

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JUNE 15, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1404**

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**Introduced by ~~Committee on Judiciary (Feuer (Chair), Atkins, Dickinson, Huber, Huffman, Monning, and Wieckowski) Assembly Members Feuer and Davis~~**

March 7, 2011

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An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1404, as amended, ~~Committee on Judiciary Feuer~~. Vehicles: additional registration-fee: *fees*: vehicle-theft crimes.

Existing law, in addition to the other fees imposed for the registration of a vehicle, authorizes a county to impose, ~~upon adoption of a resolution of its board of supervisors~~, an additional fee of \$1 on all motor vehicles, *and an additional service fee of \$2 on commercial motor vehicles of 10,001 pounds or more, as specified*, and continuously appropriates the money to fund local programs relating to vehicle theft crimes. These provisions are repealed as of January 1, 2018. Existing law requires each participating county to issue a fiscal yearend report to the Controller, summarizing certain matters.

This bill would authorize a county of the first class to increase the *motor vehicle* fee from \$1 to \$2, *and to increase the service fee from \$2 to \$4*, upon adoption of a resolution of its board of supervisors, and would require the resolution to be submitted to the Department of Motor Vehicles at least 6 months prior to the operative date of the fee increase.

This bill would add a new source of revenue to be deposited into a continuously appropriated fund, thereby making an appropriation.

Existing law also requires the Department of the California Highway Patrol, in consultation with all participating county-designated regional coordinators, to review the effectiveness of reducing vehicle theft crimes that were funded by the fees imposed by the above provisions. Existing law requires the department to provide a report based on that review and to submit that report, on or before January 1, 2009, to the Legislature.

This bill would repeal the above obsolete requirements imposed on the Department of the California Highway Patrol and would make other technical, nonsubstantive changes to these provisions.

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

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

1 SECTION 1. Section 9250.14 of the Vehicle Code is amended  
 2 to read:  
 3 9250.14. (a) (1) In addition to any other fees specified in this  
 4 code and the Revenue and Taxation Code, upon the adoption of a  
 5 resolution by any county board of supervisors, a fee of one dollar  
 6 (\$1) shall be paid at the time of registration or renewal of  
 7 registration of every vehicle, except vehicles described in  
 8 subdivision (a) of Section 5014.1, registered to an address within  
 9 that county except those expressly exempted from payment of  
 10 registration fees. The fees, after deduction of the administrative  
 11 costs incurred by the department in carrying out this section, shall  
 12 be paid quarterly to the Controller.  
 13 (2) (A) If a county of the first class has adopted a resolution to  
 14 impose a one-dollar (\$1) fee pursuant to paragraph (1), the county  
 15 may increase the fee specified in paragraph (1) to two dollars (\$2)  
 16 in the same manner as the imposition of the initial fee pursuant to  
 17 paragraph (1). The two dollars (\$2) shall be paid at the time of  
 18 registration or renewal of registration of a vehicle, and quarterly  
 19 to the ~~controller~~ *Controller*, as provided in paragraph (1).  
 20 (B) A resolution to increase the fee from one dollar (\$1) to two  
 21 dollars (\$2) pursuant to subparagraph (A) shall be submitted to  
 22 the department at least six months prior to the operative date of  
 23 the fee increase.

1 (3) In addition to the service fee imposed pursuant to paragraph  
2 (1), and upon the implementation of the permanent trailer  
3 identification plate program, and as part of the Commercial Vehicle  
4 Registration Act of 2001 (Chapter 861 of the Statutes of 2000),  
5 all commercial motor vehicles subject to Section 9400.1 registered  
6 to an owner with an address in the county that established a service  
7 authority under this section, shall pay an additional service fee of  
8 two dollars (\$2).

9 (4) (A) *A county of the first class that has imposed a service*  
10 *fee of two dollars (\$2) pursuant to paragraph (3) may increase*  
11 *the fee specified in paragraph (3) to four dollars (\$4) in the same*  
12 *manner as the imposition of the fee pursuant to paragraph (1).*  
13 *The four dollars (\$4) shall be paid at the time of registration or*  
14 *renewal of registration of a vehicle, and quarterly to the Controller*  
15 *as provided in paragraph (1).*

16 (B) *A resolution to increase the additional service fee from two*  
17 *dollars (\$2) to four dollars (\$4) pursuant to subparagraph (A)*  
18 *shall be submitted to the department at least six months prior to*  
19 *the operative date of the fee increase.*

20 (b) Notwithstanding Section 13340 of the Government Code,  
21 the moneys paid to the Controller are continuously appropriated,  
22 without regard to fiscal years, for the administrative costs of the  
23 Controller, and for disbursement by the Controller to each county  
24 that has adopted a resolution pursuant to subdivision (a), based  
25 upon the number of vehicles registered, or whose registration is  
26 renewed, to an address within that county.

