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An act to amend Section 1463.007 of the Penal Code, and to amend Sections 13365, 40509, and 40509.5 of the Vehicle Code, relating to vehicles.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1463.007 of the Penal Code is amended to read:

1463.007. (a) Notwithstanding any other ~~provision of law, any~~ a county or court that operates a comprehensive collection program may deduct the costs of operating that program, excluding capital expenditures, from any revenues collected under that program. The costs shall be deducted before any distribution of revenues to other governmental entities required by any other ~~provision of law. Any~~ A county or court operating a comprehensive collection program may establish a minimum base fee, fine, forfeiture, penalty, or assessment amount for inclusion in the program.

(b) Once debt becomes delinquent, it continues to be delinquent and may be subject to collection by a comprehensive collection program. Debt is delinquent and subject to collection by a comprehensive collection program if any of the following conditions is met:

(1) A defendant does not post bail or appear on or before the date on which he or she promised to appear, or any lawful continuance of that date, if that defendant was eligible to post and forfeit bail.

(2) A defendant does not pay the amount imposed by the court on or before the date ordered by the court, or any lawful continuance of that date.

(3) A defendant has failed to make an installment payment on the date specified by the court.

(c) For the purposes of this section, a “comprehensive collection program” is a separate and distinct revenue collection activity that meets each of the following criteria:



(1) The program identifies and collects amounts arising from delinquent court-ordered debt, whether or not a warrant has been issued against the alleged violator.

(2) The program complies with the requirements of subdivision (b) of Section 1463.010.

(3) The program engages in each of the following activities:

(A) Attempts telephone contact with delinquent debtors for whom the program has a ~~phone~~ telephone number to inform them of their delinquent status and payment options.

(B) Notifies delinquent debtors for whom the program has an address in writing of their outstanding obligation within 95 days of delinquency.

(C) Generates internal monthly reports to track collections data, such as age of debt and delinquent amounts outstanding.

(D) Uses Department of Motor Vehicles information to locate delinquent debtors.

(E) Accepts payment of delinquent debt by credit card.

(4) The program engages in at least five of the following activities:

(A) Sends delinquent debt to the Franchise Tax Board's Court-Ordered Debt Collections Program.

(B) Sends delinquent debt to the Franchise Tax Board's Interagency Intercept Collections Program.

~~(C) Initiates driver's license suspension or hold actions when appropriate.~~

~~(D)~~

~~(C)~~ Contracts with one or more private debt collectors to collect delinquent debt.

~~(E)~~



~~(D)~~ Sends monthly bills or account statements to all delinquent debtors.

~~(F)~~

~~(E)~~ Contracts with local, regional, state, or national skip tracing or locator resources or services to locate delinquent debtors.

~~(G)~~

~~(F)~~ Coordinates with the probation department to locate debtors who may be on formal or informal probation.

~~(H)~~

~~(G)~~ Uses Employment Development Department employment and wage information to collect delinquent debt.

~~(I)~~

~~(H)~~ Establishes wage and bank account garnishments where appropriate.

~~(J)~~

~~(I)~~ Places liens on real property owned by delinquent debtors when appropriate.

~~(K)~~

~~(J)~~ Uses an automated dialer or automatic call distribution system to manage telephone calls.

~~(d) This section shall become operative on July 1, 2012.~~

SEC. 2. Section 13365 of the Vehicle Code is amended to read:

13365. (a) Upon receipt of notification of a violation of subdivision (a) or (b) of Section 40508, the department shall take the following action:

(1) If the notice is given pursuant to subdivision (a) or (b) of Section 40509, if the driving record of the person who is the subject of the notice contains one or more



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prior notifications of a violation issued pursuant to Section 40509 or 40509.5, and if the person's driving privilege is not currently suspended under this section, the department shall suspend the driving privilege of the person.

(2) If the notice is given pursuant to subdivision (a) ~~or (b)~~ of Section 40509.5, and if the driving privilege of the person who is the subject of the notice is not currently suspended under this section, the department shall suspend the driving privilege of the person.

(b) (1) A suspension under this section shall not be effective before a date 60 days after the date of receipt, by the department, of the notice given specified in subdivision (a), and the notice of suspension shall not be mailed by the department before a date 30 days after receipt of the notice given specified in subdivision (a).

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(2) The suspension shall continue until the suspended person's driving record does not contain any notification of a violation of subdivision (a) ~~or (b)~~ of Section 40508.

SEC. 3. Section 40509 of the Vehicle Code is amended to read:

40509. (a) Except as required under subdivision ~~(e)~~ (b) of Section 40509.5, if ~~any~~ a person has violated a written promise to appear or a lawfully granted continuance of his or her promise to appear in court or before the person authorized to receive a deposit of bail, or violated an order to appear in court, including, but not limited to, a written notice to appear issued in accordance with Section 40518, the magistrate or clerk of the court may give notice of the failure to appear to the department for any violation of this code, or any violation that can be heard by a juvenile traffic hearing



referee pursuant to Section 256 of the Welfare and Institutions Code, or any violation of any other statute relating to the safe operation of a vehicle, except violations not required to be reported pursuant to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section 1803. If thereafter the case in which the promise was given is adjudicated or the person who has violated the court order appears in court or otherwise satisfies the order of the court, the magistrate or clerk of the court hearing the case shall sign and file with the department a certificate to that effect.

