

Date of Hearing: May 4, 2020

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2038 (Committee on Transportation) – As Amended May 4, 2020

SUBJECT: Transportation: omnibus bill

SUMMARY: Makes several non-substantive, non-controversial changes to provisions of law related to transportation. Specifically, **this bill:**

- 1) Makes conforming changes in language related to parking offenses.
- 2) Removes a reference to an obsolete code section and replaces it with a relevant reference.
- 3) Deletes an obsolete reporting requirement.
- 4) Repeals provisions related to a two year pilot program.

EXISTING LAW: Includes numerous provisions related to transportation.

FISCAL EFFECT: Unknown

COMMENTS: The Assembly Committee on Transportation is authoring this year's transportation omnibus bill as a cost-effective way of making a number of minor, non-controversial changes to statute at one time. There is no known opposition to any of the items in the bill. If issues arise that cannot be resolved, the provision of concern will be deleted from the bill.

Specifically, this bill includes the following provisions, with the proponent of each provision noted in brackets:

- 1) Government Code section 76000.3 was added by SB 857, the Judiciary budget trailer bill (Chapter 720, Statutes of 2010), with sunset provisions later removed by SB 1021 (Chapter 41, Statutes of 2012). Subdivision (a) generally imposes a \$3 penalty surcharge upon "each *parking offense* where a parking penalty, fine, or forfeiture is imposed," and the subsequent subdivisions prescribe the respective collection procedures for (b) "*infraction parking violations* for which a penalty or fine is collected in the courts" and for (c) "*parking violations* [processed administratively] pursuant to...Section 40200...of the Vehicle Code."

In context, it appears reasonably clear that the reference to *infraction parking violations* in subdivision (b) was intended to refer to the second category noted above, i.e., parking offenses specifically identified by statute as infractions, which are thus not enforced administratively. There is ambiguity in the code regarding whether those rare parking violations charged as misdemeanors are also subject to the surcharge. Subdivision (a) would seem to indicate that they are (*each parking offense*), whereas the reference to *infraction parking violations* in subdivision (b) would seem to indicate otherwise.

This amendment is a conforming change to make this section of code internally consistent, thus clarifying ambiguity in whether a \$3 penalty surcharge applies to certain parking offenses. [Judicial Council of California]

- 2) SB 1498, the Local Government omnibus bill (Chapter 467, Statutes of 2018) repealed Section 36626 of SHC. Practitioners who work with property and business improvement districts (PBIDs) identified errors and ambiguities in statutes governing PBIDs. The 1994 PBID Act specified multiple procedures for establishing a district, including the passage of a resolution of establishment and a resolution of formation. Some practitioners argued that the resolution of establishment was a holdover from an earlier version of the law and duplicated both the resolution of formation and the management district plan, which together specified the purposes and activities of the district. SB 1498 repealed the requirement to enact a resolution of establishment (SHC section 36626).

Streets and Highway Code (SHC) 36633 prohibits the validity of an assessment being contested, unless it is initiated within 30 days after the assessment resolution is adopted. *This amendment removes reference to the obsolete SHC section 36626, and replaces it with the appropriate reference to SHC section 36625, which relates to the resolution of formation for the establishment of a property and business improvement district.* [California Travel Association]

- 3) Existing law requires the Department of Motor Vehicles (DMV) to determine basic level of emergency medical dispatcher training based on guidelines developed by the Emergency Medical Services Authority. Existing law also requires DMV to submit a progress report to the Legislature on implementation of the training program by January 1, 1988. *This amendment repeals the obsolete reporting requirement.* [Assembly Transportation Committee]
- 4) Existing law creates a pilot project and requires DMV to submit a report on the pilot project by September 1, 1994. *This amendment repeals the provisions related to this pilot project.* [Assembly Transportation Committee]

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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