

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 227**

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**Introduced by Assembly Members Alejo and Perea Member Alejo  
(Coauthor: Assembly Member Linder)**

February 3, 2015

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~~An act to amend Sections 16773, 16965.1, and 63048.67 of, to add Section 16321 to, and to repeal Section 16965 of, the Government Code, to amend Sections 183.1 and 2103 of the Streets and Highways Code, and to amend Sections 9400.1 and 42205 of, and to repeal Section 9400.4 of, the Vehicle Code, relating to transportation, and making an appropriation therefor. An act to amend Section 25218.5 of the Health and Safety Code, relating to hazardous waste.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 227, as amended, Alejo. ~~Transportation funding. Household hazardous waste: transportation manifest.~~

*Existing law requires, on or before December 31, 2019, public agencies and their contractors that transport household hazardous waste to a hazardous waste facility to use certain consolidated manifesting procedures. Existing law establishes volumetric and weight limits on the amount of hazardous waste that a conditionally exempt small quantity generator may transport to a household hazardous waste collection facility. Existing law expresses the weight limit in 2 alternative measures.*

*This bill would extend the consolidated manifesting procedures requirement to December 31, 2020. Because the bill would extend this*

*requirement, thereby extending local agencies' obligation to comply with this requirement, and because a violation of this requirement would be a crime, this bill would impose a state-mandated local program. This bill would also eliminate one of the alternative weight measures.*

*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 specified reasons.*

~~(1) Existing law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified.~~

~~This bill, with respect to any loans made to the General Fund from specified transportation funds and accounts with a repayment date of January 1, 2019, or later, would require the loans to be repaid by December 31, 2018.~~

~~(2) Existing law imposes weight fees on the registration of commercial motor vehicles and provides for the deposit of net weight fee revenues into the State Highway Account. Existing law provides for the transfer of certain weight fee revenues from the State Highway Account to the Transportation Debt Service Fund to reimburse the General Fund for payment of debt service on general obligation bonds issued for transportation purposes. Existing law also provides for the transfer of certain weight fee revenues to the transportation Bond Direct Payment Account for direct payment of debt service on designated bonds, which are defined to be certain transportation general obligation bonds issued pursuant to Proposition 1B of 2006. Existing law also provides for loans of weight fee revenues to the General Fund to the extent the revenues are not needed for bond debt service purposes, with the loans to be repaid when the revenues are later needed for those purposes, as specified.~~

~~This bill would repeal these provisions, thereby retaining the weight fee revenues in the State Highway Account. The bill would make other conforming changes in that regard.~~

~~(3) Existing law provides for the deposit of fuel excise tax revenues imposed by the state on fuels used in motor vehicles upon public streets and highways in the Highway Users Tax Account, and appropriates those revenues to various purposes. Existing law, with respect to the portion of these revenues that is derived from increases in the motor~~

~~vehicle fuel excise tax in 2010, requires an allocation of revenues to reimburse the State Highway Account for the amount of weight fee revenues that the State Highway Account is not receiving due to use of weight fee revenues to pay debt service on transportation general obligation bonds and to make certain loans to the General Fund, with the remaining amount of this portion of revenues allocated 44% to the State Transportation Improvement Program, 12% to the State Highway Operation and Protection Program, and 44% to city and county streets and roads.~~

~~This bill would delete the provisions relating to the reimbursement of the State Highway Account for weight fee revenues and relating to the making of loans to the General Fund, thereby providing for the portion of fuel excise tax revenues that is derived from increases in the motor vehicle fuel excise tax in 2010 to be allocated 44% to the State Transportation Improvement Program, 12% to the State Highway Operation and Protection Program, and 44% to city and county streets and roads. The bill would thereby make an appropriation.~~

~~(4) Existing law requires certain revenues deposited in the State Highway Account that are not restricted as to expenditure by Article XIX of the California Constitution to be transferred to the Transportation Debt Service Fund in the State Transportation Fund, as specified, and continuously appropriates these funds for payment of current year debt service on certain mass transportation bonds.~~

~~This bill would delete the requirement to transfer these revenues to the Transportation Debt Service Fund, thereby providing for these revenues to be used for any transportation purpose authorized by statute, upon appropriation by the Legislature.~~

~~Vote: majority. Appropriation: *yes-no*. Fiscal committee: *yes*. State-mandated local program: *no-yes*.~~

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

- 1 *SECTION 1. Section 25218.5 of the Health and Safety Code*
- 2 *is amended to read:*
- 3 25218.5. (a) (1) Except as provided in paragraph (2),
- 4 hazardous waste transported to a household hazardous waste
- 5 collection facility shall be transported by any of the following:
- 6 (A) The individual or CESQG who generated the waste.
- 7 (B) A curbside household hazardous waste collection program.

