

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 301

Introduced by Assembly Member Bigelow

February 12, 2015

An act to amend Section 4213.1 ~~of~~ *of*, and to add Section 4213.2 to, the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 301, as amended, Bigelow. State responsibility areas: fire prevention fees.

Existing law requires the State Board of Forestry and Fire Protection to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged annually on each habitable structure on a parcel that is within a state responsibility area. Existing law requires the fee to be levied upon the owner of a habitable structure if that person owns the structure on July 1 of the year for which the fee is due.

This bill would ~~require the fee to be prorated for an owner, upon whom a fee is imposed, if that owner owns the habitable structure for only a portion of the year for which the fee is due.~~ *permit the owner of a property with one or more habitable structures subject to the fire prevention fee to, when selling the property, negotiate as one of the terms of the sale the apportionment between the parties of liability for payment of the fee. This bill would require the Department of Forestry and Fire Protection to notify an owner subject to a fire prevention fee that the owner may, when selling the habitable structure or structures, negotiate the apportionment of liability for payment of the fee between the parties as one of the terms of the sale.*

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 4213.1 of the Public Resources Code is
2 amended to read:

3 4213.1. (a) (1) The fire prevention fee imposed pursuant to
4 Section 4212 shall be levied upon the owner of a habitable structure
5 identified by the department as located within the state
6 responsibility area, if that person owns the habitable structure on
7 July 1 of the year for which the fee is due.

8 ~~(2) The fire prevention fee shall be prorated for an owner, upon~~
9 ~~whom a fee is imposed, if that owner owns the habitable structure~~
10 ~~for only a portion of the year for which the fee is due.~~

11 (2) *The department shall notify an owner, upon whom a fire*
12 *prevention fee is imposed pursuant to Section 4212, through the*
13 *fee billing process that if the owner sells the habitable structure*
14 *or structures, the apportionment between the parties of liability*
15 *for payment of the fire prevention fee may be negotiated as one of*
16 *the terms of the sale.*

17 (b) The board may exempt from the fire prevention fee any
18 habitable structure that is subsequently deemed uninhabitable as
19 a result of a natural disaster during the year for which the fee is
20 due, as well as one subsequent year if the habitable structure has
21 not been repaired or rebuilt. The board shall consider granting an
22 exemption only if both of the following conditions are met:

23 (1) The owner of the habitable structure certifies that the
24 structure is not habitable as a result of a natural disaster.

25 (2) The owner of the habitable structure either documents that
26 the habitable structure passed a defensible space inspection
27 conducted by the department or by one of its agents within one
28 year of the date the structure was damaged or destroyed or certifies
29 that clearance as required under Section 4291 was in place at the
30 time that the structure was damaged or destroyed as a result of a
31 natural disaster.

32 (c) The board shall prepare forms for purposes of the
33 certification requirements in subdivision (b).

34 SEC. 2. *Section 4213.2 is added to the Public Resources Code,*
35 *to read:*

1 4213.2. *If an owner of a property with one or more habitable*
2 *structures subject to the fire prevention fee imposed pursuant to*
3 *Section 4212 sells the property, the apportionment between the*
4 *parties of liability for payment of the fire prevention fee may be*
5 *negotiated as one of the terms of the sale.*

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