

AMENDED IN SENATE JUNE 12, 2013

AMENDED IN ASSEMBLY APRIL 29, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 767

**Introduced by Assembly Member Levine
(Principal coauthors: Assembly Members Bonta and Skinner)**

February 21, 2013

An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 767, as amended, Levine. Vehicles: additional registration fees: vehicle-theft crimes.

Existing law, effective until January 1, 2018, authorizes a county, upon the adoption of a resolution by its board of supervisors, to impose a fee of \$1 on all motor vehicles, in addition to other fees imposed for the registration of a vehicle, and an additional service fee of \$2 on commercial motor vehicles of 10,001 pounds or more, as specified. These funds are continuously appropriated to local programs relating to vehicle theft crimes. Existing law authorizes the County of Los Angeles, the County of San Diego, and the County of San Bernardino to increase the motor vehicle fee from \$1 to \$2, and provides that the service fee on commercial motor vehicles shall increase from \$2 to \$4, upon adoption of a resolution by its board of supervisors, and requires the resolution to be submitted to the Department of Motor Vehicles at least 6 months prior to the operative date of the fee increase.

This bill would authorize every county to increase its motor vehicle fee from \$1 to \$2, and its commercial vehicle service fee from \$2 to

\$4, upon adoption of a resolution by its board of supervisors, and submission of the resolution to the department, as described above. *The bill would also authorize a county to adopt a fee of \$2 in the same manner if a county has not adopted a resolution to impose a \$1 fee, as specified.* The bill would delete the January 1, 2018, date of repeal and thereby make these provisions operative indefinitely. *The bill would make other technical and conforming changes.*

This bill would add a new source of revenue to be deposited into a continuously appropriated fund, thereby making an appropriation.

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

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

1 SECTION 1. Section 9250.14 of the Vehicle Code is amended
 2 to read:

3 9250.14. (a) (1) In addition to any other fees specified in this
 4 code and the Revenue and Taxation Code, upon the adoption of a
 5 resolution by any county board of supervisors, a fee of one dollar
 6 (\$1) shall be paid at the time of registration or renewal of
 7 registration of every vehicle, except vehicles described in
 8 subdivision (a) of Section 5014.1, registered to an address within
 9 that county except those expressly exempted from payment of
 10 registration fees. The fees, after deduction of the administrative
 11 costs incurred by the department in carrying out this section, shall
 12 be paid quarterly to the Controller.

13 (2) (A) If a county has adopted a resolution to impose a
 14 one-dollar (\$1) fee pursuant to paragraph (1), the county may
 15 increase the fee specified in paragraph (1) to two dollars (\$2) in
 16 the same manner as the imposition of the initial fee pursuant to
 17 paragraph (1). The two dollars (\$2) shall be paid at the time of
 18 registration or renewal of registration of a vehicle, and quarterly
 19 to the Controller, as provided in paragraph (1).

20 (B) *If a county has not adopted a resolution to impose a*
 21 *one-dollar (\$1) fee pursuant to paragraph (1), the county may*
 22 *instead adopt a fee of two dollars (\$2) in the manner prescribed*
 23 *in paragraph (1).*

24 ~~(B)~~

25 ~~(C) A resolution to increase the fee from one dollar (\$1) to~~
 26 ~~impose a fee of two dollars (\$2) pursuant to subparagraph (A) or~~

1 (B) shall be submitted to the department at least six months prior
2 to the operative date of the fee increase.

3 (3) In addition to the service fee imposed pursuant to paragraph
4 (1), and upon the implementation of the permanent trailer
5 identification plate program, and as part of the Commercial Vehicle
6 Registration Act of 2001 (Chapter 861 of the Statutes of 2000),
7 all commercial motor vehicles subject to Section 9400.1 registered
8 to an owner with an address in the county that established a service
9 authority under this section, shall pay an additional service fee of
10 two dollars (\$2).

11 (4) (A) If a county imposes a service fee of two dollars (\$2) by
12 adopting a resolution pursuant to subparagraph (A) *or* (B) of
13 paragraph (2), the fee specified in paragraph (3) shall be increased
14 to four dollars (\$4). The four dollars (\$4) shall be paid at the time
15 of registration or renewal of registration of a vehicle, and quarterly
16 to the Controller as provided in paragraph (1).

17 (B) A resolution to increase the additional service fee from two
18 dollars (\$2) to four dollars (\$4) pursuant to subparagraph (A) *or*
19 (B) of paragraph (2) shall be submitted to the department at least
20 six months prior to the operative date of the fee increase.

21 (b) Notwithstanding Section 13340 of the Government Code,
22 the moneys paid to the Controller are continuously appropriated,
23 without regard to fiscal years, for the administrative costs of the
24 Controller, and for disbursement by the Controller to each county
25 that has adopted a resolution pursuant to subdivision (a), based
26 upon the number of vehicles registered, or whose registration is
27 renewed, to an address within that county.