1 (C) A mobile household hazardous waste collection facility, a  
2 temporary household hazardous waste collection facility, or a  
3 recycle-only household hazardous waste collection facility.

4 (D) A door-to-door household hazardous waste collection  
5 program.

6 (E) A household hazardous waste residential pickup service.

7 (F) A registered hazardous waste transporter carrying hazardous  
8 waste generated by a CESQG.

9 (G) A registered hazardous waste transporter carrying hazardous  
10 waste from a solid waste landfill loadcheck program or a transfer  
11 station loadcheck program under agreement with the household  
12 hazardous waste collection facility.

13 (H) A registered hazardous waste transporter, under agreement  
14 with the household hazardous waste collection facility, operating  
15 under a contract with a public agency to transport hazardous wastes  
16 that were disposed of in violation of this chapter, and that are being  
17 removed by, or are being removed under the oversight of, the  
18 public agency, if the hazardous wastes were not originally disposed  
19 of in violation of this chapter by that public agency.

20 (2) Spent batteries that are received and transported pursuant  
21 to Section 25216.1 may be transported to a household hazardous  
22 waste collection facility from a collection location or an  
23 intermediate collection location.

24 (3) Notwithstanding Section 25218.4, a registered hazardous  
25 waste transporter or mobile household hazardous waste collection  
26 facility transporting hazardous waste to a household hazardous  
27 waste collection facility shall comply with subdivisions (a) and  
28 (c) of Section 25163 and paragraph (1) of subdivision (d) of Section  
29 25160.

30 (b) An individual transporting household hazardous waste  
31 generated by that individual and a CESQG transporting hazardous  
32 waste generated by the CESQG to a household hazardous waste  
33 collection facility shall meet all of the following conditions:

34 (1) (A) Except as provided in subparagraphs (B) and (C) and  
35 Section 25218.5.1, the total amount of household hazardous waste  
36 transported by an individual or hazardous waste transported by a  
37 CESQG to a household hazardous waste collection facility shall  
38 not exceed a total liquid volume of five gallons or a total dry weight  
39 of 50 pounds. If the hazardous waste transported is both liquid and

1 nonliquid, the total amount transported shall not exceed a combined  
2 weight of 50 pounds.

3 (B) Subparagraph (A) does not apply to spent batteries that are  
4 collected by a collection location or intermediate collection location  
5 pursuant to Section 25216.1 and transported to a household  
6 hazardous waste collection facility.

7 (C) A CESQG may transport up to 27 gallons or ~~220 pounds,~~  
8 ~~but not more than 100 kilograms, pounds~~ per month to a household  
9 hazardous waste collection facility, if all of the following  
10 conditions are met:

11 (i) The hazardous waste being transported was generated by  
12 that CESQG.

13 (ii) The CESQG contacts the household hazardous waste  
14 collection facility prior to each delivery to confirm that the facility  
15 will accept the hazardous waste.

16 (iii) The household hazardous waste collection facility provides  
17 oral, written, or electronic instructions to the CESQG prior to each  
18 delivery on proper packing for the safe transportation of the specific  
19 hazardous waste being transported.

20 (iv) The CESQG or employees of the CESQG transport the  
21 hazardous waste in a vehicle owned and operated by the CESQG.

22 (2) The household hazardous waste and CESQG hazardous  
23 waste that is transported shall be in closed containers and packed  
24 in a manner that prevents the containers from tipping, spilling, or  
25 breaking during transport.

26 (3) Different household hazardous wastes or different CESQG  
27 hazardous wastes shall not be mixed within a container before or  
28 during transport.

29 (4) If the hazardous waste is an extremely hazardous waste or  
30 an acutely hazardous waste, the total amount transported by a  
31 CESQG shall not exceed 2.2 pounds.