~~(b) If any person has willfully failed to pay a lawfully imposed fine within the time authorized by the court or to pay a fine pursuant to subdivision (a) of Section 42003, the magistrate or clerk of the court may give notice of the fact to the department for any violation, except violations not required to be reported pursuant to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section 1803. If thereafter the fine is fully paid, the magistrate or clerk of the court shall issue and file with the department a certificate showing that the fine has been paid.~~

(e)

~~(b) (1) Notwithstanding subdivisions (a) and (b), subdivision (a),~~ the court may notify the department of the total amount of bail, fines, assessments, and fees authorized or required by this code, including Section 40508.5, ~~which that~~ are unpaid by any a person.

(2) Once a court has established the amount of bail, fines, assessments, and fees, and notified the department, the court shall not further enhance or modify that amount.



(3) This subdivision applies only to violations of this code that do not require a mandatory court appearance, are not contested by the defendant, and do not require proof of correction certified by the court.

~~(d) With respect to a violation of this code, this section is applicable to any court which has not elected to be subject to the notice requirements of subdivision (b) of Section 40509.5.~~

(e)

(c) Any violation subject to Section 40001, ~~which that~~ is the responsibility of the owner of the vehicle, shall not be reported under this section.

SEC. 4. Section 40509.5 of the Vehicle Code is amended to read:

40509.5. (a) Except as required under subdivision ~~(e), (b)~~, if, with respect to an offense described in subdivision ~~(e), (d)~~, a person has violated his or her written promise to appear or a lawfully granted continuance of his or her promise to appear in court or before the person authorized to receive a deposit of bail, or violated an order to appear in court, including, but not limited to, a written notice to appear issued in accordance with Section 40518, the magistrate or clerk of the court may give notice of the failure to appear to the department for a violation of this code, a violation that can be heard by a juvenile traffic hearing referee pursuant to Section 256 of the Welfare and Institutions Code, or a violation of any other statute relating to the safe operation of a vehicle, except violations not required to be reported pursuant to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section 1803. If thereafter the case in which the promise was given is adjudicated or the person who has violated the court order



appears in court and satisfies the order of the court, the magistrate or clerk of the court hearing the case shall sign and file with the department a certificate to that effect.

~~(b) If, with respect to an offense described in subdivision (c), a person has willfully failed to pay a lawfully imposed fine, or bail in installments as agreed to under Section 40510.5, within the time authorized by the court or to pay a fine pursuant to subdivision (a) of Section 42003, the magistrate or clerk of the court may give notice of the fact to the department for a violation, except violations not required to be reported pursuant to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section 1803. If thereafter the fine or bail is fully paid, the magistrate or clerk of the court shall issue and file with the department a certificate showing that the fine or bail has been paid.~~

~~(c)~~

(b) If a person charged with a violation of Section 23152 or 23153, or Section 191.5 of the Penal Code, or subdivision (a) of Section 192.5 of that code has violated a lawfully granted continuance of his or her promise to appear in court or is released from custody on his or her own recognizance and fails to appear in court or before the person authorized to receive a deposit of bail, or violated an order to appear in court, the magistrate or clerk of the court shall give notice to the department of the failure to appear. If thereafter the case in which the notice was given is adjudicated or the person who has violated the court order appears in court or otherwise satisfies the order of the court, the magistrate or clerk of the court hearing the case shall prepare and forward to the department a certificate to that effect.

~~(d)~~





(c) Except as required under subdivision ~~(e)~~, ~~(b)~~, the court shall mail a courtesy warning notice to the defendant by first-class mail at the address shown on the notice to appear, at least 10 days before sending a notice to the department under this section.

(e)

(d) If the court notifies the department of a failure to appear ~~or pay a fine or bail pursuant to subdivision (a) or (b)~~, pursuant to subdivision (a), no arrest warrant shall be issued for an alleged violation of subdivision ~~(a) or (b)~~ of Section 40508, unless one of the following criteria is met:

(1) The alleged underlying offense is a misdemeanor or felony.

(2) The alleged underlying offense is a violation of any provision of Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), or Division 15 (commencing with Section 35000), required to be reported pursuant to Section 1803.

(3) The driver's record does not show that the defendant has a valid California driver's license.

(4) The driver's record shows an unresolved charge that the defendant is in violation of his or her written promise to appear for one or more other alleged violations of the law.

(f)

(e) Except as required under subdivision ~~(e)~~, ~~(b)~~, in addition to the proceedings described in this section, the court may elect to notify the department pursuant to subdivision ~~(e)~~, ~~(b)~~ of Section 40509.



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~~(g) This section is applicable to courts that have elected to provide notice pursuant to subdivision (b). The method of commencing or terminating an election to proceed under this section shall be prescribed by the department.~~

~~(h)~~

~~(f) A violation subject to Section 40001, that is the responsibility of the owner of the vehicle, shall not be reported under this section.~~

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LEGISLATIVE COUNSEL’S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Vehicles: violations.

Existing law authorizes any county or court to implement a comprehensive collection program as a separate revenue collection activity, and requires the program to meet certain criteria, one of which is that the program engages in specified activities in collecting fines or penalties. One of those activities is initiating suspensions or holds for driver’s licenses, as specified.

This bill would delete initiating suspensions or holds for driver’s licenses from the list of activities the program may engage in.

Existing law authorizes the court to notify the Department of Motor Vehicles when a person has failed to pay a fine or bail, with respect to various violations relating to vehicles, and requires the department to suspend a person’s driver’s license upon receipt of the notice, as specified.



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The bill would repeal the authority of the court to notify the department of a failure to pay a fine or bail, thereby deleting the requirement for the department to suspend a person's driver's license upon receipt of that notice.

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



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