17 814. (a) For purposes of this chapter, "mortgage" shall be
18 limited to a mortgage for residential property owned by the
19 reservist or National Guard member and used as that reservist's or
20 National Guard member's primary place of residence on the date
21 the reservist or National Guard member was ordered to active duty.
22 All mortgage payments delayed pursuant to this chapter shall be
23 repaid in 84 equal installments, beginning with the first regular
24 mortgage payment that becomes due on or after 90 days after the
25 reservist's or National Guard member's release from active duty.

26 (b) Notwithstanding subdivision (a), any mortgage payments
27 delayed pursuant to Section 812 are due and payable upon the
28 earlier of the following:

29 (1) The sale of the property or other event specified in the
30 mortgage loan documents permitting the lender to accelerate the
31 loan, other than a delay of payments authorized by Section 812.

32 (2) Further encumbrance of the property with a junior
33 mortgage.

34 (3) The maturity of the mortgage loan.

35 (c) Nothing in this chapter relieves a reservist or National
36 Guard member with a mortgage subject to an impound account for
37 the payment of property taxes, special assessments, mortgage
38 insurance, and hazard insurance from making monthly payments
39 of an amount which is at least sufficient to pay these amounts,
40 unless the borrower and lender agree to a lesser amount.



1 (d) Nothing in this chapter shall preclude a reservist or
2 National Guard member from making payments toward the
3 mortgage payments delayed prior to the occurrence of any of the
4 events in subdivision (a) or (b).

5 815. During the period specified in Section 812, the reservist
6 or National Guard member may delay the payment of principal
7 and interest on the specified obligations. No penalties shall be
8 imposed on the nonpayment of principal or interest during this
9 period. No interest shall be charged or accumulated on the
10 principal or interest on which the payment was delayed. No
11 foreclosure or repossession of property on which payment has been
12 delayed shall take place during the period specified in Section 812.

13 816. A stay, postponement, or suspension under this chapter
14 of the payment of any tax, fine, penalty, insurance premium, or
15 other civil obligation or liability of a person in military service
16 shall not provide the basis for affecting credit ratings, denial or
17 revocation of credit, or a change by the creditor in the terms of an
18 existing credit arrangement.

19 817. During the period specified in Section 812, the reservist
20 or National Guard member may delay the payment of premiums for
21 motor vehicle insurance without lapse of coverage. The premiums
22 delayed pursuant to this section shall be repaid in 24 equal
23 monthly installments beginning with the first premium payment
24 due on or after 90 days after the reservist or National Guard
25 member is released from active duty.

26 818. Any employer of a reservist or National Guard member
27 that was providing and paying for health, dental, or life insurance
28 benefits of the reservist's or National Guard member's spouse or
29 dependents, or both, at the time the reservist or National Guard
30 member was ordered to active duty shall continue to provide and
31 pay for those same benefits of the spouse or dependents, or both,
32 during the period the reservist or National Guard member is on
33 active duty.

34 819. (a) Any insurer, that was providing health or medical
35 insurance to a reservist or National Guard member at the time the
36 reservist or National Guard member was ordered to active duty,
37 shall reinstate the health or medical insurance without waiting
38 periods or exclusion of coverage for preexisting conditions.

39 (b) The holder of a loan or retail installment sales contract with
40 respect to which the debtor has purchased prepaid credit disability



1 insurance shall give notice to the debtor not less than 30 days
 2 before the expiration date of the insurance that the debtor will not
 3 be protected during the period between that expiration date and
 4 the delayed maturity date of the loan or contract unless the
 5 insurance is extended. The debtor may, at his or her option, direct
 6 the holder to add the amount of the additional premium to the
 7 unpaid balance of the loan or contract.

8 (c) The holder of an open-ended loan or retail installment
 9 account with respect to which the debtor has purchased credit
 10 disability insurance with premiums payable monthly together with
 11 the installment payments on the loan or the account shall give
 12 notice to the debtor that the debtor will not be protected by the
 13 insurance during the period specified in Section 812 unless the
 14 debtor elects to continue payment of premiums during that period.
 15 The debtor may, at his or her option, direct the holder to add the
 16 amount of those premiums to the unpaid balance of the account.

