

AMENDED IN SENATE JUNE 28, 2012

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN ASSEMBLY APRIL 19, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1601

Introduced by Assembly Member Huffman

February 6, 2012

An act to amend, repeal, and add Section 8670.41 of the Government Code, relating to oil spill prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 1601, as amended, Huffman. Oil spill prevention: nontank vessel: certification of financial responsibility.

Existing law requires the administrator for oil spill response to charge a nontank vessel owner or operator a reasonable fee, to be collected with each application to obtain a certificate of financial responsibility, in an amount based on the administrator's costs related to regulating nontank vessels. Existing law authorizes the use of revenue derived from the fee for specified purposes relating to oil ~~spills~~ *spill prevention*.

This bill would, until January 1, 2018, limit the fee to an amount not to exceed \$3,500 per nontank vessel, but would allow the administrator to annually adjust the maximum fee based on the percentage increase in the California Consumer Price Index. The bill would authorize the administrator, on and after January 1, 2018, to charge the fee in amount based on the administrator's costs related to regulating nontank vessels. The bill would ~~require~~ *allow* the revenue derived from the fees to be spent for those specified purposes relating to oil ~~spills~~ *spill prevention*.

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 8670.41 of the Government Code is
2 amended to read:

3 8670.41. (a) The administrator shall charge a nontank vessel
4 owner or operator a reasonable fee, to be collected with each
5 application to obtain a certificate of financial responsibility, in an
6 amount not to exceed three thousand five hundred dollars (\$3,500)
7 per nontank vessel for the administrator's costs in implementing
8 this chapter relating to nontank vessels. The administrator may
9 annually adjust the maximum fee based on the percentage increase
10 in the California Consumer Price Index as determined pursuant to
11 Section 2212 of the Revenue and Taxation Code.

12 (b) Notwithstanding subdivision (a), the administrator may
13 charge a reduced fee under this section for nontank vessels
14 determined by the administrator to pose a reduced risk of pollution,
15 including, but not limited to, vessels used for research or training
16 and vessels that are moored permanently or rarely move.

17 (c) The administrator shall deposit all revenue derived from the
18 fees imposed under this section in the Oil Spill Prevention and
19 Administration Fund established in the State Treasury under
20 Section 8670.38.

21 (d) Revenue derived from the fees imposed under this section
22 ~~shall may~~ be spent for the purposes listed in subdivision (e) of
23 Section 8670.40, and ~~shall may~~ not be used for responding to an
24 oil spill.

25 (e) This section shall remain in effect only until January 1, 2018,
26 and as of that date is repealed, unless a later enacted statute, that
27 is enacted before January 1, 2018, deletes or extends that date.

28 SEC. 2. Section 8670.41 is added to the Government Code, to
29 read:

30 8670.41. (a) The administrator may charge a nontank vessel
31 owner or operator a reasonable fee, to be collected with each
32 application to obtain a certificate of financial responsibility, in an
33 amount based on the administrator's costs in implementing this
34 chapter relating to nontank vessels.

1 (b) Notwithstanding subdivision (a), the administrator may
2 charge a reduced fee under this section for nontank vessels
3 determined by the administrator to pose a reduced risk of pollution,
4 including, but not limited to, vessels used for research or training
5 and vessels that are moored permanently or rarely move.

6 (c) The administrator shall deposit all revenue derived from the
7 fees imposed under this section in the Oil Spill Prevention and
8 Administration Fund established in the State Treasury under
9 Section 8670.38.

10 (d) Revenue derived from the fees imposed under this section
11 ~~shall~~ may be spent for the purposes listed in subdivision (e) of
12 Section 8670.40, and ~~shall~~ may not be used for responding to an
13 oil spill.

14 (e) This section shall become operative on January 1, 2018.

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