

AMENDED IN ASSEMBLY AUGUST 6, 2012

AMENDED IN ASSEMBLY JULY 3, 2012

AMENDED IN SENATE MAY 25, 2012

AMENDED IN SENATE MAY 3, 2012

AMENDED IN SENATE APRIL 26, 2012

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1317

Introduced by Senator Kehoe

February 23, 2012

An act to amend ~~and~~, repeal, *and add* Sections 11208 and 42007.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1317, as amended, Kehoe. Vehicles: traffic violator schools.

(1) Existing law requires the department to charge traffic violator school owners, operators, and instructors fees for certain activities related to traffic violator school programs, including the issuance of a branch or classroom location license. These fees are required to be set to defray the actual cost to the department to administer the traffic violator school program, except for the costs for routine monitoring of instruction.

This bill, until January 1, 2015, would revise the activities for which the department is authorized to impose certain of these fees and would authorize the department to charge fees instead for an approval for a branch office or a classroom location or the renewal of an approved branch office or current classroom location. The bill would require all

of these fees to be equal to the fees charged for the 2011–12 fiscal year, except the fee for the renewal of an approved current classroom location would be required to be set at \$50 per year per location. *The bill would, as of January 1, 2015, delete those proposed revisions and would reestablish the fee requirements imposed under existing law.*

(2) Existing law requires the court to collect a single administrative fee that is assessed against a driver traffic violator who attends traffic violator school, and requires the fee to include the cost of routine monitoring of traffic violator school instruction.

This bill, until January 1, 2015, would instead require the amount of the administrative fee assessed and collected by the court to be set by the department at an amount sufficient to defray the actual costs to the department to administer the provisions regulating the traffic school violator program, except for the costs defrayed by the fees authorized for specific department activities described in (1) above. *The bill would, as of January 1, 2015, delete that proposed change and would reestablish the fee amount required under existing law.*

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 11208 of the Vehicle Code is amended
2 to read:
3 11208. (a) The department shall charge fees in the amount
4 specified in subdivision (b), for the following traffic violator school
5 program activities:
6 (1) Original issuance of either, or both, of the following:
7 (A) A traffic violator school owner, operator, or instructor
8 license.
9 (B) An approval for a branch office or a classroom location.
10 (2) Renewal of either, or both, of the following:
11 (A) A traffic violator school owner, operator, or instructor
12 license.
13 (B) An approved branch office or a classroom location.
14 (3) Issuance of either a duplicate or corrected traffic violator
15 school owner, operator, or instructor license, or for a duplicate or
16 corrected copy of a branch office or classroom location approval.
17 (4) Transfer of an operator or instructor license from one traffic
18 violator school to another.

1 (5) Approval of curriculum, based on the instructional modality
2 of the curriculum.

3 (6) Fees for administering the examinations pursuant to Sections
4 11206 and 11207.

5 (b) The amount of fees for the activities authorized under
6 subdivision (a) shall be equal to the amount determined by the
7 department pursuant to this section, as it read on January 1, 2012,
8 for the 2011–12 fiscal year, except for the fee for the renewal of
9 an approved current classroom ~~locations~~ location which shall be
10 set at fifty dollars (\$50) per year per location.

11 (c) A single administrative fee shall be assessed against and
12 collected by the court pursuant to Section 42007.1 from each traffic
13 violator who is ordered or permitted to attend a traffic violator
14 school. Included in this fee shall be an amount determined by the
15 department to be sufficient to defray the actual costs to the
16 department to administer this chapter, except for the costs defrayed
17 by the fees authorized by subdivision (a).

18 (d) For purposes of this section, “approved current classroom
19 location” means a classroom location that received original
20 approval from the department, which was listed on the
21 classroom-based school’s most recent classroom renewal
22 application, or any new classroom location subsequently added
23 by the classroom-based school and approved by the department
24 prior to the school’s next renewal application.

25 (e) This section shall remain in effect only until January 1, 2015,
26 and as of that date is repealed, unless a later enacted statute, that
27 is enacted before January 1, 2015, deletes or extends that date.

