

1928

## MOTOR VEHICLE REGISTRATION FEES

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<b>MOTOR VEHICLE REGISTRATION FEES.</b> Act of Legislature submitted to electors by referendum. Amends Section 77 of "California Vehicle Act." Increases the amount of the registration fee to be paid for electric motor vehicles, and vehicles (including trailers and semi- <b>8</b> trailers) equipped wholly with pneumatic tires, and designed, used or maintained primarily for transporting passengers for hire or for transporting property; graduates such fees on a weight basis; doubles those fees for vehicles, other than electric, not so equipped.	YES	
	NO	

(For full text of Measure see page 30, Part II)

**Argument in Favor of Motor Vehicle Registration Fees Referendum Measure**

Trucks are largely responsible for the wear and tear of our public highways. They should be made to pay their just share of the costs of repair, which they do not do now.

This measure, commonly known as the "Wagy Bill," passed by a large majority of both houses of the Legislature and approved by the Governor, would have corrected such an intolerable situation. However, selfish interests, through unwarranted use of the referendum, have obstructed a much needed change in the law.

Vote "YES" on Proposition 8, thereby making trucks pay more nearly what they should for their destructive use of our public roads, sustaining the Governor and Legislature in their effort to protect your interests, and rebuking those who seek to profit unfairly from our splendid highway system.

Farmers with light trucks for hauling their produce to market, and local merchants using similar equipment for deliveries will be relieved by the "Wagy Bill" from the payment of the additional \$5 fee exacted under the existing provision. This is right, because such vehicles are not unusually destructive of roads, and the regular \$3 rate is entirely adequate.

Placing the extra tax on larger equipment, which should pay it, this measure provides for fees ranging from \$10 to \$140 on trucks weighing from 3,000 pounds unladen up to the maximum weight permitted on our roads. The rates are graduated on an equitable basis, depending upon the weight of the vehicle and the type of the tires.

Compared with fees elsewhere, those fixed by the "Wagy Bill" are very moderate. They exceed the rates in only two other states, viz, Nevada and New Jersey and are extremely low in contrast with such a rate as \$1,125 in Georgia. Maximum fees of \$500 and \$600 are not at all uncommon.

Conservative estimates show that this act would add more than \$750,000 annually to funds available for road work. All this money would come from operators of large trucks and none of these selfish interests could deny the eminent wisdom of such a contribution.

By use of the referendum the 1928 fees of \$750,000, which should have come from this source, have been lost to the public. Show your disapproval of such tactics by voting "YES" and insuring payment of these rates in 1929.

The "Wagy Bill" is the result of exhaustive study of those seeking a fair and constructive method of taxing trucks. It has the endorsement of the State Association of County Supervisors, Farm Bureaus, and many other civic organizations. Its opposition is a strong argument in its favor, for such opposition is confined merely to a few truck owners who seek to perpetuate the vicious situation arising from their destructive use of the highways without adequate compensation to the rest of the people. Make them pay their just share of the tax for road work. Vote "YES."

DIXWELL L. PIERCE,  
Secretary, State Board of Equalization.

RALPH W. BULL,  
Chairman, State Highway Commission.

J. I. WAGY,  
State Senator, Thirty-second District.

**Argument Against Motor Vehicle Registration Fees Referendum Measure**

By means of this act truck owners operating on the public highways for hire sought to change the law so as to relieve them from the payment of certain taxes.

In fact the adoption of this law and the repeal of another gross tax law would have operated to have relieved them to the extent of reducing their taxes as much as 250 per cent in many instances and would transfer the burden to privately operated vehicles and to those not using the state highways.

By increasing the cost of the transportation and distribution of every article you use such as bread, milk, vegetables, ice, lumber etc. etc., it would add materially to the cost of living.

"Please vote NO."

