

Date of Hearing: March 22, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 591 (Villapudua) – As Introduced February 11, 2021

SUBJECT: Vessels: arrests

SUMMARY: Authorizes an officer to issue a written notice containing a violator's promise to correct an alleged violation of various offenses relating to vessels. Specifically, **this bill:**

- 1) Authorizes an officer to issue a written notice containing a violator's promise to correct an alleged violation for the following offenses related to vessels:
 - a) Expired vessel registration.
 - b) Failure to paint the vessel identification number on the forward half of the boat.
 - c) Operating a vessel propelled by an engine without possessing an operating license.
 - d) Failure to display registration stickers on a vessel.
 - e) Using a recreational boat without a proper floatation device, as specified.
 - f) Operating a boat without a properly serviced fire extinguisher.
 - g) Having a fire extinguisher without the proper metallic name plate, as specified.

EXISTING LAW:

- 1) Allows an officer to issue a written notice containing a violator's promise to correct an alleged violation involving a registration, license, all-terrain vehicle safety certificate, or mechanical requirement in lieu of a ticket unless the officer finds any of the following:
 - a) There is evidence of fraud or persistent neglect;
 - b) The violation presents an immediate safety hazard; or
 - c) The violator does not agree to, or cannot, promptly correct the violation;
- 2) Allows a court to dismiss the charges for a corrective ticket if the violator presents, by mail or in person, proof of correction on or before the date on which the violator has promised to appear.
- 3) Allows a violator to prove they corrected a violation with a proof of correction certificate from the following sources:
 - a) The Department of Motor Vehicles (DMV) for a violation involving a driver license and registration.

- b) A licensed station or licensed adjuster that is licensed by the Bureau of Automotive Repair or a violation involving a brake, lamp, smog device, or muffler.
- c) A police department, the California Highway Patrol (CHP), sheriff, marshal or other law enforcement agency regularly engaged in enforcement of the vehicle code.
- d) Requires undocumented vessels using waters in the state to be currently numbered.
- e) Requires an operator card to operate a vessel, as specified.
- f) Defines “vessel” to include every watercraft used or capable of being used as a means of transportation on water, except for the following:
 - i. A seaplane
 - ii. A watercraft designed to operate on a permanently fixed course.
 - iii. A floating structure designed to be used as a stationary residential dwelling, as specified.
- g) Defines “undocumented vessel” as a vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor (United States Coast Guard).

FISCAL EFFECT: Unknown

COMMENTS: Since 1978 it has been California law to allow law enforcement officials to issue a corrective violation ticket for a mechanical violation of the Vehicle Code. This policy works as a carrot and a stick: fix the mechanical problem, or face a larger ticket. This change in policy has helped spurn an entire industry that has been licensed to issue corrective certificates and make repairs. It also helps keep California roads safe by ensuring a driver actually makes the repair, instead of hedging their bets between tickets.

While corrective violation tickets, often referred to as “fix-it” tickets currently apply to drivers of automobiles, almost identical violations of the code for vessels do not exist. For example, if a driver has a driver’s license, but does not have it in their possession when pulled over, proving he or she has a driver’s license will result in a \$25 ticket instead of a \$402 ticket. If you have paid for your vehicle registration, but failed to put on the sticker, or pay your vehicle registration, you can avoid a \$285 ticket.

However, operating without a vessel operator card is a \$233 ticket with no opportunity to correct the violation. Operating a vessel without an operator card is a new requirement created in 2015, and as of January 1, 2021 only applies to boat operators under the age of 40. Offering the correctional ticket allows an officer to inform an individual of the new law and ensure the person gets the new license without punishing the boat operator with a \$233 ticket that may not result in them ultimately getting the license.

