

ASSEMBLY BILL

No. 1992

Introduced by Assembly Member Huber

February 23, 2012

An act to repeal Section 472.5 of the Business and Professions Code, to amend Section 1795.92 of the Civil Code, to amend Section 26509 of the Government Code, and to amend Section 1803.5 of, to repeal Section 232 of, and to repeal Chapter 6 (commencing with Section 3000) of Division 2 of, the Vehicle Code, relating to the New Motor Vehicle Board.

LEGISLATIVE COUNSEL'S DIGEST

AB 1992, as introduced, Huber. New Motor Vehicle Board: repeal.

Existing law establishes the New Motor Vehicle Board in the Department of Motor Vehicles. The duties of the board include collecting fees for the administration of the certification of 3rd-party dispute resolution processes for new motor vehicles established under the Business and Professions Code, resolving issues raised by protests or petitions filed with the board pursuant to, among other actions, an appeal from a decision of the Department of Motor Vehicles, and regulating franchises subject to the Vehicle Code.

This bill would abolish that board and its duties and responsibilities as of January 1, 2022.

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 472.5 of the Business and Professions
2 Code is repealed.

3 ~~472.5. The New Motor Vehicle Board in the Department of~~
4 ~~Motor Vehieles shall, in accordance with the procedures prescribed~~
5 ~~in this section, administer the collection of fees for the purposes~~
6 ~~of fully funding the administration of this chapter.~~

7 ~~(a) Fees collected pursuant to this section shall be deposited in~~
8 ~~the Certification Account in the Consumer Affairs Fund and shall~~
9 ~~be available, upon appropriation by the Legislature, exclusively~~
10 ~~to pay the expenses incurred by the department in administering~~
11 ~~this chapter and to pay the New Motor Vehicle Board as provided~~
12 ~~in Section 3016 of the Vehicle Code. If, at the conclusion of any~~
13 ~~fiscal year, the amount of fees collected exceeds the amount of~~
14 ~~expenditures for that purpose during that fiscal year, the surplus~~
15 ~~in the Certification Account shall be carried over into the~~
16 ~~sueceeding fiscal year.~~

17 ~~(b) Beginning July 1, 1988, and on or before May 1 of each~~
18 ~~calendar year thereafter, every manufacturer shall file with the~~
19 ~~New Motor Vehicle Board a statement of the number of motor~~
20 ~~vehicles sold, leased, or otherwise distributed by or for the~~
21 ~~manufacturer in this state during the preceding calendar year, and~~
22 ~~shall, upon written notice delivered to the manufacturer by certified~~
23 ~~mail, return receipt requested, pay to the New Motor Vehicle Board~~
24 ~~a fee, not to exceed one dollar (\$1) for each motor vehicle sold,~~
25 ~~leased, or distributed by or for the manufacturer in this state during~~
26 ~~the preceding calendar year. The total fee paid by each~~
27 ~~manufacturer shall be rounded to the nearest dollar in the manner~~
28 ~~described in Section 9559 of the Vehicle Code. Not more than one~~
29 ~~dollar (\$1) shall be charged, collected, or received from any one~~
30 ~~or more manufacturers pursuant to this subdivision with respect~~
31 ~~to the same motor vehicle.~~

32 ~~(c) (1) The fee required by subdivision (b) is due and payable~~
33 ~~not later than 30 days after the manufacturer has received notice~~
34 ~~of the amount due and is delinquent after that time. A penalty of~~
35 ~~10 percent of the amount delinquent shall be added to that amount,~~
36 ~~if the delinquency continues for more than 30 days.~~

37 ~~(2) If a manufacturer fails to file the statement required by~~
38 ~~subdivision (b) by the date specified, the New Motor Vehicle Board~~

1 shall assess the amount due from the manufacturer by using as the
2 number of motor vehicles sold, leased, or otherwise distributed by
3 or for the manufacturer in this state during the preceding calendar
4 year the total number of new registrations of all motor vehicles
5 sold, leased, or otherwise distributed by or for the manufacturer
6 during the preceding calendar year.