J. F. VIZZARD.

welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or water course in this state is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreason-

able method of diversion of water. Riparian rights in a stream or water course attach to, but to no more than so much of the flow thereof as may be required or used consistently with this section, for the purposes for which such rights are, or may be made adaptable, in view of a reasonable and beneficial uses; provided, however, that nothing herein contained shall be construed as depriving any riparian owner of the reasonable use of water of the stream to which his land is riparian under reasonable methods of diversion and use, or of depriving any appropriator of water to which he is lawfully entitled. This section shall be self-executing, and the Legislature may also enact laws in the furtherance of the policy in this section contained.

**MOTOR VEHICLE REGISTRATION FEES.** Act of Legislature submitted to electors by referendum. Amends Section 77 of "California Vehicle Act." Increases the amount of the registration fee to be paid for electric motor vehicles, and vehicles (including trailers and semi-trailers) equipped wholly with pneumatic tires, and designed, used or maintained primarily for transporting passengers for hire or for transporting property; graduates such fees on a weight basis; doubles these fees for vehicles, other than electric, not so equipped.

YES
NO

The Legislature of the State of California, in regular session in 1927, passed, and the governor of the State of California on the thirty-first day of May, 1927, approved the following act, and a petition bearing the signatures of a sufficient number of electors asking that the act be submitted to the electors for their approval or rejection, having been filed with the secretary of state, in due time, the said act is hereby submitted on referendum.

**PROPOSED LAW**

(Proposed changes in provisions are printed in black-faced type)

An act to amend section seventy-seven of "the California vehicle act," relating to registration fees.

The people of the State of California do enact as follows:

Section 1. Section 77 of "the California vehicle act" is hereby amended to read as follows:

Sec. 77. Registration fees. (a) A registration fee of three dollars shall be paid to the division for the registration of every motor vehicle, trailer or semitrailer, except for those which are exempted in this act, and such fee shall be paid at the time application is made for registration.

(b) In addition to the registration fee specified in subdivision (a) of this section, there shall be paid for the registration of every electric passenger motor vehicle a registration fee of ten dollars, and for the registration of every electric motor vehicle designed, used or maintained primarily for the transportation of passengers for hire, or for the transportation of property, there shall be paid fees according to the following schedule:

- For each such vehicle weighing, when unladen, less than six thousand pounds ----- \$50.00
- For each such vehicle weighing, when unladen, six thousand pounds or more, but less than ten thousand pounds.----- 70.00
- For each such vehicle weighing, when unladen, ten thousand pounds or more 90.00

(c) The following registration fees in addition to the registration fee specified in sub-

division (a) of this section shall be paid for the registration of vehicles, including trailers and semitrailers, designed, used or maintained primarily for the transportation of passengers for hire or for the transportation of property, according to the following table, except that the fees specified in this subsection need not be paid for electric vehicles:

When such vehicles are equipped wholly with pneumatic tires:

- For each such vehicle weighing, when unladen, three thousand pounds or more, but less than six thousand pounds ----- \$15.00
- For each such vehicle weighing, when unladen, six thousand pounds or more, but less than ten thousand pounds and limited under the provisions of this act to a total weight, including vehicle and load, not exceeding twenty-two thousand pounds.----- 40.00
- For each such vehicle weighing, when unladen, ten thousand pounds or more and limited under the provisions of this act to a total weight, including vehicle and load, not exceeding twenty-two thousand pounds.----- \$50.00
- For each such vehicle weighing, when unladen, six thousand pounds or more and entitled under the provisions of this act to a total weight, including vehicle and load, in excess of twenty-two thousand pounds.----- 70.00

When such vehicles are not equipped wholly with pneumatic tires there shall be paid in addition to the fees specified in subdivision (a) of this section fees according to the weight thereof unladen amounting to twice the fees set forth in the foregoing table.

Upon registration issued after the beginning of the registration year, the fees required under subdivisions (b) and (c) of this section shall be reduced by one-fourth for each three months which shall have elapsed since the beginning of the registration year.

