

ASSEMBLY BILL

No. 674

Introduced by Assembly Member Bonilla

February 17, 2011

An act to amend Section 9250.19 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 674, as introduced, Bonilla. Vehicles: registration fees.

Existing law authorizes, until January 1, 2012, the imposition of a \$1 fee, upon adoption of a resolution by a county board of supervisors, in addition to other specified vehicle registration fees, on certain vehicles. Existing law also imposes, until January 1, 2012, in addition to that fee, a \$2 service fee on all commercial vehicles, upon implementation of the permanent trailer identification plate program. Existing law provides that the money generated by these fees and paid to the Controller is continuously appropriated, without regard to fiscal years, for disbursement by the Controller to each county that has adopted a resolution as described above, and that the money so disbursed may only be used for programs that enhance the capacity of local law enforcement to provide fingerprint identification of individuals who may be involved in driving under the influence of alcohol or drugs, vehicular manslaughter, other vehicle-related crimes, and other crimes committed while operating a motor vehicle.

This bill would extend that authorization indefinitely. By extending a law providing for disbursements from a continuously appropriated fund, this bill would make an appropriation.

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

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

SECTION 1. Section 9250.19 of the Vehicle Code is amended to read:

9250.19. (a) (1) In addition to any other fees specified in this code and the Revenue and Taxation Code, upon the adoption of a resolution pursuant to this subdivision by any county board of supervisors, a fee of one dollar (\$1) shall be paid at the time of registration, renewal, or supplemental application for apportioned registration pursuant to Article 4 (commencing with Section 8050) of Chapter 4 of every vehicle, except vehicles described in subdivision (a) of Section 5014.1, registered to an address within that county except those expressly exempted from payment of registration fees. The fees, after deduction of the administrative costs incurred by the department in carrying out this section, shall be paid quarterly to the Controller.

(2) In addition to the one-dollar (\$1) service fee, and upon the implementation of the permanent trailer identification plate program, and as part of the Commercial Vehicle Registration Act of 2001, all commercial motor vehicles subject to Section 9400.1 registered to an owner with an address in the county that established a service authority under this section, shall pay an additional service fee of two dollars (\$2).

(3) A resolution adopted pursuant to paragraph (1) shall include findings as to the purpose of, and the need for, imposing the additional registration fee, and shall identify the date after which the fee shall no longer be imposed.

(b) Notwithstanding Section 13340 of the Government Code, the money paid to the Controller pursuant to subdivision (a) is continuously appropriated, without regard to fiscal years, for disbursement by the Controller to each county that has adopted a resolution pursuant to subdivision (a), based upon the number of vehicles registered, or whose registration is renewed, to an address within that county, or supplemental application for apportioned registration, and for the administrative costs of the Controller incurred under this section.

(c) Money allocated to a county pursuant to subdivision (b) shall be expended exclusively to fund programs that enhance the capacity of local law enforcement to provide automated mobile and fixed location fingerprint identification of individuals who

1 may be involved in driving under the influence of alcohol or drugs
2 in violation of Section 23152 or 23153, or vehicular manslaughter
3 in violation of Section 191.5 of the Penal Code or subdivision (c)
4 of Section 192 of the Penal Code, or any combination of those and
5 other vehicle-related crimes, and other crimes committed while
6 operating a motor vehicle.

7 (d) The data from ~~any~~ a program funded pursuant to subdivision
8 (c) shall be made available by the local law enforcement agency
9 to ~~any~~ a local public agency that is required by law to obtain a
10 criminal history background of persons as a condition of
11 employment with that local public agency. A local law enforcement
12 agency that provides the data may charge a fee to cover its actual
13 costs in providing that data.

14 (e) (1) ~~No money~~ Money collected pursuant to this section shall
15 *not* be used to offset a reduction in any other source of funds for
16 the purposes authorized under this section.

17 (2) Funds collected pursuant to this section, upon
18 recommendation of local or regional Remote Access Network
19 Boards to the board of supervisors, shall be used exclusively for
20 the purchase, by competitive bidding procedures, and the operation
21 of equipment ~~which~~ that is compatible with the Department of
22 Justice's Cal-ID master plan, as described in Section 11112.2 of
23 the Penal Code, and the equipment shall interface in a manner that
24 is in compliance with the requirement described in the Criminal
25 Justice Information Services, Electronic Fingerprint Transmission
26 Specification, prepared by the Federal Bureau of Investigation and
27 dated August 24, 1995.

28 (f) Every county that has authorized the collection of the fee
29 pursuant to subdivision (a) shall issue a fiscal year-end report to
30 the Controller on or before November 1 of each year, summarizing
31 all of the following with respect to those fees:

32 (1) The total revenues received by the county for the fiscal year.

33 (2) The total expenditures and encumbered funds by the county
34 for the fiscal year. For purposes of this subdivision, "encumbered
35 funds" means funding that is scheduled to be spent pursuant to a
36 determined schedule and for an identified purchase consistent with
37 this section.

38 (3) Any unexpended or unencumbered fee revenues for the
39 county for the fiscal year.

(4) The estimated annual cost of the purchase, operation, and maintenance of automated mobile and fixed location fingerprint equipment, related infrastructure, law enforcement enhancement programs, and personnel created or utilized in accordance with this section for the fiscal year. The listing shall detail the make and model number of the equipment, and include a succinct description of the related infrastructure items, law enforcement enhancement programs, and the classification or title of any personnel.

(5) How the use of the funds benefits the motoring public.

(g) For each county that fails to submit the report required pursuant to subdivision (f) by November 1 of each year, the Controller shall notify the Department of Motor Vehicles to suspend the fee for that county imposed pursuant to subdivision (a) for one year.

(h) If any funds received by a county pursuant to subdivision (a) are not expended or encumbered in accordance with this section by the close of the fiscal year in which the funds were received, the Controller shall notify the Department of Motor Vehicles to suspend the fee for that county imposed pursuant to subdivision (a) for one year. For purposes of this subdivision, “encumbered funds” means funding that is scheduled to be spent pursuant to a determined schedule and for an identified purchase consistent with this section.

(i) On or before January 1, 2004, and on January 1 annually thereafter, the Controller shall prepare and submit to the Legislature a revenue and expenditure summary based on the information provided pursuant to paragraphs (1) to (3), inclusive, of subdivision (f), for each county that has authorized the collection of the fee pursuant to subdivision (a). The Controller shall attach to the revenue and expenditure summary the documents provided by each county pursuant to paragraphs (4) and (5) of subdivision (f).

~~(j) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date. No fee imposed pursuant to this section may be collected beyond that date.~~