



## EFFECT OF STATE COURT CONSTRUCTION PENALTIES ON PARKING VIOLATIONS

**April 2009**

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*This information bulletin and attached materials are intended to ensure that counties are aware of certain effects of [SB 1407](#) (Perata, 2008<sup>1</sup>), a measure that created a framework for the judicial branch to issue up to \$5 billion in lease-revenue bonds to finance the construction of state court capital projects. SB 1407 established the authority to increase various fees for purposes of creating a revenue source to support debt payments on the bond issuance. Among those fees is the State Court Construction Parking Penalty (Government Code (GC) Section 70372(b)), which was increased in SB 1407 by \$3 (from \$1.50 to \$4.50). The measure also created a new Immediate and Critical Needs Account (ICNA) within the State Court Facilities Construction Fund (SCFCF), into which revenues will be deposited for purposes of addressing the most pressing state court construction needs. Also addressed in this transmittal are the largely overlooked impacts of [SB 425](#)<sup>2</sup>, as it relates to overall remittance of parking penalties.*

The changes to parking penalties contained in SB 1407 have created a certain amount of confusion, in part because each county's overall parking remittance will vary depending several factors, including whether the county (1) has concluded its court facility transfer process, (2) has bonded indebtedness on any of the facilities that transfer, and (3) has exercised its authority to charge a \$2.50 parking penalty under GC Section 76000 (b), a portion of which is directed to the locally established criminal justice facilities fund (GC Section 76101). Further, this transmittal also is intended to ensure that counties are aware of statutory changes that became effective January 1, 2008, which also affect overall remittances related to penalties on parking violations.

### **Key Points of Interest and Action**

- SB 1407 increased the state court construction parking penalty (GC Section 70372(b)) from \$1.50 to \$4.50, effective January 1, 2009. Of the \$4.50 penalty per violation, \$1.50 is directed to the State Court Facilities Construction Fund (as the law directed even prior to SB 1407), and the new \$3.00 goes to the SCFCF Immediate and Critical Needs Account (created by SB 1407). **No portion of the \$4.50 penalty authorized under this section is to be retained by the county.** All ticketing agencies should now be collecting and remitting this full amount to the state through their counties.
- The provisions of SB 1407 **did not affect** imposition of local parking penalties authorized under GC Section 76000(b).
- The \$1.50 offset previously authorized under GC Section 70375(b)(1) was eliminated, pursuant to SB 425 (Margett, 2007), which became effective January 1, 2008. **The elimination of this offset made mandatory the collection and remittance of a \$1.50 parking penalty, regardless of amounts collected for deposit into the local courthouse construction fund established pursuant to GC Section 76100. Counties and ticketing agencies must take care to ensure they are complying with the requirements of GC Section 70372(b) and account for the elimination of the offset previously**

<sup>1</sup> Chapter 311, Statutes of 2008.

<sup>2</sup> Chapter 302, Statutes of 2007.

**authorized under GC Section 70375.** It is apparent from state remittance information that many entities overlooked this statutory change. Your specific attention is drawn to this detail to ensure that counties are properly applying and remitting the full scope of parking penalties required by law.

- It is not possible to define for each county what is required as its overall remittance related to parking penalties authorized under GC Sections 70372(b) and 76000. The total remittance could be up to \$9.50, but — specifically as it relates to penalties authorized under Section 76000(b) — that amount will vary depending on (1) whether and to what extent a county has completed its court facility transfer process; (2) whether it has ongoing bonded indebtedness on court facilities; and (3) whether it has authorized the \$2.50 penalty related to a local criminal justice facilities fund (GC Section 76101). (Various scenarios are possible; see Attachment #1 for examples.)