(d) If the license tax provided for by that certain act entitled "An act to regulate and license the business of producing, refining, distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," heretofore adopted by the Legisla-

ture at its forty-fifth session is held by the supreme court of the State of California, or by the supreme court of the United States, to be unconstitutional, then beginning with the first year next succeeding the date upon which such decision becomes final there shall be paid upon and for the registration and reregistration of every motor vehicle with the division of motor vehicles, in addition to any other fees imposed by law, a registration fee of five dollars for every electric motor vehicle and for every other motor vehicle a fee amounting to the sum of forty cents for each horsepower or major fraction thereof of such motor vehicle and a proportionate amount thereof for the registration of such vehicle for a period of less than one year. The horsepower of any motor vehicle, except electric or steam driven motor vehicles, shall be determined by the formula commonly known as that of the Association of Licensed Automobile Manufacturers (A. L. A. M.), being as follows: Square the diameter of the cylinder in inches, multiply by the number of cylinders, and divide by two and five-tenths; provided, that for the purposes hereof the horsepower of any steam driven motor vehicle shall be the horsepower rating fixed and advertised by the manufacturer thereof. In the event that the registration fees for electric motor vehicles and fees based on horsepower as hereinabove specified shall be collected, all such fees shall be paid into the motor vehicle fund of the State of California, and shall be distributed and used for such purposes as may be provided by law for the distribution and use of such motor vehicle fund; and provided, further, that in the event the provisions of this section, relative to registration fees, based upon horsepower rating, shall become effective the provisions of this section contained in subdivisions (a) and (b) shall be deemed to be superseded.

Sec. 2. This act shall go into effect and be enforced from and after the date on which here shall become effective an act heretofore hereafter adopted by the Legislature at its seventh session repealing that certain act entitled "An act to impose a license fee for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; to make an appropriation for the purpose of this act; and to repeal all acts or parts of acts in conflict herewith," approved May 23, 1925.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 4. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

#### EXISTING PROVISIONS

(Provisions proposed to be repealed are printed in italics)

Sec. 77. Registration fees. (a) A registration fee of three dollars shall be paid to the division for the registration of every motor vehicle, trailer, or semitrailer except for those which are exempted in this act, and such fee shall be paid at the time application is made for registration.

(b) In addition to the registration fee specified in subdivision (a) of this section, there shall be paid for the registration of every electric passenger motor vehicle a registration fee of five dollars, and for the registration of every electric motor vehicle designed, used or maintained primarily for the transportation of passengers for hire, or for the transportation of property, there shall be paid fees according to the following schedule:

For each such vehicle weighing, when unladen, less than 6,000 pounds-----\$40.00  
 For each such vehicle weighing, when unladen, 6,000 pounds or more, but less than 10,000 pounds----- 60.00

For each such vehicle weighing, when unladen, 10,000 pounds or more----- 80.00

(c) The following registration fees in addition to the registration fee specified in subdivision (a) of this section shall be paid for the registration of vehicles, including trailers and semitrailers, designed, used or maintained primarily for the transportation of passengers for hire or for the transportation of property, according to the following table, except that the fees specified in this subsection need not be paid for electric vehicles, nor for camping semitrailers weighing not to exceed five hundred pounds unladen nor for vehicles which are used exclusively in the transportation of free delivery mails:

When such vehicles are equipped wholly or partly with other than pneumatic tires:

For each such vehicle weighing, when unladen, less than 3,000 pounds-----\$10.00

For each such vehicle weighing, when unladen, 3,000 pounds or more, but less than 6,000 pounds----- 20.00

For each such vehicle weighing, when unladen, 6,000 pounds or more, but less than 10,000 pounds----- 30.00

For each such vehicle weighing, when unladen, 10,000 pounds or more----- 40.00

When such vehicles are equipped wholly with pneumatic tires there shall be paid in addition to the fee specified in subdivision (a) of this section fees according to the weight thereof unladen amounting to one-half the fees set forth in the foregoing table.

For the purposes of this section, a vehicle weighing less than three thousand pounds unladen and equipped with cushion tires shall be deemed to be equipped with pneumatic tires.