17 820. During the period specified in Section 812, the reservist
 18 or National Guard member may delay lease payments for leased
 19 vehicles without breach of the lease or the foreclosure or
 20 repossession of the vehicle. Payments delayed pursuant to this
 21 section shall be repaid in equal installments payable over the
 22 remaining life of the lease, beginning with the first regular lease
 23 payment that becomes due on or after 90 days after the reservist's
 24 or National Guard member's release from active duty.

25 821. Every loan subject to the Automobile Sales Finance Act,
 26 Chapter 2b (commencing with Section 2981) of Title 14 of Part 4
 27 of Division 3 of the Civil Code, delayed pursuant to this chapter
 28 shall be repaid in equal installments payable over the remaining
 29 life of the loan, beginning with the first regular loan payment that
 30 becomes due on or after 90 days after the reservist or National
 31 Guard member is released from active duty.

32 822. (a) This chapter applies only to any obligation specified
 33 in Section 812 that was incurred prior to the date that a member
 34 of the United States Military Reserve or National Guard was called
 35 into active duty.

36 (b) This chapter shall not apply to any active duty voluntarily
 37 served after the close of Operation Enduring Freedom.

38 ~~amended to read:~~

39 ~~12002. (a) Unless otherwise provided, the punishment for a~~
 40 ~~violation of this code that is a misdemeanor is a fine of not more~~



1 ~~than one thousand dollars (\$1,000), imprisonment in the county~~
2 ~~jail for not more than six months, or both the fine and~~
3 ~~imprisonment.~~

4 ~~(b) The punishment for a violation of any of the following~~
5 ~~provisions is a fine of not more than two thousand dollars (\$2,000),~~
6 ~~imprisonment in the county jail for not more than one year, or both~~
7 ~~the fine and imprisonment:~~

8 ~~(1) Section 1059.~~

9 ~~(2) Subdivision (d) of Section 4004.~~

10 ~~(3) Section 4600.~~

11 ~~(4) Paragraph (1) or (2) of subdivision (a) of Section 5650.~~

12 ~~(5) A first violation of Section 8670.~~

13 ~~(6) Section 10500.~~

14 ~~(7) Section 3005.9.~~

15 ~~(8) A violation of commission regulations that is discovered~~
16 ~~pursuant to Section 3005.91 or 3005.92.~~

17 ~~(9) Unless a greater punishment is otherwise provided, a~~
18 ~~violation subject to subdivision (a) of Section 12003.1.~~

19 ~~(c) Except as specified in Sections 12001 and 12010, the~~
20 ~~punishment for violation of Section 3503, 3503.5, 3513, or 3800~~
21 ~~is a fine of not more than five thousand dollars (\$5,000),~~
22 ~~imprisonment in the county jail for not more than six months, or~~
23 ~~both that fine and that imprisonment.~~

24 ~~(d) (1) A license or permit issued pursuant to this code to a~~
25 ~~defendant who fails to appear at a court hearing for a violation of~~
26 ~~this code, or who fails to pay a fine imposed pursuant to this code,~~
27 ~~shall be immediately suspended. The license or permit shall not be~~
28 ~~reinstated or renewed, and no other license or permit shall be~~
29 ~~issued to that person pursuant to this code, until the court~~
30 ~~proceeding is completed or the fine is paid.~~

31 ~~(2) This subdivision does not apply to any violation of Section~~
32 ~~1052, 1059, 1170, 3005.9, 3005.91, 3005.92, 5650, 5653.9, 6454,~~
33 ~~6650, or 6653.5.~~

34 ~~(3) This subdivision does not apply to any violation resulting~~
35 ~~from utility tree trimming operations that are undertaken in~~
36 ~~compliance with requirements of the Public Utilities Commission~~
37 ~~or for purposes of electric system reliability.~~