32 (c) (1) Except as provided in paragraph (2), the total combined  
33 volume or weight of latex paint, used oil filters, antifreeze, and  
34 small batteries transported to a recycle-only household hazardous  
35 waste collection facility by any one individual shall not exceed a  
36 total volume of 10 gallons or a total dry weight of 100 pounds. Up  
37 to two spent lead-acid batteries may be transported at the same  
38 time and not more than 20 gallons of used oil may be transported  
39 in the same vehicle if the volume of each individual container does  
40 not exceed five gallons.

1 (2) Paragraph (1) does not apply to spent batteries that are  
2 collected by a collection location or intermediate collection location  
3 pursuant to Section 25216.1 and transported to a household  
4 hazardous waste collection facility.

5 (d) A curbside household hazardous waste collection program  
6 shall meet all of the following conditions:

7 (1) Not more than a total combined weight of 10 pounds of used  
8 oil filters shall be collected from a single residence at one time.

9 (2) Not more than five gallons of used oil shall be collected  
10 from a single residence at one time, and the volume of each  
11 individual container collected shall not exceed five gallons.

12 (3) Not more than five gallons of latex paint shall be collected  
13 from a single residence at one time, and the volume of each  
14 individual container collected shall not exceed five gallons.

15 (4) Hazardous waste containing mercury shall not be collected  
16 by a curbside household hazardous waste collection program unless  
17 the waste is contained in secure packaging that prevents breakage  
18 and spillage.

19 (5) Fluorescent light tubes that are four feet or greater in length  
20 shall not be collected by a curbside household hazardous waste  
21 collection program.

22 (6) The transported household hazardous waste shall be in closed  
23 containers and packed in a manner that prevents the containers  
24 from tipping, spilling, or breaking during transport.

25 (7) Different household hazardous wastes shall not be mixed  
26 within a container before or during transport.

27 (e) A door-to-door household hazardous waste collection  
28 program or household hazardous waste residential pickup service  
29 shall meet all of the following conditions:

30 (1) The transported household hazardous waste shall be in closed  
31 containers and packed in a manner that prevents the containers  
32 from tipping, spilling, or breaking during transport.

33 (2) Different household hazardous wastes shall not be mixed  
34 within a container before or during transport.

35 (3) (A) A door-to-door household hazardous waste collection  
36 program or household hazardous waste residential pickup service  
37 is exempt from the requirements of Section 25160 regarding the  
38 use of a manifest when transporting household hazardous waste  
39 collected from individual residences to an authorized hazardous  
40 waste collection facility. In lieu of a manifest, a receipt shall be

1 issued for the household hazardous waste collected from an  
2 individual residence, and a copy of the receipt shall be retained by  
3 the public agency for a period of at least three years.

4 (B) ~~(i)~~—On and before December 31, ~~2019~~, 2020, if household  
5 hazardous waste is transported to a hazardous waste facility, as  
6 defined in Section 66260.10 of Title 22 of the California Code of  
7 Regulations, the consolidated manifesting procedures specified in  
8 Section 25160.8 shall be used by the public agency or its  
9 contractor.

10 ~~(ii)~~—On and after January 1, 2020, the requirements of clause (i)  
11 shall not be operative.

12 (f) Notwithstanding Section 25218.4, a mobile household  
13 hazardous waste collection facility, a temporary household  
14 hazardous waste collection facility, or a recycle-only household  
15 hazardous waste collection facility that transports household  
16 hazardous waste from the collection facility to a household  
17 hazardous waste collection facility pursuant to subdivision (a) shall  
18 comply with subdivisions (a) and (c) of Section 25163 and  
19 paragraph (1) of subdivision (d) of Section 25160.

20 (g) (1) Except as provided in paragraph (2), a door-to-door  
21 household hazardous waste collection program or household  
22 hazardous waste residential pickup service shall not be deemed to  
23 be a household hazardous waste collection facility for purposes of  
24 this chapter if it is operated in conjunction with an authorized  
25 household hazardous waste collection facility.

26 (2) A door-to-door household hazardous waste collection  
27 program or household hazardous waste residential pickup service,  
28 under which household hazardous waste is collected from  
29 households in one jurisdiction and transported to an authorized  
30 household hazardous waste collection facility in another  
31 jurisdiction, shall be deemed a household hazardous waste  
32 collection facility for purposes of this chapter and shall submit the  
33 notification required in Section 25218.2 to each CUPA in whose  
34 jurisdiction the household hazardous waste is collected.

