

SENATE RULES COMMITTEE  
Office of Senate Floor Analyses  
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SB 1834

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THIRD READING

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Bill No: SB 1834  
Author: Mountjoy (R)  
Amended: 5/18/98  
Vote: 21

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SENATE NATURAL RES. & WILD. COMMITTEE : 6-0, 5/12/98  
AYES: Hayden, Johannessen, Monteith, O'Connell, Sher,  
Thompson  
NOT VOTING: Alpert, Johnston, Leslie

SENATE ENERGY, U. & C. COMMITTEE: 7-0, 5/27/98  
\_ AYES: Peace, Brulte, Hayden, Johnston, Mountjoy,  
Rosenthal, Solis  
NOT VOTING: Hughes, Kelley

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SUBJECT : Marinas: electric service

SOURCE : Marina Recreation Association

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DIGEST : This bill subjects marinas to the same fee schedule as mobilehome parks, recreational vehicle parks and apartment complexes relative to electric service. The bill allows marina operators to include costs for inspection, testing and registration of utility submeters as part of charges to vessel owners for electrical power use.

ANALYSIS : Current law permits a county board of supervisors to charge an annual device registration fee, based upon the number of devices at a location, to recover the costs of inspecting or testing those devices. Current law also provides that for mobilehome parks, recreational

vehicle parks, and apartment complexes, where the owner of the park or complex owns and is responsible for the utility meters, the annual fee shall not exceed \$60 per park or complex and a fee of up to \$2 per device per space or apartment. This bill would apply these provisions to marinas.

Current law allows the operators of marinas, small craft harbors or connected facilities that furnish electricity to slips for use aboard vessels to provide and use submetering to measure electricity use and determine charges. This bill allows the operator to include, in charges, the cost of inspection, testing and registration of submeters that may be charged by any authority with relevant jurisdiction.

#### Background

1. Section 12240 of the Business and Professions Code provides a table of maximum annual charges per location for local inspection or testing of weighing and measuring devices. The table applies to fees "not otherwise provided for" which includes measuring devices located in marinas. The maximum charge is \$200 per "location". The table does not apply to mobile home parks, recreational vehicle parks and apartment complexes. For these locations, the fee is \$60 per park and up to \$2 per device.

In recent years, some local jurisdictions charged marina meter inspection fees greater than the apparent \$200 per location limit. In one particular instance, Almar limited, a 400-slip marina located in Ventura County, had its fees raised, over a four year period, to \$1.729.

Almar sought relief through the courts and initially received a declaratory judgment by the trial court. However, the Appellate Court reversed the judgment, ruling that the word "location" used in the statute was "ambiguous" and could be interpreted as indicating a single boat slip. This ruling had the effect of subjecting marinas to potential meter inspection fees of up to \$40 per slip.

This bill reduces marinas' potential device inspection costs by subjecting them to the same fee schedule as mobile home parks, recreational vehicle parks and apartment complexes.

2. Current law has no provisions that allow the cost of inspection, testing and registration of submeters to be

passed through the marina electricity users. This means that marina owners must currently bear these costs. This acts as a distinctive for marina owners to install submeters.

The installation of submeters has been shown to encourage energy conservation by slip occupants. Fewer submeters may be installed if marina owners must bear inspection, testing and registration costs. This bill specifically allows the actual costs of inspection, testing and registration of submeters to be included in the electricity charges.

Comments

1. According to the author's office, marina owners are not treated in the same fashion as mobile home parks and apartment complexes with regards to limiting the costs associated with local inspections of electric submeters. The intent of the bill is to limit the fees charged for inspecting submeters and allow the marina the ability to pass on inspection costs to its tenants.
2. Supporters assert that costs associated with meter inspections are excessive and this bill would ease that burden.
3. Proponents of the bill claim that the installation of submeters promotes energy conservation. High inspection fees will discourage the installation of submeters and without them, electricity usage will drastically increase.

FISCAL EFFECT : Appropriation: No Fiscal Com.: No  
Local: No

SUPPORT : (Verified 5/28/98)

Marina Recreation Association (source)  
Montego Bay Marina  
Recreation Association  
San Diego Port Tenants Association  
Western Boaters Safety Group

CP:ctl 5/27/98 Senate Floor Analyses  
SUPPORT/OPPOSITION: SEE ABOVE  
\*\*\*\* END \*\*\*\*