

**ASSEMBLY BILL**

**No. 77**

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**Introduced by Assembly Member Jeffries**

December 18, 2008

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An act to amend Section 40206.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 77, as introduced, Jeffries. Vehicles: notice of delinquent parking violation.

Existing law requires a parking processing agency to cancel the notice of parking violation, upon written request of a person, if the description of the vehicle on the notice of parking violation does not substantially match the corresponding information on the registration card for the vehicle and if the processing agency is satisfied that the vehicle has not been incorrectly described due to the intentional switching of license plates. A violation of the Vehicle Code is a crime.

This bill would instead require the processing agency to verify that all notices of delinquent parking violations substantially match the corresponding information on the registration of the vehicle and to cancel the parking violation if the information is not a match. It would also delete the requirement that a person provide a written request for cancellation of the parking violation to the parking processing agency.

To the extent that certain local agencies perform the processing agency function and to the extent that certain processing agencies are run by private entities, this bill would impose a state-mandated local program by increasing duties on local agencies and by creating a new crime.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Section 40206.5 of the Vehicle Code is amended  
2 to read:

3 40206.5. (a) Within 15 days of a request, by mail or in person,  
4 the processing agency shall mail or otherwise provide to any person  
5 who has received a notice of delinquent parking violation, or his  
6 or her agent, a photostatic copy of the original notice of parking  
7 violation or an electronically produced facsimile of the original  
8 notice of parking violation. The issuing agency may charge a fee  
9 sufficient to recover the actual cost of providing the copy, not to  
10 exceed two dollars (\$2). Until the issuing agency complies with a  
11 request for a copy of the original notice of parking violation, the  
12 processing agency may not proceed pursuant to subdivision (i) of  
13 Section 22651, Section 22651.7, or Section 40220.

14 (b) *The processing agency shall verify that every notice of*  
15 *delinquent parking violation that is processed by the agency*  
16 *substantially matches the corresponding information on the*  
17 *registration of the vehicle.* If the description of the vehicle on the  
18 notice of parking violation does not substantially match the  
19 corresponding information on the registration card for that vehicle  
20 and the processing agency is satisfied that the vehicle has not been  
21 incorrectly described due to the intentional switching of license  
22 plates, the processing agency shall, ~~on written request of the person~~  
23 cancel the notice of parking violation without the necessity of an  
24 appearance ~~or written request by that the person to whom the~~  
25 *vehicle is registered.*

1 (c) For purposes of this section, a copy of the notice of parking  
2 violation may be a photostatic copy or an electronically produced  
3 facsimile.

4 SEC. 2. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution for certain  
6 costs that may be incurred by a local agency or school district  
7 because, in that regard, this act creates a new crime or infraction,  
8 eliminates a crime or infraction, or changes the penalty for a crime  
9 or infraction, within the meaning of Section 17556 of the  
10 Government Code, or changes the definition of a crime within the  
11 meaning of Section 6 of Article XIII B of the California  
12 Constitution.

13 However, if the Commission on State Mandates determines that  
14 this act contains other costs mandated by the state, reimbursement  
15 to local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.