Upon registration issued after the beginning of the registration year, the fees required under subdivisions (b) and (c) of this section shall be reduced by one-fourth for each three months which shall have elapsed since the beginning of the registration year.

No vehicle other than a truck, trailer or semitrailer shall for the purposes of this section be deemed to be a commercial vehicle or subject to the payment of the fees based upon weight specified in this subsection which is only occasionally or incidentally used for the transportation of property and the fact that a vehicle is equipped with a box or other receptacle for the carrying of personal property, incidentally or occasionally shall not be deemed to render such vehicle subject to payment of the fees specified in this subsection; provided, that in any event where the fee specified in subdivision (a) of this section has been paid for the registration of a vehicle of the class referred to in this paragraph, such vehicle shall not be seized by the division under a claim of lien for non-payment of any fee specified in this subdivision until there has first been a judicial determination of the question whether such vehicle is subject to such additional fee.

(d) If the license tax provided for by that certain act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," heretofore or hereafter adopted by the Legislature at its forty-fifth session is held by the supreme court of the State of California, or by the supreme court of the United States, to be unconstitutional then beginning with the first year next succeeding the date upon which such decision becomes final there shall be paid upon and for the registration and reregistration of every motor vehicle with the division of motor vehicles, in addition to any other fees imposed by law, a registration fee of five dollars for every electric motor vehicle and for every other motor vehicle a fee amounting to the sum of

[Thirty-one]

forty cents for each horsepower or major fraction thereof of such motor vehicle and a proportionate amount thereof for the registration of such vehicle for a period of less than one year. The horsepower of any motor vehicle, except electric or steam driven vehicles, shall be determined by the formula commonly known as that of the Association of Licensed Automobile Manufacturers (A. L. A. M.), being as follows: Square the diameter of the cylinder in inches, multiply by the number of cylinders, and divide by two and five-tenths; provided, that for the purposes hereof the horsepower of any steam driven motor vehicle shall be the horsepower

rating fixed and advertised by the manufacturer thereof. In the event that registration fees for electric motor vehicles and fees based on horsepower as hereinabove specified shall be collected all such fees shall be paid into the motor vehicle fund of the State of California, and shall be distributed and used for such purposes as may be provided by law for the distribution and use of said motor vehicle fund; and provided, further, that in the event the provisions of this section, relative to registration fees, based upon horsepower rating, shall become effective the provisions of this section contained in subdivisions (a) and (b) shall be deemed to be superseded.

**ACQUISITION OF RIGHTS OF WAY BY STATE.** Assembly Constitutional Amendment 21. Amends Section 14, Article I, of Constitution.

Confers upon the State the same power now possessed by municipal corporations and counties to appropriate a right of way without full compensation therefor being first made in money or ascertained and paid into court for the owner, but requires that in any action to acquire such right of way security shall be given for immediate payment to the owner of just compensation for the property so taken as soon as the amount thereof can be ascertained according to law.

YES	
NO	

Assembly Constitutional Amendment No. 21—  
A resolution to propose to the people of the State of California an amendment to section fourteen of article one of the constitution of said state, relating to the rights of private property.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its forty-seventh regular session, commencing on the third day of January, 1927, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 14 of article I of the constitution be amended to read as follows:

**PROPOSED AMENDMENT**

(Proposed changes in provisions are printed in black-faced type)

Sec. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation, except a municipal corporation or a county or the state until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; provided, that in an action in eminent domain brought by the state, or a county, or a municipal corporation, or a drainage, irrigation, levee, or reclamation district, the aforesaid state or political subdivision thereof or district may take immediate possession and use of any right of way required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property, as soon as the same can be ascertained according to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice

to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

**EXISTING PROVISIONS**

Sec. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation, except a municipal corporation or a county, until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; provided, that in an action in eminent domain brought by the state, or a county, or a municipal corporation, or a drainage, irrigation, levee, or reclamation district, the aforesaid state or political subdivision thereof or district may take immediate possession and use of any right of way required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposits as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property, as soon as the same can be ascertained according to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.