AMENDED IN SENATE JULY 3, 1995

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CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL No. 650

Introduced by Assembly Member Speier
(Principal coauthors: Assembly Members Bowen, Harvey, and Kevin Murray)
(Coauthors: Assembly Members Alpert, Goldsmith, Kuehl, McDonald, ~~and Mazzoni~~ *Mazzoni, and Willard Murray*)

February 21, 1995

An act to amend Sections 16020, 16070, 16071, 16457, ~~and~~ 22651*, and 40611* of, and to add Sections 4000.37, 16028, 16029, 16030, and 16033 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 650, as amended, Speier. Vehicles: financial responsibility.

(1) Existing law imposes various duties on the Department of Motor Vehicles relating to vehicles.

This bill would require the department to require, upon application ~~for renewal of registration of a vehicle and within 10 days of an application~~ for original registration ~~or~~, transfer of registration, *or renewal of registration of a vehicle,* any one

of several forms of evidence that the applicant is in compliance with the financial responsibility laws of this state, except as specified. This provision would become operative on January 1, 1997.

~~The bill would require an insurance company or a surety company to notify the department upon the issuance, renewal, and termination of any automobile policy or bond issued by that company. The notice would be required to include specified information. Because a violation of this provision would be a crime under existing law, the bill would impose a state-mandated local program.~~

The bill would make technical, clarifying changes in related provisions of law.

(2) Existing law requires every driver and every owner of a motor vehicle to be able, at all times, to establish financial responsibility, as defined, for the vehicle.

This bill would require every person who drives upon a highway a motor vehicle required to be registered in this state to provide evidence of financial responsibility for the vehicle upon demand of a peace officer, as specified~~, and would prohibit a peace officer from stopping a vehicle for the sole purpose of determining whether the vehicle is being driven in violation of this provision~~.

~~The bill would prohibit a person from knowingly providing false evidence of financial responsibility when requested by a peace officer pursuant to the provision specified above.~~

~~The bill would make violation of the provisions described above, except the provision relating to peace officers, a misdemeanor, punishable by specified fines and, in the case of the provision prohibiting knowingly providing false evidence of financial responsibility, a specified term in the county jail, thereby imposing a state-mandated local program by creating a new crime.~~

The bill would make a violation of the financial responsibility provision specified above an infraction, punishable by specified fines, and would thereby impose a state-mandated program by creating a new crime.

The bill would authorize the removal from the highway of the vehicle of a person who violates the financial responsibility provision.

The bill would authorize dismissal of charges related to violation of the financial responsibility provision upon receipt of written evidence of financial responsibility, as defined, by the clerk of the court and would authorize the clerk to collect a $10 transaction fee for each case so dismissed.

The bill would exempt a person from the provisions described above if the person was driving, with the permission of the person's employer, a motor vehicle owned, operated, or leased by that employer, would make the provision applicable to the employer, and would require a notice to appear issued pursuant to the above provision to be issued to the employer rather than the driver. The bill would require the driver to notify the employer of the receipt of the notice to appear not later than 5 days after receipt. Because a violation of the provision requiring notification of the employer would be an infraction, the bill would create a new crime and would thus impose a state-mandated local program.

~~The bill would authorize the removal from the highway of the vehicle of a person who violates the above-specified provision, relating to providing evidence of financial responsibility for a vehicle when requested to do so by a peace officer.~~

~~The bill would authorize dismissal of charges related to violation of the above-specified provision, relating to providing evidence of financial responsibility upon request of a peace officer, upon receipt of written evidence of financial responsibility, as defined, by the clerk of the court.~~

The bill would prohibit a person from knowingly providing false evidence of financial responsibility when requested by a peace officer pursuant to the financial responsibility provision specified above. The bill would make a violation of the provision relating to providing false evidence a misdemeanor, punishable by specified fines and a specified term in the county jail, and would thereby impose a state-mandated local program by creating a new crime.

The bill would prohibit a peace officer from stopping a vehicle for the sole purpose of determining whether the vehicle is being driven in violation of the financial responsibility provision.

