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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

November 15, 2007

VIA PERSONAL DELIVERY

The Honorable Edmund G. Brown, Jr.
Attorney General
1300 I Street
Sacramento, CA 95814

Attention: Patricia Galvan, Initiative Coordinator

Re: Request for Title and Summary- Initiative Statutory Amendment

Dear Mr. Brown:

I am a proponent of the attached initiative statutory amendment. Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the Elections Code, I hereby request that a title and summary be prepared for the attached initiative statutory amendment. Enclosed is a check for \$200.00. My residence address is attached.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Richard D. Martland or Gene Erbin.

Thank you for your assistance.

Sincerely,

Stephen L. Folzner, Proponent

Enclosure: Proposed Initiative

SECTION 1. Article 3.5 (commencing with Section 16060) of Chapter 1 of Division 7 of the Vehicle Code is added to read as follows:

Section 16060 is added to the Vehicle Code to read:

Sec. 16060. This Act shall be known, and may be cited as, the Uninsured Motorist Law Enforcement Act of 2008.

Section 16061 is added to the Vehicle Code to read:

Sec. 16061. The purpose of this Act is to reduce the number of uninsured motorists by imposing tough, but fair, punishment on vehicle owners who fail to comply with California's financial responsibility law. The punishment only applies after a motorist has been informed of his or her failure to provide evidence of financial responsibility, as required by existing law. The temporary removal of an uninsured vehicle's license plates will encourage vehicle owners to comply with the law. The number of uninsured motorists will decline. In order to ensure compliance, it is necessary for vehicle owners to have access to affordable automobile insurance. Therefore, it is also the purpose of this Act to continue California's low-cost automobile insurance program.

Section 16062 is added to the Vehicle Code to read:

Sec. 16062. The People find and declare the following:

(a) Approximately 25 percent of California drivers are not meeting their financial responsibility obligation to acquire and maintain automobile insurance, as required by law.

(b) Other efforts, including increased fines, loss of registration, and loss of driver's license, have proven ineffective.

(c) Uninsured motorists cost law-abiding motorists over \$1 billion annually. Accidents involving uninsured motorists are unnecessarily time-consuming, aggravating, and frustrating for properly insured drivers.

(d) Existing law and a new computer system allow law enforcement officers to ascertain the status of a vehicle's insurance and registration.

(e) Law enforcement officers should remove the front and rear license plates from a vehicle if the driver cannot provide evidence of financial responsibility and valid registration.

(f) All vehicle owners, including those who lose their license plates, should be given a final opportunity to prove their vehicle is properly insured, as required by law, before more severe punishment, such as the impoundment of vehicles, is employed.

(g) Innovative techniques should be used to solve the uninsured motorist problem and encourage compliance with California law. Continued tolerance of illegal activity jeopardizes the public health and safety and undermines confidence in the fair administration of the law.

(h) Consistent with existing law, peace officers shall not stop a vehicle for the sole purpose of determining whether the vehicle is being driven in violation of financial responsibility laws.

(i) The Insurance Commissioner has the authority to extend California's low-cost automobile insurance program to all 58 counties. The availability of an affordable and actuarially sound automobile insurance program provides vehicle owners the opportunity to comply with California's financial responsibility law. Accordingly, the low-cost automobile insurance program should be available statewide.

Section 16063 is added to the Vehicle Code to read:

Sec. 16063. (a) If a peace officer issues a citation to a driver for failing to provide evidence of financial responsibility as required by Article 2, the peace officer shall remove (and take possession of) the vehicle's front and rear license plates, provided the peace officer verifies from the electronic records of the Department that the vehicle lacks valid registration. Circumstances under which this subdivision shall apply include, but are not limited to, situations where registration has been suspended, cancelled, or revoked pursuant to Section 4000.38.

(b) Notwithstanding subdivision (a), a peace officer may decline to remove a vehicle's license plates if the peace officer determines that removal would endanger the occupants of the vehicle or the peace officer, or is contrary to the interests of justice.

(c) Upon removal of a vehicle's license plates, the peace officer shall provide the driver with a pamphlet encouraging the driver to comply with the financial responsibility law, and informing the driver of possible fines, penalties, and other sanctions, including impoundment of the vehicle, if compliance does not occur within the seven day period identified in subdivision (d). The pamphlet shall also instruct drivers to retain citations in the vehicle during the seven day period so additional citations may be avoided.

(d) A vehicle whose license plates have been removed pursuant to subdivision (a) may continue to be operated for a period of seven days from the date of removal of the license plates. During this seven day period, the driver or registered owner shall comply with the law, including obtaining financial responsibility and evidence thereof. No additional citations for failure to prove or possess financial responsibility shall be

issued during this seven day period. In the event of noncompliance, the Commissioner and local law enforcement agencies are authorized to impound vehicles upon the expiration of the seven day period, as provided in the regulations relating to impoundment of vehicles to be adopted pursuant to this Article.