27 (c) Except as otherwise provided in this subdivision, moneys  
28 allocated to a county pursuant to subdivision (b) shall be expended  
29 exclusively to fund programs that enhance the capacity of local  
30 police and prosecutors to deter, investigate, and prosecute vehicle  
31 theft crimes. In any county with a population of 250,000 or less,  
32 the moneys shall be expended exclusively for those vehicle theft  
33 crime programs and for the prosecution of crimes involving driving  
34 while under the influence of alcohol or drugs, or both, in violation  
35 of Section 23152 or 23153, or vehicular manslaughter in violation  
36 of Section 191.5 of the Penal Code or subdivision (c) of Section  
37 192 of the Penal Code, or any combination of those crimes.

38 (d) The moneys collected pursuant to this section shall not be  
39 expended to offset a reduction in any other source of funds, nor  
40 for any purpose not authorized under this section.

1 (e) Any funds received by a county prior to January 1, 2000,  
2 pursuant to this section, that are not expended to deter, investigate,  
3 or prosecute crimes pursuant to subdivision (c) shall be returned  
4 to the Controller, for deposit in the Motor Vehicle Account in the  
5 State Transportation Fund. Those funds received by a county shall  
6 be expended in accordance with this section.

7 (f) Each county that adopts a resolution under subdivision (a)  
8 shall submit, on or before the 13th day following the end of each  
9 quarter, a quarterly expenditure and activity report to the designated  
10 statewide Vehicle Theft Investigation and Apprehension  
11 Coordinator in the Department of the California Highway Patrol.

12 (g) A county that imposes a fee under subdivision (a) shall issue  
13 a fiscal yearend report to the Controller on or before August 31 of  
14 each year. The report shall include a detailed accounting of the  
15 funds received and expended in the immediately preceding fiscal  
16 year, including, at a minimum, all of the following:

17 (1) The amount of funds received and expended by the county  
18 under subdivision (b) for the immediately preceding fiscal year.

19 (2) The total expenditures by the county under subdivision (c)  
20 for the immediately preceding fiscal year.

21 (3) Details of expenditures made by the county under  
22 subdivision (c), including salaries and expenses, purchase of  
23 equipment and supplies, and any other expenditures made listed  
24 by type with an explanatory comment.

25 (4) A summary of vehicle theft abatement activities and other  
26 vehicle theft programs funded by the fees collected under this  
27 section.

28 (5) The total number of stolen vehicles recovered and the value  
29 of those vehicles during the immediately preceding fiscal year.

30 (6) The total number of vehicles stolen during the immediately  
31 preceding fiscal year as compared to the fiscal year prior to the  
32 immediately preceding fiscal year.

33 (7) Any additional, unexpended fee revenues received under  
34 subdivision (b) for the county for the immediately preceding fiscal  
35 year.

36 (h) Each county that fails to submit the report required pursuant  
37 to subdivision (g) by November 30 of each year shall have the fee  
38 suspended by the Controller for one year, commencing on July 1  
39 following the Controller's determination that a county has failed  
40 to submit the report.

1 (i) (1) On or before January 1, 2013, and on or before January  
2 1 of each year, the Controller shall provide to the Department of  
3 the California Highway Patrol copies of the yearend reports  
4 submitted by the counties under subdivision (g), and, in  
5 consultation with the Department of the California Highway Patrol,  
6 shall review the fiscal yearend reports submitted by each county  
7 pursuant to subdivision (g) to determine if fee revenues are being  
8 utilized in a manner consistent with this section. If the Controller  
9 determines that the use of the fee revenues is not consistent with  
10 this section, the Controller shall consult with the participating  
11 counties' designated regional coordinators. If the Controller  
12 determines that *use of* the fee revenues ~~are~~ *is* still not consistent  
13 with this section, the authority to collect the fee by that county  
14 shall be suspended for one year.

15 (2) If the Controller determines that a county has not submitted  
16 a fiscal yearend report as required in subdivision (g), the  
17 authorization to collect the service fee shall be suspended for one  
18 year pursuant to subdivision (h).

19 (3) When the Controller determines that a fee shall be suspended  
20 for a county, the Controller shall inform the Department of Motor  
21 Vehicles on or before January 1 of each year that the authority to  
22 collect a fee for that county is suspended.

23 (j) On or before January 1 of each year, the Controller shall  
24 prepare and submit to the Legislature a revenue and expenditure  
25 summary for each participating county that includes all of the  
26 following:

27 (1) The total revenues received by each county.

28 (2) The total expenditures by each county.

29 (3) The unexpended revenues for each county.

30 (k) For the purposes of this section, a ~~county-designated~~  
31 *county-designated* regional coordinator is that agency designated  
32 by the participating county's board of supervisors as the agency  
33 in control of its countywide vehicle theft apprehension program.

34 (l) This section shall remain in effect only until January 1, 2018,  
35 and as of that date is repealed, unless a later enacted statute that  
36 is enacted on or before January 1, 2018, deletes or extends that  
37 date.