7 (d) ~~On or before February 1 of each year, the department shall~~
8 ~~notify the New Motor Vehicle Board of the dollar amount~~
9 ~~necessary to fully fund the program established by this chapter~~
10 ~~during the following fiscal year. The New Motor Vehicle Board~~
11 ~~shall use this information in calculating the amounts of the fees to~~
12 ~~be collected from manufacturers pursuant to this section.~~

13 (e) ~~For purposes of this section, "motor vehicle" means a new~~
14 ~~passenger or commercial motor vehicle of a kind that is required~~
15 ~~to be registered under the Vehicle Code, but the term does not~~
16 ~~include a motorcycle, a motor home, or any vehicle whose gross~~
17 ~~weight exceeds 10,000 pounds.~~

18 (f) ~~The New Motor Vehicle Board may adopt regulations to~~
19 ~~implement this section. The regulations shall include, at a~~
20 ~~minimum, a formula for calculating the fee, established pursuant~~
21 ~~to subdivision (b), for each motor vehicle and the total amount of~~
22 ~~fees to be collected from each manufacturer.~~

23 (g) ~~Any revenues already received by the Arbitration~~
24 ~~Certification Program and deposited in the Vehicle Inspection and~~
25 ~~Repair Fund for the 1991-92 fiscal year that have not yet been~~
26 ~~spent shall be deposited into the Certification Account in the~~
27 ~~Consumer Affairs Fund.~~

28 SEC. 2. Section 1795.92 of the Civil Code is amended to read:

29 1795.92. Manufacturers shall have the following duties:

30 (a) A manufacturer shall, within 90 days of the adoption of an
31 adjustment program, subject to priority for safety or
32 emission-related recalls, notify by first-class mail all owners or
33 lessees of motor vehicles eligible under the program of the
34 condition giving rise to and the principal terms and conditions of
35 the program.

36 (b) Copies of all notices mailed in accordance with subdivision
37 (a) shall be sent to the ~~New Motor Vehicle Board~~ within the
38 Department of Motor Vehicles and made available for public
39 inquiries.

1 (c) A manufacturer shall, within 30 days of the adoption of any
2 new adjustment program, notify its dealers, in writing, of all the
3 terms and conditions ~~thereof~~ *of the new adjustment program*.

4 (d) A manufacturer who establishes an adjustment program
5 shall implement procedures to assure reimbursement of each
6 consumer eligible under an adjustment program who incurs
7 expenses for repair of a condition subject to the program prior to
8 acquiring knowledge of the program. The reimbursement shall be
9 consistent with the terms and conditions of the particular program.
10 The manufacturer shall notify the consumer within 21 business
11 days of receiving a claim for reimbursement whether the claim
12 will be allowed or denied. If the claim is denied, the specific
13 reasons for the denial shall be stated in writing.

14 (e) Any consumer who, prior to acquiring knowledge of an
15 adjustment program, incurs expenses for repair of a condition
16 subject to the adjustment program may file a claim for
17 reimbursement under subdivision (d). The claim shall be made in
18 writing to the manufacturer within two years of the date of the
19 consumer’s payment for repair of the condition.

20 SEC. 3. Section 26509 of the Government Code is amended
21 to read:

22 26509. (a) Notwithstanding any other provision of law,
23 including any provision making records confidential, and including
24 Title 1.8 (commencing with Section 1798) of Part 4 of Division 3
25 of the Civil Code, the district attorney shall be given access to,
26 and may make copies of, any complaint against a person subject
27 to regulation by a consumer-oriented state agency and any
28 investigation of the person made by the agency, where that person
29 is being investigated by the district attorney regarding possible
30 consumer fraud.

31 (b) ~~Where~~*If* the district attorney does not take action with
32 respect to the complaint or investigation, the material shall remain
33 confidential.

34 (c) ~~Where~~*If* the release of the material would jeopardize an
35 investigation or other duties of a consumer-oriented state agency,
36 the agency shall have discretion to delay the release of the
37 information.