35 *SEC. 2. No reimbursement is required by this act pursuant to*  
36 *Section 6 of Article XIII B of the California Constitution because*  
37 *a local agency or school district has the authority to levy service*  
38 *charges, fees, or assessments sufficient to pay for the program or*  
39 *level of service mandated by this act or because costs that may be*  
40 *incurred by a local agency or school district will be incurred*

1 *because this act creates a new crime or infraction, eliminates a*  
2 *crime or infraction, or changes the penalty for a crime or*  
3 *infraction, within the meaning of Section 17556 of the Government*  
4 *Code, or changes the definition of a crime within the meaning of*  
5 *Section 6 of Article XIII B of the California Constitution.*

6 SECTION 1. ~~Section 16321 is added to the Government Code,~~  
7 ~~to read:~~

8 ~~16321. Notwithstanding any other provision of law, loans of~~  
9 ~~revenues to the General Fund from the State Highway Account,~~  
10 ~~the Public Transportation Account, the Bicycle Transportation~~  
11 ~~Account, the Motor Vehicle Fuel Account, the Highway Users~~  
12 ~~Tax Account, the Pedestrian Safety Account, the Transportation~~  
13 ~~Investment Fund, the Traffic Congestion Relief Fund, the Motor~~  
14 ~~Vehicle Account, and the Local Airport Loan Account shall be~~  
15 ~~repaid, on or before December 31, 2018, to the account or fund~~  
16 ~~from which the loan was made. This section shall apply to all loans~~  
17 ~~that otherwise have a repayment date of January 1, 2019, or later.~~

18 SEC. 2. ~~Section 16773 of the Government Code is amended~~  
19 ~~to read:~~

20 ~~16773. (a) Whenever any payment of principal of any bonds~~  
21 ~~shall become due, either upon the maturity of any of the bonds or~~  
22 ~~upon the redemption thereof prior to maturity, and whenever any~~  
23 ~~interest on any of the bonds shall fall due, warrants shall be drawn~~  
24 ~~against the appropriation made by the bond act from the General~~  
25 ~~Fund by the Controller in favor of the Treasurer, or state fiscal~~  
26 ~~agents, or other duly authorized agents, pursuant to claims filed~~  
27 ~~with the Controller by the Treasurer, in the amounts so falling due.~~

28 ~~(b) For any payments of debt service, as defined in subdivision~~  
29 ~~(e) of Section 998.404 of the Military and Veterans Code, with~~  
30 ~~respect to any bonds issued pursuant to a veterans' farm and home~~  
31 ~~purchase bond act adopted pursuant to Chapter 6 (commencing~~  
32 ~~with Section 980) of Division 4 of the Military and Veterans Code,~~  
33 ~~the Controller shall first draw warrants against the appropriation~~  
34 ~~from the Veterans' Bonds Payment Fund in Section 988.6 of the~~  
35 ~~Military and Veterans Code, and, to the extent moneys in that fund~~  
36 ~~are insufficient to pay the amount of debt service then due, shall~~  
37 ~~draw warrants against the appropriation made by the bond act from~~  
38 ~~the General Fund for payment of any remaining amount then due.~~

39 SEC. 3. ~~Section 16965 of the Government Code is repealed.~~



1 SEC. 4.— Section 16965.1 of the Government Code is amended  
2 to read:

3 16965.1.— (a) (1) ~~The loan repayment dates relative to State  
4 Highway Account loans to the General Fund that are specified in  
5 the provisional language of the following Budget Act items are  
6 hereby eliminated, and the Director of Finance may repay any  
7 remaining portion of the outstanding balance of these loans in any  
8 year in which the director determines the funds are needed to  
9 reimburse the General Fund for debt service or to redeem or defease  
10 bonds maturing in a subsequent fiscal year, provided that the loans  
11 shall be repaid no later than December 31, 2018:~~

12 ~~(A) Item 2660-011-0042 of Section 2.00 of the Budget Act of  
13 2010 (SB 870, Chapter 712 of the Statutes of 2010).~~

14 ~~(B) Item 2660-013-0042 of Section 2.00 of the Budget Act of  
15 2010, as added by Section 6 of SB 84 (Chapter 13 of the Statutes  
16 of 2011).~~

17 ~~(C) Item 2660-013-0042 of Section 2.00 of the Budget Act of  
18 2011, as contained in SB 69 of the 2011–12 Regular Session, if  
19 that provision is enacted.~~