The bill would provide that no public entity or employee, *or any specified person or organization,* is liable for any loss, detriment, or injury resulting from failure to request evidence of financial responsibility or inaccurately recording that evidence, as specified, or as a result of the driver producing false or inaccurate financial responsibility information.

The bill would provide that its provisions are severable.

(3) 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. *The Legislature finds and declares all of*
2 *the following:*
3 *(a) Driving is a privilege and not a right.*
4 *(b) Testimony has been presented to the Legislature*
5 *that proves that the injuries of victims of uninsured*
6 *motorists are so grave as to shock the public conscience,*
7 *and this testimony also reveals that these injuries include*
8 *death, extreme financial hardship, permanent physical*
9 *disability, and emotional trauma.*
10 *(c) Law enforcement in California is prevented from*
11 *effectively enforcing the vehicle financial responsibility*
12 *laws because there is no authority to establish evidence*
13 *of financial responsibility at the time of a traffic stop, and*
14 *only limited authority to establish evidence after an*
15 *accident, and this lack of authority has led to at least 28*
16 *percent of all vehicles on the roadways being out of*
17 *compliance with California's existing law requiring*
18 *financial responsibility.*
19 *(d) The towing of a vehicle under this act is not*
20 *intended by the Legislature to be a punishment of the*
21 *driver or owner of the vehicle. Fines have been*
22 *established by the Legislature to punish persons who*

violate the financial responsibility laws. The towing is, instead, intended to protect the public against grievous bodily injury or death that may be caused by a vehicle when it is operated upon the public roadways in violation of California's existing law that requires that financial responsibility be demonstrated by the owner or driver before the vehicle is operated upon the public roadways.

SEC. 2. Section 4000.37 is added to the Vehicle Code, to read:

~~4000.37. (a) Upon application for renewal of registration of a vehicle, and within 10 days of an application for original registration or transfer of registration, the department shall require that the~~

4000.37. (a) Upon application for original registration, renewal of registration, or transfer of registration of a vehicle, the department shall require that the applicant submit either the form specified in paragraph (1) or any one of the items specified in paragraph (2) as evidence that the applicant is in compliance with the financial responsibility laws of this state:

(1) A form developed by the department that includes all of the following:

(A) The name and address of the applicant.

(B) The year, make, model, and vehicle identification number of the vehicle.

(C) The name*, insurer's identification number,* and address of the insurance company or surety company providing a policy or bond for the vehicle.

(D) The effective date and expiration date of the policy or bond.

(E) A statement from the insurance company or surety company that the policy or bond meets the requirements of Section 16056 or 16500.5.

(2) Any of the following:

(A) A copy of a certificate of self-insurance issued pursuant to Section 16053.

(B) A copy of a certificate or deposit number of a cash deposit that meets the requirements of Section 16054.2.

(C) An insurance covering note issued pursuant to Section 382 of the Insurance Code.

(D) A statement that the vehicle is owned or leased by, or under the direction of, the United States or any public entity that is included in Section 811.2 of the Government Code.

(E) A notice issued pursuant to Section 16058.

(b) This section does not apply to a vehicle for which a certification has been filed pursuant to Section 4604, until the vehicle is registered for operation on the highway.

(c) This section shall become operative on January 1, 1997.

~~SEC. 2.~~

SEC. 3. Section 16020 of the Vehicle Code is amended to read:

16020. (a) Every driver and every owner of a motor vehicle shall at all times be able to establish financial responsibility pursuant to Section 16021, and shall at all times carry in the vehicle evidence of the form of financial responsibility in effect for the vehicle.

(b) ‘‘Evidence of financial responsibility’’ means any of the following:

(1) The name of the insurance or surety company that issued a policy or bond for the vehicle that meets the requirements of Section 16056 and is currently in effect, and the number of the insurance policy or surety bond.

(2) If the owner is a self-insurer, as provided in Section 16052 or a depositor, as provided in Section 16054.2, the certificate or deposit number issued by the department.

(3) An insurance covering note, as specified in Section 382 of the Insurance Code.

