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Motor Vehicles

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Motor Vehicles

Motor Vehicles; revised definition of new car dealers

Vehicle Code §§426, 3001, 3003, 3050, 3051, 11723, 11724 (amended).

AB 509 (Ingalls); STATS 1975, Ch 943

Chapter 943 has amended Section 426 of the Vehicle Code to redefine "new car dealers" as "new motor vehicle dealers," hence enlarging the class of new vehicle dealers subject to the provisions of Chapter 6 (commencing with §3000) of the Vehicle Code. This definitional change has been incorporated into several sections of the Vehicle Code including: Section 3051, (exemptions from New Motor Vehicle Board regulation); Section 11723, (license fee requirement); and Section 11724 (penalty for failure to apply for license). Thus, with the enactment of Chapter 943, motorcycle dealers, previously exempt, now fall within the regulatory power of the New Motor Vehicle Board. This modification appears to be consistent with the purposes for creating the board; to avoid undue control of independent new motor vehicle dealers, to assure fulfillment of franchise obligations, and to assure adequate and sufficient service to the consumer [CAL. STATS. 1973, c. 996, §1, at 1964]. Additionally, it appears this legislation will require amendment of the Administrative Code [13 CAL. ADMIN. CODE §§550, 553, 554, 557], to bring it into conformity with the definitional changes described above.

See Generally:

- 1) CAL. VEHICLE CODE Chapter 6 (commencing with §3000), (New Motor Vehicle Board).

Motor Vehicles; parking offenses— registration renewal

Vehicle Code §§4760, 4761, 4762, 4763, 4764, 4765, 41103.5 (new); §41103 (amended).

SB 192 (Roberti); STATS 1975, Ch 1179
(Effective January 1, 1978)

Support: California Police Officers; Los Angeles Sheriff's Office
Opposition: Department of Motor Vehicles; Motorcycle Owners Riders Enthusiasts

Prior to the enactment of Section 4760 of the Vehicle Code, unadjudicated parking and standing violations were grounds for refusal to renew drivers licenses [CAL. VEHICLE CODE §12807(c) (grounds for refusal)]. Section 4760 now provides for an annual collection of all such violations, implemented through the Department of Motor Vehicles, when the owner of a vehicle attempts to renew its registration. New Section 41103.5 requires the clerk or magistrate of the court having jurisdiction over the violation to give notice to the Department that the registrant has failed to appear. This notice must be given within 30 days of such failure to appear. Once notice is received by the Department, the individual attempting to renew his vehicle registration must post bail with the Department before renewal will be granted. The costs of determining, collecting, and remitting the bail must also be paid at that time pursuant to Section 4763. Finally, if adjudication of the violation occurs subsequent to the time notification is given by the court to the Department of Motor Vehicles, Section 41103.5 requires the clerk or magistrate to immediately notify the Department accordingly.

Motor Vehicles; bail deposits—trial scheduling

Vehicle Code §§40500, 40519 (amended).

AB 767 (McVittie); STATS 1975, Ch 1257

Support: California District Attorneys' Association; California Peace Officers' Association

Chapter 1257 provides for a two-step revision in the procedures for contesting minor motor vehicle violations. Previously, Vehicle Code Section 40519 permitted persons charged with a traffic infraction to enter a plea of not guilty either in person *or* in writing, and accompanied by a \$25 deposit. The clerk of the court was not required to set the arraignment and trial for the same date for defendants who utilized either method of entering a plea.

Effective January 1, 1976, defendants who plead not guilty in an appearance in front of the court clerk must deposit the amount of bail for the offense charged, rather than the \$25 deposit. The bail amount is determined by the provisions of Section 1269b of the Penal Code, together with any assessment required by Sections 42006 or 42050 of the Vehicle Code. Persons entering a written plea of not guilty are still sub-

ject to the \$25 deposit requirement. For those defendants who enter a plea of not guilty in person, the clerk must set the arraignment and trial on the same date, unless the defendant requests otherwise. This provision provides for maximum convenience to the defendant and expedites the judicial process.

Further changes made by Chapter 1257, which become effective July 1, 1976, will retain the requirement that defendants entering a not guilty plea in person deposit the amount of bail for the offense. Additionally, from that date on, defendants entering written pleas of not guilty will have to deposit the amount of bail for the offense charged in lieu of the \$25 deposit. The requirement for simultaneous scheduling of the arraignment and trial will remain applicable only to those entering a plea by appearance, and will *not* be expanded to include those defendants who make a written plea.