20 ~~(2) All funds loaned pursuant to the provisions referenced in  
21 subparagraphs (A), (B), and (C) of paragraph (1) are hereby  
22 determined to have been from weight fee revenues in the State  
23 Highway Account fund balance.~~

24 ~~(b) The loan repayment date relative to the Public Transportation  
25 Account that is specified in the provisional language in Item  
26 2660-011-0046 of Section 2.00 of the Budget Act of 2010 (SB  
27 870, Chapter 712 of the Statutes of 2010), is hereby eliminated,  
28 and the loan pursuant to this item shall instead be repaid by  
29 December 31, 2018.~~

30 SEC. 5.— Section 63048.67 of the Government Code is amended  
31 to read:

32 63048.67.— ~~The loans made from the State Highway Account  
33 through the Traffic Congestion Relief Fund to the General Fund  
34 that are referenced in clause (i) of subparagraph (A) of paragraph  
35 (1) of subdivision (c) of Section 63048.65 are hereby determined  
36 to have been from weight fee revenues in the State Highway  
37 Account fund balance.~~

38 SEC. 6.— Section 183.1 of the Streets and Highways Code is  
39 amended to read:

1 183.1. Notwithstanding subdivision (a) of Section 182 or any  
2 other provision of law, money deposited into the account that is  
3 not subject to Article XIX of the California Constitution, including,  
4 but not limited to, money that is derived from the sale of  
5 documents, charges for miscellaneous services to the public,  
6 condemnation deposits fund investments, rental of state property,  
7 or any other miscellaneous uses of property or money, may be  
8 used for any transportation purpose authorized by statute, upon  
9 appropriation by the Legislature or, after transfer to another fund,  
10 upon appropriation by the Legislature from that fund.

11 SEC. 7. Section 2103 of the Streets and Highways Code is  
12 amended to read:

13 2103. (a) Notwithstanding Section 13340 of the Government  
14 Code, of the net revenues deposited to the credit of the Highway  
15 Users Tax Account that are derived from the increases in the rates  
16 of taxes that are imposed pursuant to subdivision (b) of Section  
17 7360 and Section 7361.1 of the Revenue and Taxation Code, all  
18 of the following shall occur on a monthly basis:

19 (1) Forty-four percent shall be transferred by the Controller to  
20 the State Highway Account to fund projects in the State  
21 Transportation Improvement Program that are consistent with  
22 Section 2 of Article XIX of the California Constitution.

23 (2) Twelve percent shall be transferred to the State Highway  
24 Account to fund projects in the State Highway Operation and  
25 Protection Program.

26 (3) Forty-four percent shall be apportioned by the Controller  
27 for local street and road purposes as follows:

28 (A) Fifty percent shall be apportioned by the Controller to cities,  
29 including a city and county, in the proportion that the total  
30 population of the city bears to the total population of all the cities  
31 in the state.

32 (B) Fifty percent shall be apportioned by the Controller to  
33 counties, including a city and county, in accordance with the  
34 following formulas:

35 (i) Seventy-five percent shall be apportioned among the counties  
36 in the proportion that the number of fee-paid and exempt vehicles  
37 that are registered in the county bear to the number of fee-paid and  
38 exempt vehicles registered in the state.

39 (ii) Twenty-five percent shall be apportioned among the counties  
40 in the proportion that the number of miles of maintained county

1 roads in each county bear to the total number of miles of  
2 maintained county roads in the state. For the purposes of  
3 apportioning funds under this subparagraph, any roads within the  
4 boundaries of a city and county that are not state highways shall  
5 be deemed to be county roads.

6 (b) ~~After the transfers or other actions pursuant to subdivision~~  
7 ~~(a), at least 90 percent of the balance deposited to the credit of the~~  
8 ~~Highway Users Tax Account in the Transportation Tax Fund by~~  
9 ~~the 28th day of each month shall be apportioned or transferred, as~~  
10 ~~applicable, by the Controller by the second working day thereafter,~~  
11 ~~except for June, in which case the apportionment or transfer shall~~  
12 ~~be made the same day. These apportionments or transfers shall be~~  
13 ~~made as provided for in Sections 2104 to 2122, inclusive. If~~  
14 ~~information is not available to make the apportionment or transfer~~  
15 ~~as required, the apportionment or transfer shall be made on the~~  
16 ~~basis of the information of the previous month. Amounts not~~  
17 ~~apportioned or transferred shall be included in the apportionment~~  
18 ~~or transfer of the subsequent month.~~