(4) A showing that the vehicle is owned or leased by, or under the direction of, the United States or any public entity, as defined in Section 811.2 of the Government Code.

(c) For purposes of this section, ‘‘evidence of financial responsibility’’ also includes either of the following:

(1) The number of an insurance policy or surety bond that was in effect at the time of the accident, if that

information is contained in the vehicle registration records of the department.

(2) The identifying symbol issued to a highway carrier by the Public Utilities Commission pursuant to Section 3543 of the Public Utilities Code and displayed on the motor vehicle.

(d) For purposes of this section, ‘‘evidence of financial responsibility’’ shall be in writing, and established by writing the name of the insurance company or surety company and the policy number on the vehicle registration card issued by the department.

~~SEC. 3.~~

SEC. 4. Section 16028 is added to the Vehicle Code, to read:

16028. (a) Upon demand of a peace officer pursuant to subdivision (b) or (c), every person who drives upon a highway a motor vehicle required to be registered in this state shall provide evidence of financial responsibility for the vehicle. However, a peace officer shall not stop a vehicle for the sole purpose of determining whether the vehicle is being driven in violation of this subdivision.

(b) Whenever a notice to appear is issued for any alleged violation of this code, except a violation specified in Chapter 9 (commencing with Section 22500) of Division 11 or any local ordinance adopted pursuant thereto, the cited driver shall furnish written evidence of financial responsibility upon request of the peace officer issuing the citation. The peace officer shall request and write the driver’s evidence of financial responsibility on the notice to appear, except where the peace officer is unable to write the driver’s evidence of financial responsibility on the notice to appear due to an emergency that requires his or her presence elsewhere. If the cited driver fails to provide evidence of financial responsibility at the time the notice to appear is issued, the peace officer may issue the driver a notice to appear for violation of subdivision (a). The notice to appear for violation of subdivision (a) shall be written on the same citation form as the original violation.

(c) Whenever a peace officer is summoned to the scene of an accident described in Section 16000, the driver of any motor vehicle that is in any manner involved in the accident shall furnish written evidence of financial responsibility upon the request of the peace officer. If the driver fails to provide evidence of financial responsibility when requested, the peace officer may issue the driver a notice to appear for violation of subdivision (a).

(d) (1) If a driver arrested for a violation of subdivision (a) is, at the time of arrest, driving a motor vehicle owned, operated, or leased by the driver's employer, and the vehicle is being driven with the permission of the employer, this section shall apply to the employer rather than the driver. In that case, a notice to appear shall be issued to the employer rather than the driver, and the driver may sign the notice on behalf of the employer.

(2) The driver shall notify the employer of the receipt of the notice issued pursuant to paragraph (1) not later than five days after receipt.

(e) A person cited in a notice to appear for a violation of subdivision (a) may personally appear before the clerk of the court, as designated in the notice to appear, and provide written evidence of financial responsibility in a form consistent with Section 16020, showing that the driver was in compliance with that section at the time the notice to appear for violating subdivision (a) was issued. In lieu of a personal appearance, the person may submit written evidence of financial responsibility by mail to the court. Upon receipt by the clerk of written evidence of financial responsibility in a form consistent with Section 16020, further proceedings on the notice to appear for the violation of subdivision (a) shall be dismissed.

~~SEC. 4.~~

SEC. 5. Section 16029 is added to the Vehicle Code, to read:

16029. ~~A~~ *Notwithstanding any other provision of law, a* violation of subdivision (a) of Section 16028 is ~~a~~

~~misdemeanor~~ *an infraction* and shall be punished as follows:

(a) Upon a first conviction, by a fine of not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000).

(b) Upon a second conviction, occurring within three years of a prior conviction, by a fine of not less than one thousand dollars ($1,000) and not more than two thousand dollars ($2,000).

(c) It is the intent of the Legislature that fines collected pursuant to this section be used to reduce the number of uninsured drivers and not be used to generate revenue for general purposes.

