

AMENDED IN SENATE AUGUST 23, 2012

AMENDED IN SENATE JULY 6, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2225

Introduced by Assembly Member Perea

February 24, 2012

~~An act to amend Sections 9274, 30459.4, 32474, 40214, 41174, 43525, 45870, 46625, 50156.14, 55335, and 60633.1 of the Revenue and Taxation Code, relating to taxation. An act to add and repeal Article 5.5 (commencing with Section 68625) of Chapter 2 of Title 8 of the Government Code, relating to the courts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2225, as amended, Perea. ~~State Board of Equalization: erroneous charges. Courts: video trial pilot program: infractions.~~

Existing law, the Trial Court Delay Reduction Act, requires the Judicial Council to adopt standards of timely disposition for the processing and disposition of civil and criminal actions. The act requires each superior court to establish a delay reduction program for limited civil cases in consultation with the local bar that is consistent with the act, and authorizes the Judicial Council to adopt procedures, standards, or policies for a delay reduction program for limited civil cases in superior courts on a statewide basis that are consistent with the act.

Existing law provides that a traffic referee has the same jurisdiction, and may exercise the same powers and duties, as a judge of the court with respect to any infraction. Existing law authorizes the court to order

any person convicted of a traffic violation to attend a licensed traffic violator school, as specified.

This bill would authorize the Superior Court of Fresno County to establish a 3-year pilot program to permit trials and proceedings to be conducted using remote 2-way video trials for traffic infractions and any infraction violation of compulsory attendance laws by a parent or guardian. The bill would require the Judicial Council to report its findings on the pilot program, including its recommendations as to whether the program should be expanded throughout the state, to the Legislature on or before July 1, 2016.

~~Existing law requires the State Board of Equalization to administer the Sales and Use Tax Law, Use Fuel Tax Law, Cigarette and Tobacco Products Tax Law, Alcoholic Beverage Tax Law, Energy Resources Surcharge Law, Emergency Telephone Users Surcharge Act, Hazardous Substances Tax Law, Integrated Waste Management Fee Law, Oil Spill Response, Prevention, and Administration Fees Law, Underground Storage Tank Maintenance Fee Law, Fee Collection Procedures Law, and Diesel Fuel Tax Law, and authorizes the board to undertake collection action on delinquent accounts, including issuing a levy or notice to withhold. Under existing sales and use tax laws, a taxpayer may file a claim with the board for reimbursement of bank charges or any other reasonable 3rd-party check charge fees incurred by the taxpayer as a direct result of an erroneous levy or notice to withhold by the board or erroneous processing or collection action, within 90 days of the date of the board action. Under the other laws, a taxpayer may only file a claim for those charges or fees incurred as a direct result of an erroneous levy or notice to withhold.~~

~~This bill would extend to those other laws, the authorization for a taxpayer to also file a reimbursement claim with the board for bank charges and other reasonable 3rd-party check charge fees incurred as a direct result of an erroneous processing action or erroneous collection action by the board within 90 days of the board action.~~

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. Article 5.5 (commencing with Section 68625) is
- 2 added to Chapter 2 of Title 8 of the Government Code, to read:

Article 5.5. Video Trial Pilot Program

68625. The Superior Court of Fresno County may establish a three-year pilot program to permit trials and proceedings to be conducted using remote two-way video trials for a violation of the Education Code or the Vehicle Code that is punishable as an infraction pursuant to either of the following:

(a) Section 48293 of the Education Code.

(b) Any provision of the Vehicle Code, other than Article 2 (commencing with Section 23152) of Chapter 12 of Division 11 of the Vehicle Code.

(c) Any local ordinance adopted pursuant to the Vehicle Code.

68626. (a) The Judicial Council shall report its findings on the pilot program to the Legislature on or before July 1, 2016. The report shall include its recommendations as to whether the program should be expanded throughout the state.

(b) The report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795.

68627. This article shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

All matter omitted in this version of the bill appears in the bill as amended in the Senate, July 6, 2012. (JR11)