19 (c) ~~Notwithstanding any other law, the funds apportioned by~~  
20 ~~the Controller to cities and counties pursuant to paragraph (3) of~~  
21 ~~subdivision (a) are not subject to Section 7104 or 7104.2 of the~~  
22 ~~Revenue and Taxation Code. These funds may be expended for~~  
23 ~~any street and road purpose consistent with the requirements of~~  
24 ~~this chapter.~~

25 ~~SEC. 8. Section 9400.1 of the Vehicle Code is amended to~~  
26 ~~read:~~

27 ~~9400.1. (a) (1) In addition to any other required fee, there~~  
28 ~~shall be paid the fees set forth in this section for the registration~~  
29 ~~of commercial motor vehicles operated either singly or in~~  
30 ~~combination with a declared gross vehicle weight of 10,001 pounds~~  
31 ~~or more. Pickup truck and electric vehicle weight fees are not~~  
32 ~~calculated under this section.~~

33 ~~(2) The weight of a vehicle issued an identification plate~~  
34 ~~pursuant to an application under Section 5014, and the weight of~~  
35 ~~an implement of husbandry as defined in Section 36000, shall not~~  
36 ~~be considered when calculating, pursuant to this section, the~~  
37 ~~declared gross vehicle weight of a towing commercial motor~~  
38 ~~vehicle that is owned and operated exclusively by a farmer or an~~  
39 ~~employee of a farmer in the conduct of agricultural operations.~~

1 ~~(3) Tow trucks that are utilized to render assistance to the~~  
 2 ~~motoring public or to tow or carry impounded vehicles shall pay~~  
 3 ~~fees in accordance with this section, except that the fee calculation~~  
 4 ~~shall be based only on the gross vehicle weight rating of the towing~~  
 5 ~~or carrying vehicle. Upon each initial or transfer application for~~  
 6 ~~registration of a tow truck described in this paragraph, the~~  
 7 ~~registered owner or lessee or that owner's or lessee's designee,~~  
 8 ~~shall certify to the department the gross vehicle weight rating of~~  
 9 ~~the tow truck:~~

10

Gross Vehicle Weight Range	Fee
10,001-15,000 .....	\$ 257
15,001-20,000 .....	-353
20,001-26,000 .....	-435
26,001-30,000 .....	-552
30,001-35,000 .....	-648
35,001-40,000 .....	-761
40,001-45,000 .....	-837
45,001-50,000 .....	-948
50,001-54,999 .....	-1,039
55,000-60,000 .....	-1,173
60,001-65,000 .....	-1,282
65,001-70,000 .....	-1,398
70,001-75,000 .....	-1,650
75,001-80,000 .....	-1,700

26  
 27 ~~(b) The fees specified in subdivision (a) apply to both of the~~  
 28 ~~following:~~

29 ~~(1) An initial or original registration occurring on or after~~  
 30 ~~December 31, 2001, to December 30, 2003, inclusive, of a~~  
 31 ~~commercial motor vehicle operated either singly or in combination~~  
 32 ~~with a declared gross vehicle weight of 10,001 pounds or more.~~

33 ~~(2) The renewal of registration of a commercial motor vehicle~~  
 34 ~~operated either singly or in combination, with a declared gross~~  
 35 ~~vehicle weight of 10,001 pounds or more for which registration~~  
 36 ~~expires on or after December 31, 2001, to December 30, 2003,~~  
 37 ~~inclusive.~~

38 ~~(c) (1) For both an initial or original registration occurring on~~  
 39 ~~or after December 31, 2003, of a commercial motor vehicle~~  
 40 ~~operated either singly or in combination with a declared gross~~

1 vehicle weight of 10,001 pounds or more, and the renewal of  
 2 registration of a commercial motor vehicle operated either singly  
 3 or in combination, with a declared gross vehicle weight of 10,001  
 4 pounds or more for which registration expires on or after December  
 5 31, 2003, there shall be paid fees as follows:

6	7	8	9
	Gross Vehicle Weight Range	Weight Code	Fee—
8	10,001–15,000	A	\$ 332
9	15,001–20,000	B	447
10	20,001–26,000	C	546
11	26,001–30,000	D	586
12	30,001–35,000	E	801
13	35,001–40,000	F	937
14	40,001–45,000	G	1,028
15	45,001–50,000	H	1,161
16	50,001–54,999	I	1,270
17	55,000–60,000	J	1,431
18	60,001–65,000	K	1,562
19	65,001–70,000	L	1,701
20	70,001–75,000	M	2,004
21	75,001–80,000	N	2,064

