

AMENDED IN ASSEMBLY JULY 19, 2001

SENATE BILL

No. 734

Introduced by ~~Committee on Budget and Fiscal Review~~ Senator
Karnette

February 23, 2001

An act to ~~relating to transportation, and declaring the urgency thereof, to take effect immediately.~~ amend Section 9250.15 of, and to add Sections 4004.7, 8058, 9259.3, and 9259.5 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 734, as amended, ~~Committee on Budget and Fiscal Review~~ Karnette. ~~Department of Transportation~~ Vehicles: registration: International Registration Plan.

(1) Existing law authorizes the Reciprocity Commission, on behalf of the state, to enter into, and become, a member of the International Registration Plan Agreement developed by the American Association of Motor Vehicle Administrators. The commission is authorized to adopt rules and regulations necessary to carry out the provisions of the International Registration Plan or other apportioned registration agreements entered into under the authority of existing law. In administering the International Registration Plan, the state is authorized to collect all appropriate registration and license fees due other jurisdictions, and foreign jurisdictions that are members of the agreement are authorized to collect all appropriate registration and license fees due to California and remit those fees to the state pursuant to the terms of the agreement. The Department of Motor Vehicles is authorized to collect an administrative service fee of \$1 for each application for apportioned registration.

This bill would authorize the department to issue a permit to authorize the unladen operation of that vehicle or vehicle combination for a period of not more than 15 continuous days, if the apportioned registration for a commercial vehicle or vehicle combination that was last registered by a California resident has expired or been terminated, and the department has received a completed application, a fee of \$30, and proof of financial responsibility for the vehicle. This provision would not apply to any vehicle or vehicle combination for which any vehicle registration fees, other than those for the current year, vehicle license fees, or penalties, or any combination of those are due. Operation of a laden vehicle or vehicle combination under an unladen operation permit issued pursuant to this provision would be an infraction. The bill thereby would impose a state-mandated local program by creating a new crime.

The bill would require the department to charge interest on any underpaid fees due under the apportioned registration provisions, at the rate of 1% per month of the underpaid portion of the fees, commencing on the date the underpaid portion of the fees were originally due. Interest charged would continue to accumulate during any dispute or hearing regarding the fees, except that the registrant would be authorized to pay underpaid fees and other charges during the dispute process or hearing, in order to avoid additional interest charges, and request a refund of any overpaid fees after final review.

The bill would require the department to impose a penalty of \$50 or 10% of the or underpaid fees, whichever is greater, commencing on the date the underpaid fees were determined to be due.

The bill would require the administrative service fee specified above to be at least the amount determined by the department to be sufficient to pay membership dues to the association acting as the repository for the International Registration Plan, but not more than \$2 for each application.

The bill would require the department to require a deposit in an amount determined by the department to be sufficient to ensure compliance with the apportioned registration provisions, for each application to include an additional operating area or vehicle in a registration issued under those provisions.

The bill would require the department to impose a fee in an amount determined by the department to be sufficient to cover its administrative costs under this provision, for each application for immediate telephone



service for a registration issued under the apportioned registration provisions.

(2) *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.

~~Existing law creates the Department of Transportation and imposes on the department various duties and responsibilities.~~

~~This bill would declare the intent of the Legislature to make the necessary statutory changes to implement the Budget Act of 2001, relative to the funding of the Department of Transportation.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~2/3~~ majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

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

- 1 ~~SECTION 1. It is the intent of the Legislature in enacting this~~
- 2 *SECTION 1. Section 4004.7 is added to the Vehicle Code, to*
- 3 *read:*
- 4 *4004.7. (a) If the apportioned registration issued under*
- 5 *Article 4 (commencing with Section 8050) of Chapter 4 for a*
- 6 *commercial vehicle or vehicle combination that was last registered*
- 7 *by a California resident has expired or has been terminated, the*
- 8 *department, upon receipt of a completed application, a fee of thirty*
- 9 *dollars (\$30), and proof of financial responsibility for the vehicle,*
- 10 *may issue an unladen operation permit to authorize the unladen*
- 11 *operation of that vehicle or vehicle combination for a period of not*
- 12 *more than 15 continuous days.*
- 13 *(b) This section does not apply to any vehicle or vehicle*
- 14 *combination for which any vehicle registration fees, other than*
- 15 *those for the current year, vehicle license fees, or penalties, or any*
- 16 *combination of those are due.*
- 17 *(c) Operation of a laden vehicle or vehicle combination under*
- 18 *an unladen operation permit issued pursuant to this section is an*
- 19 *infraction.*
- 20 *SEC. 2. Section 8058 is added to the Vehicle Code, to read:*