Section 16064 is added to the Vehicle Code to read:

Sec. 16064. (a) No later than July 1, 2009, the Commissioner, in consultation with the Department and local law enforcement agencies, shall adopt a comprehensive regulatory system implementing the provisions of this Article, including Section 16063. To the extent practicable, such regulations shall authorize the California Highway Patrol and local law enforcement agencies to utilize the records compiled by the Department pursuant to the electronic reporting systems identified in this chapter in order to maximize implementation of this Act and to guarantee compliance with California's financial responsibility law.

(b) At the Commissioner's discretion, the regulations authorized by this Article may provide for, but are not limited to, all of the following:

(1) The impoundment of vehicles whose plates have been removed pursuant to subdivision (a) of Section 16063 after the expiration of the seven day period identified in subdivision (d) of Section 16063. Impoundment shall only occur pursuant to clearly delineated protocols, but is authorized in those instances in which the public health and safety requires immediate removal of the vehicle. Existing provisions of law pertaining to towing, storage, and related issues shall apply.

(2) The distribution of temporary license plates or placards in the event the Department elects to establish a temporary license plate or placard program for drivers whose license plates have been removed pursuant to Section 16063.

(c) The regulations adopted pursuant to this section shall emphasize the safety of peace officers charged with implementing this Article.

(d) The Commissioner shall prepare the pamphlet identified in subdivision (c) of Section 16063, which shall be distributed to the California Highway Patrol and local law enforcement agencies for use in accordance with Section 16063.

Section 16065 is added to the Vehicle Code to read:

Sec. 16065. The Department may adopt regulations to facilitate implementation of this Article. Such regulations may provide for, but are not limited to, all of the following:

(a) The imposition of fees upon vehicle owners whose license plates are removed pursuant to Section 16063, provided that such fees are limited to costs directly associated with the implementation of this Article.

(b) The creation of a temporary license plate or placard program for issuance to drivers whose license plates have been removed pursuant to Section 16063. Any temporary license plate or placard program shall be created in consultation with the California Highway Patrol.

Section 16066 is added to the Vehicle Code to read:

Sec. 16066. Regulations adopted pursuant to this Article are subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

Section 16067 is added to the Vehicle Code to read:

Sec. 16067. The Legislature shall appropriate sufficient funds to the California Highway Patrol for implementation of this Article.

SECTION 2. Section 16020.1 of the Vehicle Code is repealed:

~~Sec. 16020.1. (a) On and after January 1, 2011, Section 4000.37 does not apply to vehicle owners with a residence address in the County of Los Angeles at the time of registration renewal.~~

~~(b) On and after January 1, 2011, subdivisions (a) and (b) of Section 16028 do not apply to a person who drives a motor vehicle upon a highway in the County of Los Angeles.~~

SECTION 3. Section 16020.2 of the Vehicle Code is repealed:

~~Sec. 16020.2. (a) On and after January 1, 2011, Section 4000.37 does not apply to vehicle owners with a residence address in the City and County of San Francisco at the time of registration renewal.~~

~~(b) On and after January 1, 2011, subdivisions (a) and (b) of Section 16028 do not apply to a person who drives a motor vehicle upon a highway in the City and County of San Francisco.~~

SECTION 4. Section 11629.84 of the Insurance Code is amended to read:

Sec. 11629.84. (a) ~~This article shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before~~

January 1, 2011, deletes or extends that date. The amendment to this section shall not be interpreted to prohibit, restrict, or otherwise diminish the ability of the Legislature to amend, repeal, extend, or otherwise modify this Article.

(b) The amendment to this section shall not be interpreted to prohibit, restrict, or otherwise diminish the authority of the Insurance Commissioner.

SECTION 5. OPERATIVE DATE

Section 16063 of the Vehicle Code shall become operative 60 days after the California Highway Patrol Commissioner files with the Secretary of State regulations adopted pursuant to Section 16064 of the Vehicle Code.

SECTION 6. AMENDMENTS

The Legislature may only amend this Act by statute passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, provided the statute is consistent with, and furthers the purposes of, this Act. All amendments to this Act proposed by the Legislature must remain in print for not less than 12 consecutive days prior to enactment.

SECTION 7. SEVERABILITY

The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 8. CONFLICTING MEASURES

In the event this measure appears on the same statewide election ballot as another initiative measure or measures that seek to affect the regulation of uninsured drivers or vehicles under California's financial responsibility laws or low-cost automobile insurance, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and each and every provision of the other measure or measures shall be null and void.