22  
 23 (2) For the purpose of obtaining “revenue neutrality” as  
 24 described in Sections 1 and 59 of Senate Bill 2084 of the  
 25 1999–2000 Regular Session (Chapter 861 of the Statutes of 2000),  
 26 the Director of Finance shall review the final 2003–04 Statement  
 27 of Transactions of the State Highway Account. If that review  
 28 indicates that the actual truck weight fee revenues deposited in the  
 29 State Highway Account do not total at least seven hundred  
 30 eighty-nine million dollars (\$789,000,000), the Director of Finance  
 31 shall instruct the department to adjust the schedule set forth in  
 32 paragraph (1), but not to exceed the following fee amounts:

33	34	35	36
	Gross Vehicle Weight Range	Weight Code	Fee—
35	10,001–15,000	A	\$ 354
36	15,001–20,000	B	482
37	20,001–26,000	C	591
38	26,001–30,000	D	746
39	30,001–35,000	E	874
40	35,001–40,000	F	1,024

1	40,001–45,000	G	1,125
2	45,001–50,000	H	1,272
3	50,001–54,999	I	1,393
4	55,000–60,000	J	1,571
5	60,001–65,000	K	1,716
6	65,001–70,000	L	1,870
7	70,001–75,000	M	2,204
8	75,001–80,000	N	2,271

9

10 ~~(d) (1) In addition to the fees set forth in subdivision (a), a~~  
 11 ~~Cargo Theft Interdiction Program fee of three dollars (\$3) shall~~  
 12 ~~be paid at the time of initial or original registration or renewal of~~  
 13 ~~registration of each motor vehicle subject to weight fees under this~~  
 14 ~~section.~~

15 ~~(2) This subdivision does not apply to vehicles used or~~  
 16 ~~maintained for the transportation of persons for hire, compensation~~  
 17 ~~or profit, and tow trucks.~~

18 ~~(3) For vehicles registered under Article 4 (commencing with~~  
 19 ~~Section 8050) of Chapter 4, the fee imposed under this subdivision~~  
 20 ~~shall be apportioned as required for registration fees under that~~  
 21 ~~article.~~

22 ~~(4) Funds collected pursuant to the Cargo Theft Interdiction~~  
 23 ~~Program shall not be proportionately reduced for each month and~~  
 24 ~~shall be transferred to the Motor Carriers Safety Improvement~~  
 25 ~~Fund.~~

26 ~~(e) Notwithstanding Section 42270 or any other provision of~~  
 27 ~~law, of the moneys collected by the department under this section,~~  
 28 ~~one hundred twenty-two dollars (\$122) for each initial, original,~~  
 29 ~~and renewal registration shall be reported monthly to the Controller,~~  
 30 ~~and at the same time, deposited in the State Treasury to the credit~~  
 31 ~~of the Motor Vehicle Account in the State Transportation Fund.~~  
 32 ~~All other moneys collected by the department under this section~~  
 33 ~~shall be deposited to the credit of the State Highway Account in~~  
 34 ~~the State Transportation Fund. One hundred twenty-two dollars~~  
 35 ~~(\$122) of the fee imposed under this section shall not be~~  
 36 ~~proportionately reduced for each month. For vehicles registered~~  
 37 ~~under Article 4 (commencing with Section 8050) of Chapter 4,~~  
 38 ~~the fee shall be apportioned as required for registration under that~~  
 39 ~~article.~~

1     ~~(f) (1) The department, in consultation with the Department of~~  
2 ~~the California Highway Patrol, shall design and make available a~~  
3 ~~set of distinctive weight decals that reflect the declared gross~~  
4 ~~combined weight or gross operating weight reported to the~~  
5 ~~department at the time of initial registration, registration renewal,~~  
6 ~~or when a weight change is reported to the department pursuant~~  
7 ~~to Section 9406.1. A new decal shall be issued on each renewal~~  
8 ~~or when the weight is changed pursuant to Section 9406.1. The~~  
9 ~~decal for a tow truck that is subject to this section shall reflect the~~  
10 ~~gross vehicle weight rating or weight code.~~

