

AMENDED IN ASSEMBLY MAY 19, 2008

AMENDED IN ASSEMBLY APRIL 16, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2401**

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**Introduced by Assembly Member Karnette**

February 21, 2008

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An act to amend Sections ~~4760 and 40220~~ 4760, 40220, and 40222 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2401, as amended, Karnette. Vehicles: parking violations.

Existing law requires the Department of Motor Vehicles to refuse to renew the registration of a vehicle if the registered owner or lessee has been mailed a notice of delinquent parking violation relating to standing or parking from the processing agency, the processing agency has transmitted to the department an itemization of unpaid parking penalties, and the owner or lessee has not paid the parking penalties.

This bill would prohibit the department or a processing agency from collecting outstanding parking penalties and administrative fees from the registered owner of a vehicle if the citation ~~was~~ or citations were issued prior to the registered owner taking possession of the vehicle and the department has made a specified notification to the processing agency. The bill would also prohibit the department from refusing to register or renew the registration of the vehicle.

*The bill would also require the processing agency to terminate proceedings on a notice of a delinquent parking violation or violations if the registered owner of the vehicle provides proof to the processing agency that he or she was not the registered owner on the date of the*

violation, but would not impair the ability to seek collection from the registered owner or lessee on the date of the violation.

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 4760 of the Vehicle Code is amended to  
2 read:

3 4760. (a) (1) Except as provided in subdivision (b), the  
4 department shall refuse to renew the registration of a vehicle if the  
5 registered owner or lessee has been mailed a notice of delinquent  
6 parking violation relating to standing or parking, the processing  
7 agency has filed or electronically transmitted to the department an  
8 itemization of unpaid parking penalties, including administrative  
9 fees pursuant to Section 40220, and the owner or lessee has not  
10 paid the parking penalty and administrative fee pursuant to Section  
11 40211, unless he or she pays to the department, at the time of  
12 application for renewal, the full amount of all outstanding parking  
13 penalties and administrative fees, as shown by records of the  
14 department.

15 (2) When the department receives the full amount of all  
16 outstanding parking penalties and administrative fees pursuant to  
17 paragraph (1), it shall issue a receipt showing each parking penalty  
18 and administrative fee that has been paid, the processing agency  
19 for that penalty and fee, and a description of the vehicle involved  
20 in the parking violations. The receipt shall also state that, to reduce  
21 the possibility of impoundment under Section 22651 or  
22 immobilization under Section 22651.7 of the vehicle involved in  
23 the parking violation, the registered owner or lessee may transmit  
24 to that processing agency a copy or other evidence of the receipt.

25 (b) The department shall not refuse to renew the registration of  
26 a vehicle owned by a renter or lessor if the applicant provides the  
27 department with the abstract or notice of disposition of parking  
28 violation issued pursuant to subdivision (c) for clearing all  
29 outstanding parking penalties and administrative fees as shown by  
30 the records of the department.

31 (c) The court or designated processing agency shall issue an  
32 abstract or notice of disposition of parking violation to the renter  
33 or lessor of a vehicle issued a notice of delinquent parking violation

1 relating to standing or parking if the renter or lessor provides the  
2 court or processing agency with the name, address, and driver's  
3 license number of the rentee or lessee at the time of occurrence of  
4 the parking violation.

5 (d) The department shall not refuse to renew the registration of  
6 a vehicle if the citation was issued prior to the registered owner  
7 taking possession of the vehicle.

8 SEC. 2. Section 40220 of the Vehicle Code is amended to read:  
9 40220. Except as otherwise provided in Sections 40221 and  
10 40222, the processing agency shall proceed under only one of the  
11 following options in order to collect an unpaid parking penalty:

12 (a) File an itemization of unpaid parking penalties and service  
13 fees with the department for collection with the registration of the  
14 vehicle pursuant to Section 4760.

15 (b) If more than four hundred dollars (\$400) in unpaid penalties  
16 and fees have been accrued by any person or registered owner,  
17 proof thereof may be filed with the court with the same effect as  
18 a civil judgment. Execution may be levied and other measures may  
19 be taken for the collection of the judgment as are authorized for  
20 the collection of an unpaid civil judgment entered against a  
21 defendant in an action on a debtor. The court may assess costs  
22 against a judgment debtor to be paid upon satisfaction of the  
23 judgment. The processing agency shall send a notice by first-class  
24 mail to the person or registered owner indicating that a judgment  
25 shall be entered for the unpaid penalties, fees, and costs and that,  
26 after 21 calendar days from the date of the mailing of the notice,  
27 the judgment shall have the same effect as an entry of judgment  
28 against a judgment debtor. The person or registered owner shall  
29 also be notified at that time that execution may be levied against  
30 his or her assets, liens may be placed against his or her property,  
31 his or her wages may be garnisheed, and other steps may be taken  
32 to satisfy the judgment. If a judgment is rendered for the processing  
33 agency, that agency may contract with a collection agency to collect  
34 the amount of that judgment.

35 Notwithstanding any other provision of law, the processing  
36 agency shall pay the established first paper civil filing fee at the  
37 time an entry of civil judgment is requested.

38 (c) If the registration of the vehicle has not been renewed for  
39 60 days beyond the renewal date, and the citation has not been  
40 collected by the department pursuant to Section 4760, file proof

1 of unpaid penalties and fees with the court with the same effect as  
2 a civil judgment as provided in subdivision (b).

3 (d) This section does not apply to a registered owner of a vehicle  
4 if the citation was issued prior to the registered owner taking  
5 possession of the vehicle *and the department has notified the*  
6 *processing agency pursuant to Section 4764.*

7 *SEC. 3. Section 40222 of the Vehicle Code is amended to read:*

8 40222. The processing agency shall terminate proceedings on  
9 ~~the~~ *a notice of a delinquent parking violation or violations in any*  
10 *all of the following cases:*

11 (a) Upon receipt of collected penalties and administrative fees  
12 remitted by the department under Section 4762 for that notice of  
13 delinquent parking violation *or violations*. The termination under  
14 this subdivision is by satisfaction of the parking penalty *or*  
15 *penalties.*

16 (b) If the notice of *a delinquent parking violation or violations*  
17 was returned to the processing agency pursuant to Section 4764  
18 and five years have elapsed since the date of the *last* violation.  
19 The termination under this subdivision is by the running of a statute  
20 of limitation of proceedings.

21 (c) The processing agency receives information, ~~which~~ *that* it  
22 shall verify with the department, that the penalty ~~has~~ *or penalties*  
23 *have* been paid to the department pursuant to Section 4762.

24 (d) (1) *If the registered owner of the vehicle provides proof to*  
25 *the processing agency that he or she was not the registered owner*  
26 *on the date of the violation.*

27 (2) *Nothing in this subdivision shall limit or impair the ability*  
28 *or the right of the processing agency to pursue the collection of*  
29 *delinquent parking violations from the registered owner or lessee*  
30 *of the vehicle on the date of the violation.*