

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1103

Introduced by Assembly Member Karnette

February 22, 2005

~~An act to add Chapter 20 (commencing with Section 42990) to Part 3 of Division 30 of the Public Resources Code, relating to bicycle recycling and, making an appropriation therefor. An act to add Section 39006.5 to the Vehicle Code, relating to bicycles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1103, as amended, Karnette. ~~Bicycle recycling sales: notice.~~

(1) Existing law requires each bicycle retailer and bicycle dealer to supply to each purchaser a preregistration form provided by a county or city that has adopted a bicycle licensing ordinance or resolution and to include, on the sales check or receipt given to the purchaser, a record of certain information. A violation of this requirement is an infraction pursuant to other provisions of law. Existing law, the Personal Income Tax Law, provides for the application of specified provisions of the Internal Revenue Code, relating to itemized tax deductions.

This bill would require a bicycle retailer and bicycle dealer who sells, furnishes, or gives a bicycle to any person to provide a disclosure to the purchaser or recipient that states that a bicycle may be recycled and that state law permits a tax deduction for qualified charitable contributions of bicycles, as specified.

Because a violation of this requirement would be an infraction, this bill would impose a state-mandated local program by creating a new crime.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program, including the regulation of solid waste disposal.~~

~~The bill would establish the Bicycle Recycling and Disposal Program and would require each person selling a new bicycle in the state to pay a charge of \$7 to the board. The bill would exempt a used bicycle from the charge.~~

~~The bill would require the board to deposit the revenues collected into the California Bicycle Recycling and Disposal Program Fund, which the bill would create in the State Treasury. The bill would continuously appropriate the money in the fund for specified purposes, including to pay refund values, to make block grants for the implementation of certified reCycling centers, and to cover the cost of insurance.~~

~~The bill would require the board to appoint a bicycle program administrator to oversee program operation and to certify reCycling centers. The bill would require a reCycling center to conduct specified activities with regard to bicycle recycling, including accepting bicycles for reuse or recycling at no charge and paying a \$3 refund value to each person who submits a California redemption value bicycle to the center for reuse or recycling. The bill would also authorize a reCycling center to take other actions with regard to encouraging recycling of bicycles.~~

~~The bill would require the board to adopt regulations, by March 1, 2006, to implement the program.~~

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

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

- 1 SECTION 1. Chapter 20 (commencing with Section 42990)
- 2 is added to Part 3 of Division 30 of the Public Resources Code,
- 3 to read:

1 SECTION 1. *It is the intent of the Legislature to support the*
2 *recycling and reuse of bicycles sold, possessed, used, or disposed*
3 *of within the state. The Legislature finds and declares all of the*
4 *following:*

5 (a) *The state supports qualified charitable organizations that*
6 *refurbish bicycles for youth programs or alternative*
7 *transportation programs by allowing tax deductions for donating*
8 *bicycles to qualified charitable organizations.*

9 (b) *Bicycle recycling or bicycle donations are the preferred*
10 *methods to dispose of bicycles.*

11 (c) *It is in the best interest of the state to support bicycle*
12 *recycling and reuse programs.*

13 SEC. 2. *Section 39006.5 is added to the Vehicle Code, to*
14 *read:*

15 39006.5. (a) *A bicycle retailer or a bicycle dealer who sells,*
16 *furnishes, or gives a bicycle to any person shall provide a*
17 *disclosure to the purchaser or recipient that states that a bicycle*
18 *may be recycled and that state law permits a tax deduction for a*
19 *qualified charitable contribution of a bicycle.*

20 (b) *The disclosure required under subdivision (a) shall meet*
21 *both of the following requirements:*

22 (1) *Be printed in not less than 14-point boldface type on a*
23 *single sheet of paper that contains only the disclosure.*

24 (2) *Include the following statement:*

25 “*THE STATE OF CALIFORNIA OFFICIALLY SUPPORTS*
26 *RECYCLING OR CHARITABLE CONTRIBUTIONS AS THE*
27 *PREFERRED METHOD FOR THE DISPOSING OF BICYCLES.*
28 *AT THE TIME OF DISPOSAL, BICYCLE OWNERS ARE*
29 *ENCOURAGED TO DONATE THEIR BICYCLES TO A*
30 *QUALIFIED CHARITABLE ORGANIZATION TO INCREASE*
31 *THE AVAILABILITY OF AFFORDABLE ALTERNATIVE*
32 *TRANSPORTATION IN CALIFORNIA COMMUNITIES.*”

33 SEC. 3. *No reimbursement is required by this act pursuant to*
34 *Section 6 of Article XIII B of the California Constitution because*
35 *the only costs that may be incurred by a local agency or school*
36 *district will be incurred because this act creates a new crime or*
37 *infraction, eliminates a crime or infraction, or changes the*
38 *penalty for a crime or infraction, within the meaning of Section*
39 *17556 of the Government Code, or changes the definition of a*

1 *crime within the meaning of Section 6 of Article XIII B of the*
2 *California Constitution.*

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**All matter omitted in this version of the bill
appears in the bill as introduced in
Assembly, February 22, 2005 (JR11)**

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