38 (d) As used in this section, a consumer-oriented state agency is
39 any state agency that regulates the licensure, certification, or
40 qualification of persons to practice a profession or business within

1 the state, ~~where~~ *if* the regulation is for the protection of consumers
2 who deal with the professionals or businesses. It includes, but is
3 not limited to, all of the following:

- 4 (1) The Dental Board of California.
- 5 (2) The Medical Board of California.
- 6 (3) The State Board of Optometry.
- 7 (4) The California State Board of Pharmacy.
- 8 (5) The Veterinary Medical Board.
- 9 (6) The California Board of Accountancy.
- 10 (7) The California Architects Board.
- 11 (8) The State Board of Barbering and Cosmetology.
- 12 (9) The Board for Professional Engineers and Land Surveyors.
- 13 (10) The Contractors' State License Board.
- 14 ~~(11) The Funeral Directors and Embalmers Program.~~
- 15 ~~(11) Cemetery and Funeral Bureau.~~
- 16 (12) The Structural Pest Control Board *within the Department*
17 *of Pesticide Regulation.*
- 18 (13) The Bureau of ~~Home Furnishings~~ *Electronic and Appliance*
19 *Repair, Home Furnishings, and Thermal Insulation.*
- 20 (14) The Board of Registered Nursing.
- 21 (15) The State Board of Chiropractic Examiners.
- 22 (16) The Board of ~~Behavioral Science Examiners~~ *Sciences.*
- 23 (17) The State Athletic Commission.
- 24 ~~(18) The Cemetery Program.~~
- 25 ~~(19)~~
- 26 (18) The State Board of Guide Dogs for the Blind.
- 27 ~~(20)~~
- 28 (19) The Bureau of Security and Investigative Services.
- 29 ~~(21)~~
- 30 (20) The Court Reporters Board of California.
- 31 ~~(22)~~
- 32 (21) The Board of Vocational Nursing and Psychiatric
33 Technicians of the State of California.
- 34 ~~(23)~~
- 35 (22) The Osteopathic Medical Board of California.
- 36 ~~(24)~~
- 37 (23) The Division of Investigation.
- 38 ~~(25)~~
- 39 (24) The Bureau of Automotive Repair.
- 40 ~~(26) The State Board for Geologists and Geophysicists.~~

1 ~~(27)~~
2 (25) The Department of Alcoholic Beverage Control.
3 ~~(28)~~
4 (26) The Department of Insurance.
5 ~~(29)~~
6 (27) The Public Utilities Commission.
7 ~~(30)~~
8 (28) The State Department of ~~Health Services~~ *Public Health*.
9 ~~(31) The New Motor Vehicle Board.~~
10 SEC. 4. Section 232 of the Vehicle Code is repealed.
11 ~~232. The “board” is the New Motor Vehicle Board.~~
12 SEC. 5. Section 1803.5 of the Vehicle Code, as added by
13 Chapter 216 of the Statutes of 2010, is amended to read:
14 1803.5. (a) In accordance with Section 41501 or 42005, the
15 clerk of a court or hearing officer, when a person who receives a
16 notice to appear at a court ~~or board~~ proceeding for a violation of
17 any statute relating to the safe operation of vehicles is granted a
18 continuance of the proceeding in consideration for completion of
19 a program at a school for traffic violators, that results in a
20 designation of the conviction as confidential in consideration for
21 that completion, shall prepare an abstract of the record of the court
22 or board proceeding that indicates that the person was convicted
23 of the violation and ordered to complete a traffic violator program,
24 certify the abstract to be true and correct, and cause the abstract
25 to be forwarded to the department at its office at Sacramento within
26 five days after receiving proof that the program was completed or
27 the due date to which the proceeding was continued, whichever
28 comes first.
29 (b) This section shall become operative on July 1, 2011.
30 SEC. 6. Chapter 6 (commencing with Section 3000) of Division
31 2 of the Vehicle Code is repealed.
32 SEC. 7. This act shall become operative January 1, 2022.