

ASSEMBLY BILL

No. 2017

Introduced by Assembly Member Garrick

February 15, 2008

An act to amend Section 12419.10 of the Government Code, relating to family support obligations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2017, as introduced, Garrick. Tax refunds and lottery winnings: offsets.

Existing law allows the Controller, in his or her discretion, to offset any amount due to a state agency by a person or entity against any amount owed to that person or entity by a state agency.

Existing law requires the Controller, to the extent feasible, to offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services, from a person or entity, against any amount owed to the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law or from winnings in the California State Lottery.

This bill would require the Controller, in addition, to offset, from an amount owed by a state agency as described above, any amount that is overdue and unpaid for a family support obligation due or payable to the state.

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 12419.10 of the Government Code is
2 amended to read:

3 12419.10. (a) (1) The Controller shall, to the extent feasible,
4 offset any amount overdue and unpaid for a fine, penalty,
5 assessment, bail, vehicle parking penalty, ~~or~~ court-ordered
6 reimbursement for court-related services, *or family support*
7 *obligation due or payable to the state*, from a person or entity,
8 against any amount ~~owing~~ *owed to* the person or entity by a state
9 agency on a claim for a refund from the Franchise Tax Board under
10 the Personal Income Tax Law or the Bank and Corporation Tax
11 Law or from winnings in the California State Lottery. Standards
12 and procedures for submission of requests for offsets shall be as
13 prescribed by the Controller. Whenever insufficient funds are
14 available to satisfy an offset request, the Controller, after first
15 applying the amounts available to any amount due a state agency,
16 may allocate the balance among any other requests for offset.

17 (2) Any request for an offset for a vehicle parking penalty shall
18 be submitted within three years of the date the penalty was
19 incurred. This three year maximum term for refund offsets for
20 parking tickets applies to requests submitted to the Controller on
21 or after January 1, 2004.

22 (b) Once an offset request for a vehicle parking penalty is made,
23 a local agency may not accrue additional interest charges, collection
24 charges, penalties, or other charges on or after the date that the
25 offset request is made. Payment of an offset request for a vehicle
26 parking penalty shall be made on the condition that it constitutes
27 full and final payment of that offset.

28 (c) The Controller shall deduct and retain from any amount
29 offset in favor of a city or county an amount sufficient to reimburse
30 the Controller, the Franchise Tax Board, the California State
31 Lottery, and the Department of Motor Vehicles for their
32 administrative costs of processing the offset payment.

33 (d) Notwithstanding Chapter 3.5 (commencing with Section
34 6250) of Division 7 of Title 1, or any other provision of law, the
35 social security number of any person obtained pursuant to Section
36 4150, 4150.2, or 12800 of the Vehicle Code is not a public record
37 and shall only be provided by the Department of Motor Vehicles
38 to an authorized agency for the sole purpose of making an offset

1 pursuant to this section for any unpaid vehicle parking penalty or
2 any unpaid fine, penalty, assessment, or bail of which the
3 Department of Motor Vehicles has been notified pursuant to
4 subdivision (a) of Section 40509 of the Vehicle Code or Section
5 1803 of the Vehicle Code, responding to information requests from
6 the Franchise Tax Board for the purpose of tax administration, and
7 responding to requests for information from an agency, operating
8 pursuant to and carrying out the provisions of, Part A (~~Aid to~~
9 ~~Families with Dependent Children~~), (*Temporary Assistance for*
10 *Needy Families*) or Part D (Child Support and Establishment of
11 Paternity) of ~~Subchapter~~ *Title IV* of Chapter 7 of Title 42 of the
12 United States Code. As used in this section, “authorized agency”
13 means the Controller, the Franchise Tax Board, or the California
14 Lottery Commission.

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