1 8058. (a) *The department shall charge interest on any*
2 *underpaid fees due under this article, at the rate of 1 percent per*
3 *month of the underpaid portion of the fees, commencing on the*
4 *date the underpaid portion of the fees were originally due and*
5 *accruing monthly until paid.*

6 (b) *Interest charged under subdivision (a) shall continue to*
7 *accumulate during any disputation of the underpaid fees or any*
8 *hearing regarding the underpaid fees. During any disputation or*
9 *hearing, the registrant may pay the underpaid fees and other*
10 *charges to avoid additional interest charges and may request a*
11 *refund of any overpaid fees after final review.*

12 (c) *For any underpaid fees, the department shall impose a*
13 *penalty of fifty dollars (\$50) or 10 percent of the underpaid fees,*
14 *whichever is greater, commencing on the date the underpaid fees*
15 *were determined to be due.*

16 (d) *For the purposes of this section, “underpaid fees” include*
17 *additional vehicle registration, weight, and license fees found to*
18 *be due to this state and any other member of the International*
19 *Registration Plan as the result of an audit or finding of an*
20 *International Registration Plan carrier.*

21 SEC. 3. *Section 9250.15 of the Vehicle Code is amended to*
22 *read:*

23 9250.15. (a) *In addition to any other fees specified in this*
24 *code, the department shall, ~~for each original, renewal, and~~*
25 *~~supplemental application for apportioned registration pursuant to~~*
26 *~~Article 4 (commencing with Section 8050) of Chapter 4, collect~~*
27 *an administrative service fee ~~of one dollar (\$1) in the amount~~*
28 *authorized under subdivision (b), for each application for*
29 *registration, renewal of registration, or supplement apportioned*
30 *registration pursuant to Article 4 (commencing with Section 8050)*
31 *of Chapter 4.*

32 (b) *The administrative service fee required to be collected*
33 *under subdivision (a) shall be at least the amount determined by*
34 *the department to be sufficient to pay membership dues to the*
35 *association acting as the repository for the International*
36 *Registration Plan under Article 3 (commencing with Section*
37 *8000) of Chapter 4, but may not be more than two dollars (\$2) for*
38 *each application.*

39 (c) *The money collected by the department ~~pursuant to~~ under*
40 *this section, less the department’s administrative costs in*



1 collecting and transmitting the money, shall be available, upon
 2 appropriation, to the department for payment to the association
 3 acting as the repository for the International Registration Plan
 4 pursuant to Article 3 (commencing with Section 8000) of Chapter
 5 4 described in subdivision (b).

6 (d) Funds provided to the association under this section shall be
 7 used exclusively for the administration and support of reciprocity
 8 activities under the International Registration Plan.

9 SEC. 4. Section 9259.3 is added to the Vehicle Code, to read:

10 9259.3. For each application to include an additional
 11 operating area or a registration issued under Article 4
 12 (commencing with Section 8050) of Chapter 4 of Division 3, the
 13 department shall require a deposit in an amount determined by the
 14 department to be sufficient to ensure compliance with that article.

15 SEC. 5. Section 9259.5 is added to the Vehicle Code, to read:

16 9259.5. For each application for immediate telephone service
 17 for a registration issued under Article 4 (commencing with Section
 18 8050) of Chapter 4 of Division 3, the department shall impose a
 19 fee in an amount determined by the department to be sufficient to
 20 cover its administrative costs under this section.

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

30 ~~act to make the necessary statutory changes to implement the~~
 31 ~~Budget Act of 2001 relative to the funding of the Department of~~
 32 ~~Transportation.~~

33 ~~SEC. 2. This act is an urgency statute necessary for the~~
 34 ~~immediate preservation of the public peace, health, or safety~~
 35 ~~within the meaning of Article IV of the Constitution and shall go~~
 36 ~~into immediate effect. The facts constituting the necessity are:~~

37 ~~In order to implement the Budget Act of 2001, it is necessary for~~
 38 ~~this act to take effect immediately.~~

