

## **ARTICLE XIX MOTOR VEHICLE REVENUES [SECTION 1 - SEC. 10]**

*(Article 19 heading renumbered from Art. 26 on June 8, 1976, by Prop. 14. Res.Ch. 5, 1976.)*

### **SECTION 1.**

The Legislature shall not borrow revenue from the Highway Users Tax Account, or its successor, and shall not use these revenues for purposes, or in ways, other than those specifically permitted by this article.

*(Sec. 1 added Nov. 2, 2010, by Prop. 22. Initiative measure.)*

### **SEC. 2.**

Revenues from taxes imposed by the State on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the costs of collection and any refunds authorized by law, shall be deposited into the Highway Users Tax Account (Section 2100 of the Streets and Highways Code) or its successor, which is hereby declared to be a trust fund, and shall be allocated monthly in accordance with Section 4, and shall be used solely for the following purposes:

- (a) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.
- (b) The research, planning, construction, and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways, but excluding the maintenance and operating costs for mass transit power systems and mass transit passenger facilities, vehicles, equipment, and services.

*(Sec. 2 renumbered from Sec. 1 on Nov. 2, 2010, by Prop. 22. Initiative measure.)*

### **SEC. 3.**

Revenues from fees and taxes imposed by the State upon vehicles or their use or operation, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

- (a) The state administration and enforcement of laws regulating the use, operation, or registration of vehicles used upon the public streets and highways of this State, including the enforcement of traffic and vehicle laws by state agencies and the mitigation of the environmental effects of motor vehicle operation due to air and sound emissions.
- (b) The purposes specified in Section 2 of this article.

*(Sec. 3 renumbered from Sec. 2 on Nov. 2, 2010, by Prop. 22. Initiative measure.)*

### **SEC. 4.**

- (a) Except as provided in subdivision (b), the statutory formulas in effect on June 30, 2009, which allocate the revenues described in Section 2 to cities, counties, and areas of the State shall remain in effect.
- (b) The Legislature shall not modify the statutory allocations in effect on June 30, 2009, unless and until both of the following have occurred:
  - (1) The Legislature determines in accordance with this subdivision that another basis for an equitable, geographical, and jurisdictional distribution exists. Any future statutory revisions shall (A) provide for the allocation of these revenues, together with other similar revenues, in a manner which gives equal consideration to the transportation needs of all areas of the State and all segments of the population; and (B) be consistent with the orderly achievement of the adopted local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan;
  - (2) The process described in subdivision (c) has been completed.
- (c) The Legislature shall not modify the statutory allocation pursuant to subdivision (b) until all of the following have occurred:
  - (a) The California Transportation Commission has held no less than four public hearings in different parts of the State to receive public input about the local and regional goals for ground transportation in that part of the State;
  - (b) The California Transportation Commission has published a report describing the input received at the public hearings and how the modification to the statutory allocation is consistent with the orderly achievement of local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan; and
  - (c) Ninety days have passed since the publication of the report by the California Transportation Commission.
- (d) A statute enacted by the Legislature modifying the statutory allocations must be by a bill passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, provided that the bill does not contain any other unrelated provision.
- (e) The revenues allocated by statute to cities, counties, and areas of the State pursuant to this article may be used solely by the entity to which they are allocated, and solely for the purposes described in Sections 2, 5, or 6 of this article.
- (f) The Legislature may not take any action which permanently or temporarily does any of the following: (1) changes the status of the Highway Users Tax Account as a trust fund; (2) borrows, diverts, or appropriates these revenues for purposes other than those described in subdivision (e); or (3) delays, defers, suspends, or otherwise interrupts the payment, allocation, distribution, disbursement, or transfer of revenues from taxes described in Section 2 to cities, counties, and areas of the State pursuant to the procedures in effect on June 30, 2009.

*(Sec. 4 renumbered from Sec. 3 on Nov. 2, 2010, by Prop. 22. Initiative measure.)*

#### **SEC. 5.**

Revenues allocated pursuant to Section 4 may not be expended for the purposes specified in subdivision (b) of Section 2, except for research and planning, until such use is approved by a majority of the votes cast on the proposition authorizing such use of such revenues in an election held throughout the county

or counties, or a specified area of a county or counties, within which the revenues are to be expended. The Legislature may authorize the revenues approved for allocation or expenditure under this section to be pledged or used for the payment of principal and interest on voter-approved bonds issued for the purposes specified in subdivision (b) of Section 2.

*(Sec. 5 renumbered from Sec. 4 on Nov. 2, 2010, by Prop. 22. Initiative measure.)*

#### **SEC. 6.**

- (a) Up to 25 percent of the revenues allocated to the State pursuant to Section 4 for the purposes specified in subdivision (a) of Section 2 of this article may be pledged or used by the State, upon approval by the voters and appropriation by the Legislature, for the payment of principal and interest on voter-approved bonds for such purposes issued by the State on and after November 2, 2010.
- (b) Up to 25 percent of the revenues allocated to any city or county pursuant to Section 4 for the purposes specified in subdivision (a) of Section 2 of this article may be pledged or used only by any city or county for the payment of principal and interest on voter-approved bonds issued by that city or county for such purposes.

*(Sec. 6 renumbered from Sec. 5 on Nov. 2, 2010, by Prop. 22. Initiative measure.)*

#### **SEC. 7.**

If the Legislature reduces or repeals the taxes described in Section 2 and adopts an alternative source of revenue to replace the moneys derived from those taxes, the replacement revenue shall be deposited into the Highway Users Tax Account, dedicated to the purposes listed in Section 2, and allocated to cities, counties, and areas of the State pursuant to Section 4. All other provisions of this article shall apply to any revenues adopted by the Legislature to replace the moneys derived from the taxes described in Section 2.

*(Sec. 7 added Nov. 2, 2010, by Prop. 22. Initiative measure.)*

#### **SEC. 8.**

This article shall not affect or apply to fees or taxes imposed pursuant to the Sales and Use Tax Law or the Vehicle License Fee Law, and all amendments and additions now or hereafter made to such statutes.

*(Sec. 8 renumbered from Sec. 7 on Nov. 2, 2010, by Prop. 22. Initiative measure.)*

#### **SEC. 9.**

Notwithstanding Sections 2 and 3 of this article, any real property acquired by the expenditure of the designated tax revenues by an entity other than the State for the purposes authorized in those sections, but no longer required for such purposes, may be used for local public park and recreational purposes.

*(Sec. 9 renumbered from Sec. 8 on Nov. 2, 2010, by Prop. 22. Initiative measure.)*

#### **SEC. 10.**

Notwithstanding any other provision of this Constitution, the Legislature, by statute, with respect to surplus state property acquired by the expenditure of tax revenues designated in Sections 2 and 3 and located in the coastal zone, may authorize the transfer of such property, for a consideration at least equal to the acquisition cost paid by the State to acquire the property, to the Department of Parks and

Recreation for state park purposes, or to the Department of Fish and Game for the protection and preservation of fish and wildlife habitat, or to the Wildlife Conservation Board for purposes of the Wildlife Conservation Law of 1947, or to the State Coastal Conservancy for the preservation of agricultural lands.

As used in this section, "coastal zone" means "coastal zone" as defined by Section 30103 of the Public Resources Code as such zone is described on January 1, 1977.

*(Sec. 10 renumbered from Sec. 9 on Nov. 2, 2010, by Prop. 22. Initiative measure.)*