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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 3. EXECUTIVE DEPARTMENT [11000 - 15990.3] (Division 3 added by Stats. 1945, Ch. 111.)

PART 3. DEPARTMENT OF FINANCE [13000 - 13881] (Part 3 added by Stats. 1945, Ch. 112.)

CHAPTER 2. Powers and Duties, Generally [13070 - 13144] (Chapter 2 added by Stats. 1945, Ch. 112.)

ARTICLE 3. Refunds [13140 - 13144] (Article 3 repealed and added by Stats. 1945, Ch. 1204.)

13140. As used in this article:

- (a) "Permit" includes application, license, certificate, or authorization.
- (b) "Fee" includes any monetary exaction imposed or collected for or as a condition precedent to the issuing, making, taking or securing of any permit, filing, examination, or inspection.
- (c) "Excess payment to a revolving fund" means overpayment received by a state agency in connection with a revolving fund in the State Treasury maintained by such an agency for the purpose of assisting persons under the jurisdiction or care of the agency, or providing for the welfare of such persons.
- (d) "Erroneous or excessive payment" means any moneys received by a state agency in error or the portion of any payment received that is in excess of the amount due.

(Amended by Stats. 1983, Ch. 323, Sec. 42.2. Effective July 1, 1983.)

13141. This article does not affect payments required by Article 2 (commencing with Section 16370) of Chapter 2 of Part 2 of Division 4 to be made into or from the "Special Deposit Fund."

(Amended by Stats. 1984, Ch. 144, Sec. 114.)

13142. This article does not authorize the refund of any fee when:

- (a) The payor, either before or after the issuance of a permit, has exercised or enjoyed, or has not been prevented by law from exercising or enjoying, the rights and privileges conferred thereby.
- (b) The payor has been granted permission to take an examination.
- (c) The State agency has made an examination, inspection or filing.

(Repealed and added by Stats. 1945, Ch. 1204.)

13143. Whenever any law which provides for fees or payments to a state agency does not authorize, as provided in this article, the refund of erroneous or excessive payments thereof, refunds may be made by the state agency which collected the fee or payment of any or all amounts received by the state agency in consequence of error, either of fact or of law, as to:

- (a) The proper amount of such fee or payment.
- (b) The necessity of making such payment or making or securing a permit, filing, examination, or inspection.
- (c) The sufficiency of the credentials of the applicant.
- (d) The eligibility of an applicant for any other reason.

(Amended by Stats. 1983, Ch. 323, Sec. 42.4. Effective July 1, 1983.)

13144. Any fee or payment subject to refund under this article, and any excess payment to a revolving fund as defined in Section 13140, may be refunded by the state agency collecting the fee or erroneous or excess payment (a) before deposit in the State Treasury from any unremitted balance of receipts of the same nature in the state agency's checking account or (b) if deposited in the

State Treasury, from any appropriation made for the refund or from any unremitted balance of receipts of the same nature in the state agency's checking account. If there is an insufficient balance of unremitted receipts of the same nature in the state agency's checking account, there is hereby appropriated from the fund to which the payment was credited, a sufficient amount to make the refunds. Individual refunds under this article which exceed ten thousand dollars (\$10,000), to be made from fees or payments deposited in the State Treasury, shall require prior approval of the Department of Finance and the Controller. Claims for refunds made under (b) of this section shall be charged to the account to which the original entry was made when the funds were deposited in the State Treasury.

Whenever any fee or payment subject to refund under (b) of this section has been paid into the State Treasury to the credit of two or more funds, the agency may file a single claim against one of the funds with the Controller, covering the total amount to be refunded from each of the funds credited. The claim shall be supported by such detail as the Controller may require. At least quarterly the agency shall certify to the Controller the amounts so paid from one fund which are properly chargeable to other funds and upon order of the Controller the amounts so required shall be transferred from those funds to the credit of the appropriate funds.

(Amended by Stats. 1988, Ch. 861, Sec. 2.)