

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2652

Introduced by Assembly Member Furutani

February 24, 2012

~~An act to amend Section 4000.2 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 4000.38 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2652, as amended, Furutani. Vehicles: ~~smog-check~~ *financial responsibility.*

Existing law requires the Department of Motor Vehicles to suspend, cancel, or revoke the registration of a vehicle upon notification by an insurance company that the required coverage has been canceled and the owner fails either to submit evidence of financial responsibility or establish that the vehicle is not being operated within 45 days.

This bill would extend the period to submit evidence of financial responsibility or establish that the vehicle is not being operated from 45 days to 60 days.

~~Existing law requires a certificate of compliance or noncompliance with motor vehicle emission standards upon the registration of vehicles previously registered outside this state, except in certain instances.~~

~~This bill would make technical, nonsubstantive changes to that law.~~

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

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

1 **SECTION 1.** *Section 4000.38 of the Vehicle Code is amended*
2 *to read:*

3 4000.38. (a) The department shall suspend, cancel, or revoke
4 the registration of a vehicle when it determines that any of the
5 following circumstances has occurred:

6 (1) The registration was obtained by providing false evidence
7 of financial responsibility to the department.

8 (2) Upon notification by an insurance company that the required
9 coverage has been canceled and a sufficient period of time has
10 elapsed since the cancellation notification, as determined by the
11 department, for replacement coverage to be processed and received
12 by the department.

13 (3) Evidence of financial responsibility has not been submitted
14 to the department within 30 days of the issuance of a registration
15 certificate for the original registration or transfer of registration of
16 a vehicle.

17 (b) (1) Prior to suspending, canceling, or revoking the
18 registration of a vehicle, the department shall notify the vehicle
19 owner of its intent to suspend, cancel, or revoke the registration,
20 and shall provide the vehicle owner a reasonable time, not less
21 than ~~45~~ 60 days in cases under paragraph (2) of subdivision (a),
22 to provide evidence of financial responsibility or to establish that
23 the vehicle is not being operated.

24 (2) For the low-cost automobile insurance program established
25 under Section 11629.7 of the Insurance Code, the department shall
26 provide residents with information on the notification document,
27 in plain, boldface type not less than 12 point in size, and in both
28 English and Spanish, stating the following:

29
30 “California Low-Cost Auto Insurance: A program offering
31 affordable automobile insurance is available. Visit (insert Internet
32 Web site address provided by the Department of Insurance) or call
33 toll free (insert toll-free telephone number for the California
34 Automobile Assigned Risk Plan or its successor as provided by
35 the Department of Insurance). Qualified applicants must be 19
36 years of age or older, have a driver’s license for the past three
37 years, and meet income eligibility requirements (insert income
38 example provided by Department of Insurance).”

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 2 (c) (1) Notwithstanding any other provision of this code, before
 3 a registration is reinstated after suspension, cancellation, or
 4 revocation, there shall be paid to the department, in addition to
 5 any other fees required by this code, a fee sufficient to pay the cost
 6 of the reissuance as determined by the department.

7 (2) Commencing on January 1, 2011, the reissuance fee imposed
 8 by paragraph (1) shall not apply to a member of the California
 9 National Guard or the United States Armed Forces who was on
 10 active duty, serving outside of this state in a military conflict during
 11 a time of war, as defined in Section 18 of the Military and Veterans
 12 Code, at the time of the suspension, cancellation, or revocation of
 13 his or her vehicle registration. The person shall submit a copy of
 14 his or her official military orders upon requesting the registration
 15 reinstatement.

16 SECTION 1. ~~Section 4000.2 of the Vehicle Code is amended~~
 17 ~~to read:~~

18 ~~4000.2. (a) Except as otherwise provided in subdivision (b)~~
 19 ~~of Section 43654 of the Health and Safety Code, and, commencing~~
 20 ~~on April 1, 2005, except for model-years exempted from biennial~~
 21 ~~inspection pursuant to Section 44011 of the Health and Safety~~
 22 ~~Code, the department shall require upon registration of a motor~~
 23 ~~vehicle subject to Part 5 (commencing with Section 43000) of~~
 24 ~~Division 26 of the Health and Safety Code, previously registered~~
 25 ~~outside this state, a valid certificate of compliance or a certificate~~
 26 ~~of noncompliance, as appropriate, issued in accordance with~~
 27 ~~Section 44015 of the Health and Safety Code.~~

28 ~~(b) For the purposes of determining the validity of a certificate~~
 29 ~~of compliance or noncompliance submitted pursuant to this section,~~
 30 ~~the definitions of new and used motor vehicle contained in Chapter~~
 31 ~~2 (commencing with Section 39010) of Part 1 of Division 26 of~~
 32 ~~the Health and Safety Code shall control.~~