The violations this legislation permits a \$25 correction violation ticket to be issued for currently have the following fines:

Violation	Ticket Amount
VC 9850 (expired vessel registration)	\$197
VC 9853.2 (display vessel identification)	\$197
HNC 678.11 (vessel operator card)	\$233
13 CCR 190.01 (vessel registration stickers)	\$192
14 CCR 6565.8 (floatation devices on vessel)	\$233
14 CCR 6569 (serviceable fire extinguishers)	\$233
14 CCR 6572 (markings on fire extinguishers)	\$233

According to the author, “California has enacted laws to guide the safe operation and appropriate registration of vessels. While there are consequences for failing to abide by these requirements, the main desire should be compliance and remediation when rules are not followed. AB 591 allows certain vessel operation and registration violations to be corrected to not only gain compliance but increase boater and public safety.”

According to the California State Sheriffs’ Association, the sponsors of this bill, “ In the boating world, there are violations (e.g., expired vessel registration, not having serviceable fire extinguishers, or not having a boater card in the operator’s possession) that should be remedied for the sake of boater and public safety. Unfortunately, no such authority to deal with such violations in this manner exists. Additionally, some peace officers may think such violations are correctable given that similar vehicle violations often are. AB 591 will help eliminate confusion, encourage vessel operators to fix violations, and increase public safety.”

The Sheriffs’ Association provided the Committee with citation data from 40 counties on the various offenses this bill authorizes correction violations for. In the 2019-2020 fiscal year, 669 tickets were issued for improper registration, 417 tickets were issued for operating without a vessel operation card, and 112 tickets were issued in relation to the offenses regarding fire extinguishers.

The cost of fines and fees associated with traffic, boating, and parking citations has steadily increased over the last few decades. After adding on fees to base fines, tickets can total in the hundreds of dollars. Add-on fees for minor offenses double or quadruple the original fine, and until recently California suspended driver’s licenses for failure to pay traffic fines or for failing to appear to court for a traffic infraction.

Unpaid traffic fine debt has been adding up. According to the Judicial Council, there is a total outstanding uncollected fine debt of \$8.6 billion as of the 2019-2020 fiscal year. The Legislature and Governor have made several efforts to collect unpaid debt and to address the negative

consequences of unpaid fines. In the 2017 Budget Act, the state removed the court's authority to notify the DMV for the suspension of individuals' driver's licenses for unpaid traffic fines. The 2018 Budget Act created a pilot program that allows a pilot court to issue an ability-to-pay determination prior to a court hearing date. This determination could result in an individual either completing community service in lieu of the total fine amount, or suspend the total amount due in whole or in part. Governor Brown also signed AB 503 (Lackey), Chapter 741, Statutes of 2017, which requires a payment program to be offered to indigent individuals before agencies can use DMV to collect unpaid parking tickets.

Committee comments: This bill is in line with the Legislative intent of the last several years to reduce fines and fees for traffic related offenses. The offenses in this bill that an officer can issue a correctional ticket for to a vessel owner and operators are nearly identical to ones officers are authorized to issue to vehicle operators. Correctional tickets encourage compliance with existing law, while reducing the sharpness of a \$197 or a \$233 ticket. It also helps to ensure that a vessel operator buys a proper fire extinguisher or floatation device to replace the ones they had that were not up to code instead of paying the ticket and hoping they are not stopped again.

Previous Legislation:

SB 112 (Committee on Budget), Chapter 364, Statutes of 2019, restored the fix-it ticket authority for inadequate mufflers unless it is for a motorcycle.

AB 1824 (Committee on Budget), Chapter 38, Statutes of 2018, removed the fix-it ticket authority for inadequate mufflers.

SB 824 (Committee on Budget), Chapter 45, Statutes of 2018, established a pilot program for courts to provide relief to individuals for traffic fines and penalties based on their ability to pay, amongst other things.

SB 941 (Monning), Chapter 433, Statutes of 2014, requires operators of a vessel to have an operator card, as specified.

AB 390 (Frazier) of 2019 would have restored the ability for law enforcement to issue fix-it tickets to persons whose vehicles have inadequate mufflers. That bill died in Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Sheriffs' Association (Sponsor)

Opposition

None on file

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