

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1323

**Introduced by Assembly Member Gatto
(Coauthor: Assembly Member Olsen)**

February 18, 2011

An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1323, as amended, Gatto. Vehicles: theft and driving-under-the influence (DUI) crimes: investigative costs.

Existing law authorizes, until January 1, 2018, a county board of supervisors to adopt by resolution, in addition to the other fees imposed for the registration of a vehicle, with certain exceptions, an additional fee of \$1, and an additional service fee of \$2, on all commercial motor vehicles, and continuously appropriates the money to fund local programs relating to vehicle theft crimes and, additionally, in counties with a population of 250,000, the prosecution of crimes involving driving while under the influence of alcohol or drugs, or both, or vehicular manslaughter or gross vehicular manslaughter, or any combination of those crimes.

This bill would require the court to impose on a person convicted of a felony or misdemeanor of any *vehicle theft* crime investigated pursuant to these provisions an additional penalty in an amount equal to all reasonable costs incurred by the investigating agency or agencies.

Vote: majority. Appropriation: no. Fiscal committee: no.
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) In addition to the one dollar (\$1) service fee, and upon the
14 implementation of the permanent trailer identification plate
15 program, and as part of the Commercial Vehicle Registration Act
16 of 2001, all commercial motor vehicles subject to Section 9400.1
17 registered to an owner with an address in the county that
18 established a service authority under this section, shall pay an
19 additional service fee of two dollars (\$2).

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

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

1 (d) Money 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 year-end report to the Controller on or before August 31
17 of 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 total revenues received by the county under subdivision
21 (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 under this
30 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 annually, the Controller shall
5 provide to the Department of the California Highway Patrol copies
6 of the yearend reports submitted by the counties under subdivision
7 (g), and, in consultation with the Department of the California
8 Highway Patrol, shall review the fiscal yearend reports submitted
9 by each county pursuant to subdivision (g) to determine if fee
10 revenues are being utilized in a manner consistent with this section.
11 If the Controller determines that the use of the fee revenues is not
12 consistent with this section, the Controller shall consult with the
13 participating counties' designated regional coordinators. If the
14 Controller determines that the fee revenues are still not consistent
15 with this section, the authority to collect the fee by that county
16 shall be suspended for one year.

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

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

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

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

29 (2) The total expenditures by each county.

30 (3) The unexpended revenues for each county.

31 (k) The Department of the California Highway Patrol, in
32 consultation with all participating county designated regional
33 coordinators, shall review the effectiveness of reducing vehicle
34 theft crimes that were funded by the fees imposed by this section.
35 The Department of the California Highway Patrol shall provide a
36 report based on that review and, on or before January 1, 2009,
37 shall submit that report to the Legislature.

38 (l) For the purposes of this section, a county designated regional
39 coordinator is that agency designated by the participating county's

1 board of supervisors as the agency in control of its countywide
2 vehicle theft apprehension program.

3 (m) An additional penalty in an amount equal to all reasonable
4 costs incurred by an investigating agency or agencies shall be
5 imposed by the court on any person convicted of a felony or
6 misdemeanor for any *vehicle theft* crime investigated pursuant to
7 subdivision (c) as authorized by this section.

8 (n) This section shall remain in effect only until January 1, 2018,
9 and as of that date is repealed, unless a later enacted statute that
10 is enacted on or before January 1, 2018, deletes or extends that
11 date.

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