~~SEC. 5.~~

SEC. 6. Section 16030 is added to the Vehicle Code, to read:

16030. (a) Except as provided in subdivision (c), any person who knowingly provides false evidence of financial responsibility (1) when requested by a peace officer pursuant to Section 16028 or (2) to the clerk of the court as permitted by subdivision (e) of Section 16028, including an expired or canceled insurance policy, bond, or certificate or deposit number, is guilty of a misdemeanor punishable by a fine not exceeding seven hundred fifty dollars ($750) or imprisonment in the county jail not exceeding 30 days, or by both that fine and imprisonment. The court shall additionally suspend the driver's license of any person convicted of a violation of this subdivision for a period of one year commencing upon the date of the conviction, in accordance with Sections 13206 and 13207. Driver's licenses surrendered to the court pursuant to this section shall be transmitted by the court, together with the required report of the conviction, to the department within 10 days of the conviction. Upon conclusion of the period of suspension, the department shall not return the driver's license until the licensee provides evidence of financial responsibility, as defined in Section 16020.

(b) However, in lieu of suspending a person's driving privileges pursuant to subdivision (a), the court shall

restrict the person's driving privileges to driving that is required in the person's course of employment, if driving of a motor vehicle is necessary in order to perform the duties of the person's primary employment. The restriction shall remain in effect for the period of suspension otherwise required by subdivision (a). The court shall provide for endorsement of the restriction on the person's driver's license, and violation of the restriction constitutes a violation of Section 14603 and grounds for suspension or revocation of the license under Section 13360.

(c) This section does not apply to a driver who is driving a motor vehicle owned, operated, or leased by the employer of the driver and driven with the permission of the employer.

~~SEC. 6.~~

SEC. 7. Section 16033 is added to the Vehicle Code, to read:

16033. No public entity or employee*, or any person or organization authorized under Section 4610 to endorse receipts or validate registration cards or potential registration cards,* is liable for any loss, detriment, or injury resulting directly or indirectly from failure to request evidence of financial responsibility or inaccurately recording that evidence under Section 16028 or as a result of the driver producing false or inaccurate financial responsibility information.

~~SEC. 7.~~

SEC. 8. Section 16070 of the Vehicle Code is amended to read:

16070. (a) Whenever a driver involved in an accident described in Section 16000 fails to provide evidence of financial responsibility as required by Section 16020 at the time of the accident, the department shall pursuant to subdivision (b) suspend the privilege of the driver or owner to drive a motor vehicle, including the driving privilege of a nonresident in this state.

(b) Whenever the department receives an accident report pursuant to this article which alleges that any of the drivers involved in the accident was not in

compliance with Section 16020 at the time of the accident, the department shall immediately mail to that driver a notice of intent to suspend the driving privilege of that driver. The department shall suspend the driving privilege 30 days after mailing the notice, unless the driver has, prior to that date, established financial responsibility at the time of the accident, as specified in Section 16021, with the department. The suspension notice shall notify the driver of the action taken and the right to a hearing under Section 16075.

~~SEC. 8.~~

SEC. 9. Section 16071 of the Vehicle Code is amended to read:

16071. The department shall suspend the driving privilege of any person upon receiving notice from another state that the person's driving privilege in that state has been suspended for failure to meet the financial responsibility provisions of the law in that state, if the suspension in that state was taken on grounds that would have resulted in a suspension in this state.

~~SEC. 9.~~

SEC. 10. Section 16457 of the Vehicle Code is amended to read:

16457. Whenever proof of financial responsibility is required to be filed pursuant to this chapter, no person of whom that proof is required shall drive any motor vehicle not covered by the certificate of proof of financial responsibility filed by him or her with the department, nor shall any applicant for that proof knowingly fail to disclose ownership of a motor vehicle in the application for proof of financial responsibility or to disclose any subsequently acquired motor vehicle.

~~SEC. 10.~~

SEC. 11. Section 22651 of the Vehicle Code is amended to read:

22651. Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code; or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city or a

county in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under any of the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway.

(c) When any vehicle is found upon a highway or any public lands and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move the vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move the vehicle from in front of the fire hydrant to another point on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is stopped, parked, or left standing for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade and the driver, if present, cannot move the vehicle under its own power.