11     ~~(2) The department may charge a fee, not to exceed ten dollars~~  
12 ~~(\$10), for the department's actual cost of producing and issuing~~  
13 ~~each set of decals issued under paragraph (1).~~

14     ~~(3) The weight decal shall be in sharp contrast to the background~~  
15 ~~and shall be of a size, shape, and color that is readily legible during~~  
16 ~~daylight hours from a distance of 50 feet.~~

17     ~~(4) Each vehicle subject to this section shall display the weight~~  
18 ~~decal on both the right and left sides of the vehicle.~~

19     ~~(5) A person may not display upon a vehicle a decal issued~~  
20 ~~pursuant to this subdivision that does not reflect the declared weight~~  
21 ~~reported to the department.~~

22     ~~(6) Notwithstanding subdivision (e) or any other provision of~~  
23 ~~law, the moneys collected by the department under this subdivision~~  
24 ~~shall be deposited in the State Treasury to the credit of the Motor~~  
25 ~~Vehicle Account in the State Transportation Fund.~~

26     ~~(7) This subdivision shall apply to vehicles subject to this section~~  
27 ~~at the time of an initial registration, registration renewal, or reported~~  
28 ~~weight change that occurs on or after July 1, 2004.~~

29     ~~(8) The following shall apply to vehicles registered under the~~  
30 ~~permanent fleet registration program pursuant to Article 9.5~~  
31 ~~(commencing with Section 5301) of Chapter 1:~~

32     ~~(A) The department, in consultation with the Department of the~~  
33 ~~California Highway Patrol, shall distinguish the weight decals~~  
34 ~~issued to permanent fleet registration vehicles from those issued~~  
35 ~~to other vehicles.~~

36     ~~(B) The department shall issue the distinguishable weight decals~~  
37 ~~only to the following:~~

38     ~~(i) A permanent fleet registration vehicle that is registered with~~  
39 ~~the department on January 1, 2005.~~

1 (ii) ~~On and after January 1, 2005, a vehicle for which the~~  
2 ~~department has an application for initial registration as a permanent~~  
3 ~~fleet registration vehicle.~~

4 (iii) ~~On and after January 1, 2005, a permanent fleet registration~~  
5 ~~vehicle that has a weight change pursuant to Section 9406.1.~~

6 (C) ~~The weight decal issued under this paragraph shall comply~~  
7 ~~with the applicable provisions of paragraphs (1) to (6), inclusive.~~

8 ~~SEC. 9. Section 9400.4 of the Vehicle Code is repealed.~~

9 ~~SEC. 10. Section 42205 of the Vehicle Code is amended to~~  
10 ~~read:~~

11 ~~42205. (a) Notwithstanding Chapter 3 (commencing with~~  
12 ~~Section 42270), the department shall file, at least monthly with~~  
13 ~~the Controller, a report of money received by the department~~  
14 ~~pursuant to Section 9400 for the previous month and shall, at the~~  
15 ~~same time, remit all money so reported to the Treasurer. On order~~  
16 ~~of the Controller, the Treasurer shall deposit all money so remitted~~  
17 ~~into the State Highway Account in the State Transportation Fund.~~

18 ~~(b) The Legislature shall appropriate from the State Highway~~  
19 ~~Account in the State Transportation Fund to the department and~~  
20 ~~the Franchise Tax Board amounts equal to the costs incurred by~~  
21 ~~each in performing their duties pursuant to Article 3 (commencing~~  
22 ~~with Section 9400) of Chapter 6 of Division 3. The applicable~~  
23 ~~amounts shall be determined so that the appropriate costs for~~  
24 ~~registration and weight fee collection activities are appropriated~~  
25 ~~between the recipients of revenues in proportion to the revenues~~  
26 ~~that would have been received individually by those recipients if~~  
27 ~~the total fee imposed under the Vehicle License Fee Law (Part 5~~  
28 ~~(commencing with Section 10701) of Division 2 of the Revenue~~  
29 ~~and Taxation Code) was 2 percent of the market value of a vehicle.~~  
30 ~~The remainder of the funds collected under Section 9400 and~~  
31 ~~deposited in the account may be appropriated to the Department~~  
32 ~~of Transportation, the Department of the California Highway~~  
33 ~~Patrol, and the Department of Motor Vehicles for the purposes~~  
34 ~~authorized under Section 3 of Article XIX of the California~~  
35 ~~Constitution.~~