

ASSEMBLY BILL

No. 1864

Introduced by Assembly Member Daly

February 19, 2014

An act to amend Section 4456 of the Vehicle Code, relating to registration of vehicles and certificates of title.

LEGISLATIVE COUNSEL'S DIGEST

AB 1864, as introduced, Daly. Registration of vehicles and certificates of title.

Existing law allows a vehicle displaying a copy of the report of sale to be operated without license plates or registration card until either the license plates and registration card are received by the purchaser, or the expiration of a 90-day period beginning with the date of sale of the vehicle, whichever occurs first. A violation of this provision is an infraction.

This bill would instead allow a vehicle to be operated without license plates or registration card until either the license plates and registration card are received by the purchaser, or the expiration of a 75-day period beginning with the date of sale of the vehicle, whichever occurs first.

By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 4456 of the Vehicle Code is amended to
2 read:

3 4456. (a) When selling a vehicle, dealers and lessor-retailers
4 shall use numbered report-of-sale forms issued by the department.
5 The forms shall be used in accordance with the following terms
6 and conditions:

7 (1) The dealer or lessor-retailer shall attach for display a copy
8 of the report of sale on the vehicle before the vehicle is delivered
9 to the purchaser.

10 (2) The dealer or lessor-retailer shall submit to the department
11 an application accompanied by all fees and penalties due for
12 registration or transfer of registration of the vehicle within 30 days
13 from the date of sale, as provided in subdivision (c) of Section
14 9553, if the vehicle is a used vehicle, and 20 days if the vehicle is
15 a new vehicle. Penalties due for noncompliance with this paragraph
16 shall be paid by the dealer or lessor-retailer. The dealer or
17 lessor-retailer shall not charge the purchaser for the penalties.

18 (3) As part of an application to transfer registration of a used
19 vehicle, the dealer or lessor-retailer shall include all of the
20 following information on the certificate of title, application for a
21 duplicate certificate of title, or form prescribed by the department:

22 (A) Date of sale and report of sale number.

23 (B) Purchaser's name and address.

24 (C) Dealer's name, address, number, and signature or signature
25 of authorized agent.

26 (D) Salesperson number.

27 (4) If the department returns an application and the application
28 was first received by the department within 30 days of the date of
29 sale of the vehicle if the vehicle is a used vehicle, and 20 days if
30 the vehicle is a new vehicle, the dealer or lessor-retailer shall
31 submit a corrected application to the department within 50 days
32 from the date of sale of the vehicle if the vehicle is a used vehicle,
33 and 40 days if the vehicle is a new vehicle, or within 30 days from
34 the date that the application is first returned by the department if
35 the vehicle is a used vehicle, and 20 days if the vehicle is a new
36 vehicle, whichever is later.

37 (5) If the department returns an application and the application
38 was first received by the department more than 30 days from the

1 date of sale of the vehicle if the vehicle is a used vehicle, and 20
2 days if the vehicle is a new vehicle, the dealer or lessor-retailer
3 shall submit a corrected application to the department within 50
4 days from the date of sale of the vehicle if the vehicle is a used
5 vehicle, and 40 days if the vehicle is a new vehicle.

6 (6) An application first received by the department more than
7 50 days from the date of sale of the vehicle if the vehicle is a used
8 vehicle, and 40 days if the vehicle is a new vehicle, is subject to
9 the penalties specified in subdivisions (a) and (b) of Section 4456.1.

10 (7) The dealer or lessor-retailer shall report the sale pursuant to
11 Section 5901.

12 (b) (1) A transfer that takes place through a dealer conducting
13 a wholesale vehicle auction shall be reported to the department by
14 that dealer on a single form approved by the department. The
15 completed form shall contain, at a minimum, all of the following
16 information:

17 (A) The name and address of the seller.

18 (B) The seller's dealer number, if applicable.

19 (C) The date of delivery to the dealer conducting the auction.

20 (D) The actual mileage of the vehicle as indicated by the
21 vehicle's odometer at the time of delivery to the dealer conducting
22 the auction.

23 (E) The name, address, and occupational license number of the
24 dealer conducting the auction.

25 (F) The name, address, and occupational license number of the
26 buyer.

27 (G) The signature of the dealer conducting the auction.

28 (2) Submission of the completed form specified in paragraph
29 (1) to the department shall fully satisfy the requirements of
30 subdivision (a) and subdivision (a) of Section 5901 with respect
31 to the dealer selling at auction and the dealer conducting the
32 auction.

33 (3) The single form required by this subdivision does not relieve
34 a dealer of any obligation or responsibility that is required by any
35 other provision of law.

36 (c) A vehicle displaying a copy of the report of sale may be
37 operated without license plates or registration card until either of
38 the following, whichever occurs first:

39 (1) The license plates and registration card are received by the
40 purchaser.

1 (2) A ~~90-day~~ 75-day period, commencing with the date of sale
2 of the vehicle, has expired.

3 (d) This section shall become operative on July 1, 2012.

4 SEC. 2. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.