(g) When the person or persons in charge of a vehicle upon a highway or any public lands are, by reason of physical injuries or illness, incapacitated to an extent so as to be unable to provide for its custody or removal.

(h) (1) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is, by this code or other law, required or permitted to take, and does take, the person into custody.

(2) When an officer serves a notice of an order of suspension or revocation of a driver's license pursuant to Section 23137.

(i) (1) When any vehicle, other than a rented vehicle, is found upon a highway or any public lands, or is removed pursuant to this code, and it is known to have been issued five or more notices of parking violation, to which the owner or person in control of the vehicle has not responded within 21 days of citation issuance or 10 days of a notice of delinquent parking violation to the agency responsible for processing notices of parking violation or the registered owner of the vehicle is known to have been issued five or more notices for failure to pay or failure to appear in court for traffic violations for which no certificate has been issued by the magistrate or clerk of the court hearing the case showing that the case has been adjudicated or concerning which the registered owner's record has not been cleared pursuant to Chapter 6 (commencing with Section 41500) of Division 17, the vehicle may be impounded until that person furnishes to the impounding law enforcement agency all of the following:

(A) Evidence of his or her identity.

(B) An address within this state at which he or she can be located.

(C) Satisfactory evidence that all parking penalties due for the vehicle and any other vehicle registered to the registered owner of the impounded vehicle, and all traffic violations of the registered owner, have been cleared.

(2) The requirements in subparagraph (C) of paragraph (1) shall be fully enforced by the impounding law enforcement agency on and after the time that the Department of Motor Vehicles is able to provide access to the necessary records.

(3) A notice of parking violation issued for an unlawfully parked vehicle shall be accompanied by a warning that repeated violations may result in the impounding of the vehicle. In lieu of furnishing satisfactory evidence that the full amount of parking penalties or bail has been deposited, that person may

demand to be taken without unnecessary delay before a magistrate, for traffic offenses, or a hearing examiner, for parking offenses, within the county in which the offenses charged are alleged to have been committed and who has jurisdiction of the offenses and is nearest or most accessible with reference to the place where the vehicle is impounded. Evidence of current registration shall be produced after a vehicle has been impounded, or, at the discretion of the impounding law enforcement agency, a notice to appear for violation of subdivision (a) of Section 4000 shall be issued to that person.

(4) A vehicle shall be released to the legal owner, as defined in Section 370, if the legal owner does all of the following:

(A) Pays the cost of towing and storing the vehicle.

(B) Submits evidence of payment of fees as provided in Section 9561.

(C) Completes an affidavit in a form acceptable to the impounding law enforcement agency stating that the vehicle was not in possession of the legal owner at the time of occurrence of the offenses relating to standing or parking. A vehicle released to a legal owner under this subdivision is a repossessed vehicle for purposes of disposition or sale. The impounding agency shall have a lien on any surplus that remains upon sale of the vehicle to which the registered owner is or may be entitled, as security for the full amount of the parking penalties for all notices of parking violations issued for the vehicle and for any local administrative charges imposed pursuant to Section 22850.5. The legal owner shall promptly remit to, and deposit with, the agency responsible for processing notices of parking violations from that surplus, on receipt thereof, full amount of the parking penalties for all notices of parking violations issued for the vehicle and for any local administrative charges imposed pursuant to Section 22850.5.

(5) The impounding agency that has a lien on the surplus that remains upon the sale of a vehicle to which a registered owner is entitled pursuant to paragraph (4) has a deficiency claim against the registered owner for

the full amount of the parking penalties for all notices of parking violations issued for the vehicle and for any local administrative charges imposed pursuant to Section 22850.5, less the amount received from the sale of the vehicle.

(j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed, the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding law enforcement agency evidence of his or her identity and an address within this state at which he or she can be located.

(k) When any vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal.

(*l*) When any vehicle is illegally parked on a highway in violation of any local ordinance forbidding standing or parking and the use of a highway, or a portion thereof, is necessary for the cleaning, repair, or construction of the highway, or for the installation of underground utilities, and signs giving notice that the vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to the ordinance.