28 *SEC. 2. Section 11208 is added to the Vehicle Code, to read:*

29 *11208. (a) The department shall charge a fee, to be determined*
30 *by the department, for the following traffic violator school program*
31 *activities:*

32 *(1) Original issuance of a traffic violator school owner,*
33 *operator, instructor, and branch or classroom location license.*

34 *(2) Renewal of a traffic violator school owner, operator,*
35 *instructor, and branch or classroom location license.*

36 *(3) Issuance of a duplicate or corrected traffic violator school*
37 *owner, operator, instructor, and branch or classroom location*
38 *license.*

39 *(4) Transfer of an operator or instructor license from one traffic*
40 *violator school to another.*

1 (5) Approval of curriculum, based on the instructional modality
2 of the curriculum.

3 (6) Fees for administering the examinations pursuant to Sections
4 11206 and 11207.

5 (b) The fees authorized under subdivision (a) shall be sufficient
6 to defray the actual cost to the department to administer the traffic
7 violator school program, except for routine monitoring of
8 instruction.

9 (c) A single administrative fee shall be assessed against, and
10 collected by the court pursuant to Section 42007.1 from, each
11 driver who is allowed or ordered to attend traffic violator school.
12 Included in this fee shall be an amount determined by the
13 department to be sufficient to defray the cost of routine monitoring
14 of traffic violator school instruction.

15 (d) This section shall become operative on January 1, 2015.

16 ~~SEC. 2.~~

17 SEC. 3. Section 42007.1 of the Vehicle Code is amended to
18 read:

19 42007.1. (a) The amount collected by the clerk pursuant to
20 subdivision (a) of Section 42007 shall be in an amount equal to
21 the total bail set forth for the eligible offense on the uniform
22 countywide bail schedule plus a forty-nine-dollar (\$49) fee, and a
23 fee, as specified in subdivision (c) of Section 11208, determined
24 by the department to be sufficient to defray the actual costs to the
25 department of administering Chapter 1.5 (commencing with Section
26 11200) of Division 5, and a fee, if any, established by the court
27 pursuant to subdivision (c) of Section 11205.2 to defray the costs
28 incurred by a traffic assistance program.

29 (b) Notwithstanding subdivision (b) of Section 42007, the
30 revenue from the forty-nine-dollar (\$49) fee collected under this
31 section shall be deposited in the county general fund. Fifty-one
32 percent of the amount collected under this section and deposited
33 into the county general fund shall be transmitted therefrom monthly
34 to the Controller for deposit in the Immediate and Critical Needs
35 Account of the State Court Facilities Construction Fund,
36 established in Section 70371.5 of the Government Code.

37 (c) The fee assessed pursuant to subdivision (c) of Section 11208
38 shall be allocated to the department to defray the actual costs to
39 the department of administering Chapter 1.5 (commencing with
40 Section 11200) of Division 5.

1 (d) This section shall remain in effect only until January 1, 2015,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2015, deletes or extends that date.

4 *SEC. 4. Section 42007.1 is added to the Vehicle Code, to read:*

5 *42007.1. (a) The amount collected by the clerk pursuant to*
6 *subdivision (a) of Section 42007 shall be in an amount equal to*
7 *the total bail set forth for the eligible offense on the uniform*
8 *countywide bail schedule plus a forty-nine-dollar (\$49) fee, and*
9 *a fee determined by the department to be sufficient to defray the*
10 *cost of routine monitoring of traffic violator school instruction*
11 *pursuant to subdivision (c) of Section 11208, and a fee, if any,*
12 *established by the court pursuant to subdivision (c) of Section*
13 *11205.2 to defray the costs incurred by a traffic assistance*
14 *program.*

15 *(b) Notwithstanding subdivision (b) of Section 42007, the*
16 *revenue from the forty-nine-dollar (\$49) fee collected under this*
17 *section shall be deposited in the county general fund. Fifty-one*
18 *percent of the amount collected under this section and deposited*
19 *into the county general fund shall be transmitted therefrom monthly*
20 *to the Controller for deposit in the Immediate and Critical Needs*
21 *Account of the State Court Facilities Construction Fund,*
22 *established in Section 70371.5 of the Government Code.*

23 *(c) The fee assessed pursuant to subdivision (c) of Section 11208*
24 *shall be allocated to the department to defray the costs of*
25 *monitoring traffic violator school instruction.*

26 *(d) This section shall become operative on January 1, 2015.*