

**ASSEMBLY BILL**

**No. 281**

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**Introduced by Assembly Member Donnelly**

February 11, 2013

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An act to amend Section 9562 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 281, as introduced, Donnelly. Vehicle registration: late penalties: waiver.

Existing law imposes renewal fee penalties for late payment of vehicle registration except in limited specified cases. Existing law authorizes the Department of Motor Vehicles to waive the registration penalties accrued prior to the purchase of a vehicle upon payment for the fees for registration due, if the transferee or purchaser was not aware that the fees were unpaid. Existing law also authorizes the department to waive the registration fees that became due prior to the purchase of the vehicle if the transferee or purchaser was not aware that the fees were unpaid and the license plate assigned to the vehicle displays a validating device issued by the department that contains the year number of the registration year for which the transferee or purchaser is requesting a waiver of fees. Existing law further provides that these unpaid fees and penalties are the personal debt of the transferor of the vehicle and may be collected by the department in an appropriate civil action if the department has waived the fees and penalties.

This bill would instead require the department to waive delinquent registration fees and penalties when a transferee or purchaser of a vehicle applies for a transfer of registration if the department determines that

the fees became due or the penalties accrued prior to the purchase of the vehicle.

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 9562 of the Vehicle Code is amended to  
2 read:

3 9562. (a) When a transferee or purchaser of a vehicle applies  
4 for transfer of registration, as provided in Section 5902, and it is  
5 determined by the department that registration *fees for any year*  
6 *are unpaid and due, or that registration penalties have accrued,*  
7 *but that the fees became due or the penalties accrued prior to the*  
8 *purchase of the vehicle, and that the transferee or purchaser was*  
9 *not cognizant of the nonpayment of the fees for registration for*  
10 *the current or prior registration years, the department may shall*  
11 *waive the delinquent registration fees and penalties upon payment*  
12 *of the fees for registration due, and may collect these fees and*  
13 *penalties from the seller or transferor pursuant to subdivision (c).*

14 (b) Other provisions of this code notwithstanding, the director  
15 may, at his or her discretion, investigate into the circumstances of  
16 any application for registration to ascertain if penalties had accrued  
17 through no fault or intent of the owner. If the director determines  
18 that the circumstances justify it, he or she may waive any penalties  
19 upon payment of the fees for registration then due.

20 ~~(c) When a transferee or purchaser of a vehicle applies for~~  
21 ~~transfer of registration of a vehicle, and it is determined by the~~  
22 ~~department that fees for registration of the vehicle for any year are~~  
23 ~~unpaid and due, that the fees became due prior to the transfer or~~  
24 ~~purchase of the vehicle by the transferee or purchaser and that the~~  
25 ~~transferee or purchaser was not cognizant of the fact that the fees~~  
26 ~~were unpaid and due, the department may waive the fees and any~~  
27 ~~penalty thereon if the license plate assigned to the vehicle displays~~  
28 ~~a validating device issued by the department and the validating~~  
29 ~~device contains the year number of the registration year for which~~  
30 ~~the transferee or purchaser is requesting a waiver of fees and~~  
31 ~~penalties.~~

32 (d)

1     (c) Upon the transfer of a vehicle for which fees for registration  
2 and any penalties thereon are unpaid and due, the fees and penalties  
3 are, notwithstanding the provisions of Article 6 (commencing with  
4 Section 9800) of this chapter, the personal debt of the transferor  
5 of the vehicle who did not pay the fees and penalties when they  
6 became due or accrued. The fees and penalties may be collected  
7 by the department in an appropriate civil action if the department  
8 has waived the fees and penalties pursuant to subdivision ~~(e)~~ (a).

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