

AMENDED IN ASSEMBLY JUNE 2, 2004  
AMENDED IN SENATE JULY 16, 2003  
AMENDED IN SENATE JULY 2, 2003  
AMENDED IN SENATE JUNE 3, 2003  
AMENDED IN SENATE APRIL 30, 2003

**SENATE BILL**

**No. 703**

**Introduced by Senators Florez and Denham**  
(Coauthor: Assembly Member Cogdill)

February 21, 2003

---

---

~~An act relating to public utilities.~~ *An act to add Sections 13202.2 and 23593 to the Vehicle Code, relating to theft of diesel fuel.*

LEGISLATIVE COUNSEL'S DIGEST

SB 703, as amended, Florez. ~~Electricity rates: agricultural irrigation pumps~~ *Theft: diesel fuel on agricultural property.*

*Existing law generally makes theft a crime. Existing law authorizes the suspension of a person's privilege to operate a motor vehicle when the person commits various crimes. In addition, existing law authorizes the impoundment of a motor vehicle whenever a person is convicted of specified crimes.*

*This bill would authorize the court, if a person is convicted of an act of theft in which the item stolen is diesel fuel on agricultural property, to suspend, for not more than 6 months, the person's privilege to operate a motor vehicle and for each successive offense, suspend the person's privilege to operate a motor vehicle for one additional year. The bill would also authorize the court, whenever a person is convicted of an act*

of theft of diesel fuel from agricultural property, if the person who was convicted owns the vehicle used in furtherance of that theft, to order the motor vehicle impounded for a period of not more than 6 months. By authorizing the impoundment of vehicle, this bill would increase the duties of local officials, thereby imposing 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) The California Constitution authorizes the Public Utilities Commission to set rates for all public utilities subject to its jurisdiction.~~

~~This bill would declare the intent of the Legislature to establish cost-effective agricultural and water pumping electricity rate schedules that are competitive with diesel rates to prevent additional conversions of agricultural irrigation pumps.~~

Vote: 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. The Legislature hereby finds and declares all the~~
- 2 *SECTION 1. Section 13202.2 is added to the Vehicle Code, to*
- 3 *read:*
- 4 *13202.2. (a) In addition to existing penalties, if a person is*
- 5 *convicted of an act of theft in which the item stolen is diesel fuel*
- 6 *on agricultural property, the court may do the following:*
- 7 *(1) Suspend, for not more than six months, the person's*
- 8 *privilege to operate a motor vehicle.*
- 9 *(2) For each successive offense, suspend the person's privilege*
- 10 *to operate a motor vehicle for one additional year.*
- 11 *(b) (1) In lieu of suspending a person's driving privilege*
- 12 *pursuant to subdivision (a), the court may order the privilege to*



1 *operate a motor vehicle restricted to necessary travel to and from*  
2 *that person's place of employment or school for six months. If*  
3 *driving a motor vehicle is necessary to perform the duties of the*  
4 *person's employment, the court may restrict the driving privilege*  
5 *to allow driving in that person's scope of employment.*

6 (2) *In lieu of suspending a person's driving privilege pursuant*  
7 *to subdivision (a), the court may order the privilege to operate a*  
8 *motor vehicle restricted to necessary travel in situations involving*  
9 *a medical emergency.*

10 SEC. 2. *Section 23593 is added to the Vehicle Code, to read:*  
11 *23593. Whenever a person is convicted of an act of theft of*  
12 *diesel fuel from agricultural property and uses a motor vehicle*  
13 *owned by him or her in furtherance of that theft, who was*  
14 *convicted, the court at the time the sentence is imposed may order*  
15 *the motor vehicle impounded for a period of not more than six*  
16 *months.*

17 SEC. 3. *Notwithstanding Section 17610 of the Government*  
18 *Code, if the Commission on State Mandates determines that this*  
19 *act contains costs mandated by the state, reimbursement to local*  
20 *agencies and school districts for those costs shall be made*  
21 *pursuant to Part 7 (commencing with Section 17500) of Division*  
22 *4 of Title 2 of the Government Code. If the statewide cost of the*  
23 *claim for reimbursement does not exceed one million dollars*  
24 *(\$1,000,000), reimbursement shall be made from the State*  
25 *Mandates Claims Fund.*

26 ~~following:~~

27 ~~(a) Over the past 15 years, a significant number of agricultural~~  
28 ~~irrigation pumps, wind machines, and other agricultural~~  
29 ~~equipment, have been converted from electrical motors to~~  
30 ~~diesel-driven engines, due to rising electricity rates.~~

31 ~~(b) Diesel-driven irrigation pumps and other diesel-driven~~  
32 ~~agricultural equipment represent a source of oxides of nitrogen~~  
33 ~~(NO<sub>x</sub>) and particulate matter that exacerbates the existing air~~  
34 ~~quality and public health problems facing many areas of the state.~~

35 ~~(c) The reduction or elimination of emissions from~~  
36 ~~diesel-driven irrigation pumps and other diesel-driven agricultural~~  
37 ~~equipment, through conversion to electricity and ultra-clean and~~  
38 ~~low-emission technologies, is in the public interest.~~

39 ~~(d) It is the policy of the State of California and the California~~  
40 ~~Public Utilities Commission to encourage alternatives to~~



1 ~~diesel-driven irrigation pumps and other diesel-driven agricultural~~  
2 ~~equipment, including electric motors, through the development of~~  
3 ~~long-term rate structures that are competitive with diesel engines.~~  
4 ~~(e) It is the intent of the Legislature, in enacting this statute, to~~  
5 ~~establish cost-effective agricultural and water pumping electricity~~  
6 ~~rate schedules that are competitive with diesel rates to prevent~~  
7 ~~additional conversions of agricultural irrigation pumps, and to~~  
8 ~~provide an incentive to convert diesel-driven irrigation pumps~~  
9 ~~back to electrical motors. It is the further intent of the Legislature~~  
10 ~~that any discounts are financed by the beneficiaries of the air~~  
11 ~~quality improvements, to avoid shifting costs to nonbeneficiaries.~~