### **Reference Materials Attached**

We encourage you to review the materials listed below, which are attached for your review and reference:

#### **Attachment #1 – Handout packet prepared by the AOC**

- Frequently Asked Questions (State Court Construction Parking Penalty – GC Section 70372(b))
- Court Transfer Status – GC Sections 70321 and 76000(d)
- County and State Parking Penalties – GC Sections 76000(b) and 73072(b)

#### **Attachment #2 – PowerPoint presentation prepared by the SCO**

- State Construction Penalties on Parking Violations: Understanding the effect of SB 1407

#### **Attachment #3 – Chart compiled by AOC**

- GC 76000(b) – Parking Penalty Assessments (County): information from Board of Supervisors' Resolutions

It is our understanding that the State Controller's Office is in the process of preparing Revision 21 of its Manual of Accounting and Audit Guidelines for Trial Courts – Appendix C, which details the distribution of fines, fees, forfeitures, penalties and assessments. The new edition will address statutory changes enacted through SB 1407 and SB 425, among others.

### **Assistance/Action Needed**

First and foremost, it is critical that each county ensure that it is correctly implementing parking penalty statutes and making the required remittances to the state. We also ask that counties communicate this information and the requirements in SB 1407 and SB 425 to the ticketing agencies in their respective jurisdictions.

Further, it is very important that for purposes of determining — and keeping current on, depending on progress in the court facility transfer process and gradual retirement of court facility debt — what each county is required to remit for overall parking offense penalties. To assist the AOC in this process, we are asking that each county review the information in the chart provided at Attachment #3, which identifies whether the AOC has on file the appropriate

Board of Supervisor resolution authorizing, where applicable, either a local courthouse construction fund (GC Section 76100) or a local criminal justice facilities construction fund (GC Section 76101).

Finally, information on the local CCF is also critical for ensuring that the amounts per county listed in the table in GC Section 76000 (e) are accurate. These amounts determine what a county is permitted to collect after the local CCF is directed to the state — that is, once all its court facilities transfer to the state. We are finding that in some instances, a given county’s amount specified in Section 76000(e) is incorrect, which could limit that county’s authority to collect the amount it should be entitled to, simply because the incorrect dollar amount is listed in 76000(e). Counties are again asked to verify the accuracy of these amounts. For ease of reference, the table as specified in current law is provided below.

**Government Code Section 76000 (e)**

Alameda	\$5.00	Marin	\$5.00	San Luis Obispo	\$6.00
Alpine	\$5.00	Mariposa	\$2.00	San Mateo	\$4.75
Amador	\$5.00	Mendocino	\$7.00	Santa Barbara	\$3.50
Butte	\$6.00	Merced	\$5.00	Santa Clara	\$5.50
Calaveras	\$3.00	Modoc	\$4.00	Santa Cruz	\$7.00
Colusa	\$6.00	Mono	\$5.00	Shasta	\$3.50
Contra Costa	\$5.00	Monterey	\$5.00	Sierra	\$7.00
Del Norte	\$5.00	Napa	\$3.00	Siskiyou	\$5.00
El Dorado	\$5.00	Nevada	\$5.00	Solano	\$5.00
Fresno	\$7.00	Orange	\$3.50	Sonoma	\$5.00
Glenn	\$4.06	Placer	\$4.75	Stanislaus	\$5.00
Humboldt	\$5.00	Plumas	\$5.00	Sutter	\$3.00
Imperial	\$6.00	Riverside	\$4.60	Tehama	\$7.00
Inyo	\$4.00	Sacramento	\$5.00	Trinity	\$4.26
Kern	\$7.00	San Benito	\$5.00	Tulare	\$5.00
Kings	\$7.00	San Bernardino	\$5.00	Tuolumne	\$5.00
Lake	\$7.00	San Diego	\$5.00	Ventura	\$5.00
Lassen	\$2.00	San Francisco	\$6.99	Yolo	\$7.00
Los Angeles	\$5.00	San Joaquin	\$3.75	Yuba	\$3.00
Madera	\$7.00				

**Contact Information**

Several resources are available to answer questions regarding the parking penalty increases and the proper distribution of funds, as identified below:

CSAC	Elizabeth Howard	916/650-8131; ehoward@counties.org
AOC	Steven Chang Gisele Corrie	415/865-7195; steven.chang@jud.ca.gov 916/263-1687; gisele.corrie@jud.ca.gov
SCO	Scott Taylor	916/327-2289; SATaylor@sco.ca.gov