

## Assembly Bill No. 1404

### CHAPTER 775

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

[Approved by Governor September 29, 2012. Filed with  
Secretary of State September 29, 2012.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1404, Feuer. Vehicles: additional registration fees: vehicle-theft crimes.

(1) Existing law, in addition to the other fees imposed for the registration of a vehicle, authorizes a county to impose 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 These provisions are repealed as of January 1, 2018.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 the County of Los Angeles, the County of San Diego, and the County of San Bernardino to increase the motor vehicle fee from \$1 to \$2, and would provide that the service fee on commercial motor vehicles would increase 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.

(2) 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.

(3) This bill would make legislative findings and declarations concerning the need for special legislation.

Appropriation: yes.

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

SECTION 1. Section 9250.14 of the Vehicle Code is amended to read:  
9250.14. (a) (1) In addition to any other fees specified in this code and the Revenue and Taxation Code, upon the adoption of a resolution by any county board of supervisors, a fee of one dollar (\$1) shall be paid at the time of registration or renewal of registration 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) (A) If the County of Los Angeles, the County of San Diego, or the County of San Bernardino has adopted a resolution to impose a one-dollar (\$1) fee pursuant to paragraph (1), the county may increase the fee specified in paragraph (1) to two dollars (\$2) in the same manner as the imposition of the initial fee pursuant to paragraph (1). The two dollars (\$2) shall be paid at the time of registration or renewal of registration of a vehicle, and quarterly to the Controller, as provided in paragraph (1).

(B) A resolution to increase the fee from one dollar (\$1) to two dollars (\$2) pursuant to subparagraph (A) shall be submitted to the department at least six months prior to the operative date of the fee increase.

(3) In addition to the service fee imposed pursuant to paragraph (1), and upon the implementation of the permanent trailer identification plate program, and as part of the Commercial Vehicle Registration Act of 2001 (Chapter 861 of the Statutes of 2000), 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).

(4) (A) If a county imposes a service fee of two dollars (\$2) by adopting a resolution pursuant to subparagraph (A) of paragraph (2), the fee specified in paragraph (3) shall be increased to four dollars (\$4). The four dollars (\$4) shall be paid at the time of registration or renewal of registration of a vehicle, and quarterly to the Controller as provided in paragraph (1).

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

(b) Notwithstanding Section 13340 of the Government Code, the moneys paid to the Controller are continuously appropriated, without regard to fiscal years, for the administrative costs of the Controller, and 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.

(c) Except as otherwise provided in this subdivision, moneys allocated to a county pursuant to subdivision (b) shall be expended exclusively to fund programs that enhance the capacity of local police and prosecutors to

deter, investigate, and prosecute vehicle theft crimes. In any county with a population of 250,000 or less, the moneys shall be expended exclusively for those vehicle theft crime programs and for the prosecution of crimes involving driving while under the influence of alcohol or drugs, or both, in violation of Section 23152 or 23153, or vehicular manslaughter in violation of Section 191.5 of the Penal Code or subdivision (c) of Section 192 of the Penal Code, or any combination of those crimes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The total revenues received by each county.
- (2) The total expenditures by each county.
- (3) The unexpended revenues for each county.

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

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

SEC. 2. The Legislature finds and declares that this act, which is applicable only to the Counties of Los Angeles, San Diego, and San Bernardino, is necessary because these counties are facing an operating revenue deficit in their vehicle theft programs. It is, therefore, declared that a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.