(m) Wherever the use of the highway, or any portion thereof, is authorized by local authorities for a purpose other than the normal flow of traffic or for the movement of equipment, articles, or structures of unusual size, and the parking of any vehicle would prohibit or interfere with that use or movement, and signs giving notice that the vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to the ordinance.

(n) Whenever any vehicle is parked or left standing where local authorities, by resolution or ordinance, have prohibited parking and have authorized the removal of vehicles. No vehicle may be removed unless signs are posted giving notice of the removal.

(o) (1) When any vehicle is found upon a highway, any public lands, or an offstreet parking facility with a registration expiration date in excess of one year before

the date it is found on the highway, public lands, or the offstreet parking facility. However, if the vehicle is occupied, only a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove the vehicle. For purposes of this subdivision, the vehicle shall be released to the owner or person in control of the vehicle only after the owner or person furnishes the storing law enforcement agency with proof of current registration and a currently valid driver's license to operate the vehicle.

(2) As used in this subdivision, ''offstreet parking facility'' means any offstreet facility held open for use by the public for parking vehicles and includes any publicly owned facilities for offstreet parking, and privately owned facilities for offstreet parking where no fee is charged for the privilege to park and which are held open for the common public use of retail customers.

(p) When the peace officer issues the driver of a vehicle a notice to appear for a violation of Section 12500, 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle has not been impounded pursuant to Section 22655.5. Any vehicle so removed from the highway or any public lands, or from private property after having been on a highway or public lands, shall not be released to the registered owner or his or her agent, except upon presentation of the registered owner's or his or her agent's currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of a court.

(q) Whenever any vehicle is parked for more than 24 hours on a portion of highway which is located within the boundaries of a common interest development, as defined in subdivision (c) of Section 1351 of the Civil Code, and signs, as required by Section 22658.2, have been posted on that portion of highway providing notice to drivers that vehicles parked thereon for more than 24 hours will be removed at the owner's expense, pursuant to a resolution or ordinance adopted by the local authority.

(r) When any vehicle is illegally parked and blocks the movement of a legally parked vehicle.

(s) (1) When any vehicle, except highway maintenance or construction equipment, an authorized emergency vehicle, or a vehicle which is properly permitted or otherwise authorized by the Department of Transportation, is stopped, parked, or left standing for more than eight hours within a roadside rest area or viewpoint.

(2) For purposes of this subdivision, a roadside rest area or viewpoint is a publicly maintained vehicle parking area, adjacent to a highway, utilized for the convenient, safe stopping of a vehicle to enable motorists to rest or to view the scenery. If two or more roadside rest areas are located on opposite sides of the highway, or upon the center divider, within seven miles of each other, then that combination of rest areas is considered to be the same rest area.

(t) When the peace officer issues the driver of a vehicle a notice to appear for a violation of Section 16028. Any vehicle removed from the highway or any public lands pursuant to this subdivision shall not be released to the registered owner or his or her agent except upon presentation of evidence of financial responsibility, as defined in Section 16020, for the vehicle.

~~SEC. 11.~~

SEC. 12. Section 40611 of the Vehicle Code is amended to read:

40611. Upon proof of correction of an alleged violation of Section 12500 or 12951, or any violation cited pursuant to Section 40610, *or upon submission of evidence of financial responsibility pursuant to subdivision (e) of Section 16028,* the clerk shall collect a ten dollar ($10) transaction fee for each case. The fee shall be deposited by the clerk in accordance with Section 68084 of the Government Code, and allocated monthly as follows:

(a) Thirty-three percent shall be transferred to the local governmental entity in whose jurisdiction the citation was issued for deposit in the general fund of the entity.

(b) Thirty-four percent shall be transferred to the State Treasury for deposit in the State Penalty Fund established by Section 1464 of the Penal Code.

(c) Thirty-three percent shall be deposited in the county general fund.

(d) No fee shall be imposed pursuant to this section if the violation notice is processed only by the issuing agency and no record of the action is transmitted to the court.

SEC. 13. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 14. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

O