28 (c) Except as otherwise provided in this subdivision, moneys
29 allocated to a county pursuant to subdivision (b) shall be expended
30 exclusively to fund programs that enhance the capacity of local
31 police and prosecutors to deter, investigate, and prosecute vehicle
32 theft crimes. In any county with a population of 250,000 or less,
33 the moneys shall be expended exclusively for those vehicle theft
34 crime programs and for the prosecution of crimes involving driving
35 while under the influence of alcohol or drugs, or both, in violation
36 of Section 23152 or 23153, or vehicular manslaughter in violation
37 of Section 191.5 of the Penal Code or subdivision (c) of Section
38 192 of the Penal Code, or any combination of those crimes.

1 (d) The moneys collected pursuant to this section shall not be
2 expended to offset a reduction in any other source of funds, nor
3 for any purpose not authorized under this section.

4 (e) Any funds received by a county prior to January 1, 2000,
5 pursuant to this section, that are not expended to deter, investigate,
6 or prosecute crimes pursuant to subdivision (c) shall be returned
7 to the Controller, for deposit in the Motor Vehicle Account in the
8 State Transportation Fund. Those funds received by a county shall
9 be expended in accordance with this section.

10 (f) Each county that adopts a resolution under subdivision (a)
11 shall submit, on or before the 13th day following the end of each
12 quarter, a quarterly expenditure and activity report to the designated
13 statewide Vehicle Theft Investigation and Apprehension
14 Coordinator in the Department of the California Highway Patrol.

15 (g) A county that imposes a fee under subdivision (a) shall issue
16 a fiscal yearend report to the Controller on or before August 31 of
17 each year. The report shall include a detailed accounting of the
18 funds received and expended in the immediately preceding fiscal
19 year, including, at a minimum, all of the following:

20 (1) The amount of funds received and expended by the county
21 under subdivision (b) for the immediately preceding fiscal year.

22 (2) The total expenditures by the county under subdivision (c)
23 for the immediately preceding fiscal year.

24 (3) Details of expenditures made by the county under
25 subdivision (c), including salaries and expenses, purchase of
26 equipment and supplies, and any other expenditures made listed
27 by type with an explanatory comment.

28 (4) A summary of vehicle theft abatement activities and other
29 vehicle theft programs funded by the fees collected pursuant to
30 this section.

31 (5) The total number of stolen vehicles recovered and the value
32 of those vehicles during the immediately preceding fiscal year.

33 (6) The total number of vehicles stolen during the immediately
34 preceding fiscal year as compared to the fiscal year prior to the
35 immediately preceding fiscal year.

36 (7) Any additional, unexpended fee revenues received under
37 subdivision (b) for the county for the immediately preceding fiscal
38 year.

39 (h) Each county that fails to submit the report required pursuant
40 to subdivision (g) by November 30 of each year shall have the fee

1 suspended by the Controller for one year, commencing on July 1
2 following the Controller's determination that a county has failed
3 to submit the report.

4 (i) (1) On or before January 1, 2013, and on or before January
5 1 of each year, the Controller shall provide to the Department of
6 the California Highway Patrol copies of the yearend reports
7 submitted by the counties under subdivision (g) and, in consultation
8 with the Department of the California Highway Patrol, shall review
9 the fiscal yearend reports submitted by each county pursuant to
10 subdivision (g) to determine if fee revenues are being utilized in
11 a manner consistent with this section. If the Controller determines
12 that the use of the fee revenues is not consistent with this section,
13 the Controller shall consult with the participating counties'
14 designated regional coordinators. If the Controller determines that
15 use of the fee revenues is still not consistent with this section, the
16 authority to collect the fee by that county shall be suspended for
17 one year.

18 (2) If the Controller determines that a county has not submitted
19 a fiscal yearend report as required in subdivision (g), the
20 authorization to collect the service fee shall be suspended for one
21 year pursuant to subdivision (h).

22 (3) When the Controller determines that a fee shall be suspended
23 for a county, the Controller shall inform the Department of Motor
24 Vehicles on or before January 1 of each year that the authority to
25 collect a fee for that county is suspended.

26 (j) On or before January 1 of each year, the Controller shall
27 prepare and submit to the Legislature a revenue and expenditure
28 summary for each participating county that includes all of the
29 following:

30 (1) The total revenues received by each county.

31 (2) The total expenditures by each county.

32 (3) The unexpended revenues for each county.

33 (k) For the purposes of this section, a county-designated regional
34 coordinator is that agency designated by the participating county's
35 board of supervisors as the agency in control of its countywide
36 vehicle theft apprehension program.