

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 101**

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**Introduced by Assembly Member Ma**

December 21, 2006

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An act to ~~add Section 126 to the Streets and Highways~~ amend Section 40207 of, and to add Article 3.5 (commencing with Section 40240) to Chapter 1 of Division 17 of, the Vehicle Code, relating to ~~transportation~~ vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 101, as amended, Ma. ~~Transportation: highway and road closures.~~  
*Vehicles: parking enforcement: videotaped evidence.*

*Existing law requires a peace officer or person authorized to enforce parking laws and regulations to securely attach to a vehicle in violation of those laws or regulations a notice of violation, if the vehicle is unattended during the time of the violation.*

*This bill would authorize the City and County of San Francisco to enforce parking violations in transit-only lanes and during street sweep hours through the use of videotaped evidence. The City and County of San Francisco would be authorized to install videotape cameras on public transit and other city-owned vehicles for the purposes of videotaping these parking violations. A designated employee would be required to review the videotape for determining whether these parking violations had occurred and to issue a notice of a parking violation to the registered owner within 15 days of the violation. The bill would make legislative findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.*

Existing law provides that the Department of Transportation has full possession and control of all state highways. Existing law authorizes the department to restrict the use of, or close, any state highway when it considers the restriction or closure necessary for protection of the public. Existing law authorizes the department to notify the public that a state highway is closed or that its use is restricted.

~~This bill would require the department to establish a publicly accessible database that includes every public highway or road in California that is closed during the winter months. The bill would require this information to be updated annually and be readily available and easily accessible on the department's Internet Web site. The bill would also urge manufacturers of printed maps and Internet map companies to use the department's database, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

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

- 1     SECTION 1. Section 40207 of the Vehicle Code is amended to
- 2     read:
- 3     40207. The notice of delinquent parking violation shall contain
- 4     the information specified in subdivision (a) of Section 40202 or
- 5     subdivision (a) of Section 40241, and Section 40203, and,
- 6     additionally shall contain a notice to the registered owner that,
- 7     unless the registered owner pays the parking penalty or contests
- 8     the citation within 21 calendar days from the date of issuance of
- 9     the citation or 14 calendar days after the mailing of the notice of
- 10    delinquent parking violation or completes and files an affidavit of
- 11    nonliability which complies with Section 40208 or 40209, the
- 12    renewal of the vehicle registration shall be contingent upon
- 13    compliance with the notice of delinquent parking violation. If the
- 14    registered owner, by appearance or by mail, makes payment to the
- 15    processing agency within 21 calendar days from the date of
- 16    issuance of the citation or 14 calendar days after the mailing of
- 17    the notice of delinquent parking violation, the parking penalty shall
- 18    consist solely of the amount of the original penalty. No additional
- 19    fees, assessments, or other charges shall be added.
- 20    SEC. 2. Article 3.5 (commencing with Section 40240) is added
- 21    to Chapter 1 of Division 17 of the Vehicle Code, to read:

1       Article 3.5. Procedure on Videotaping Parking Violations  
2       Occurring in Transit-Only Lanes and During Posted Street  
3       Sweeping Hours  
4

5       40240. (a) The City and County of San Francisco may install  
6 video cameras on public transit, as defined by Section 99211 of  
7 the Public Utilities Code, and other city-owned vehicles for the  
8 purpose of videotaping parking violations occurring in transit-only  
9 traffic lanes and during posted street sweeping hours.

10      (b) Prior to issuing notices of parking violations pursuant to  
11 subdivision (a) of Section 40241, the City and County of San  
12 Francisco shall commence a program to issue only warning notices  
13 for 30 days. The City and County of San Francisco shall also make  
14 a public announcement of the program at least 30 days prior to  
15 commencement of issuing notices of parking violations.

16      (c) A designated employee of the City and County of San  
17 Francisco shall review videotaped recordings for the purpose of  
18 determining whether a parking violation occurred in a transit-only  
19 traffic lane or during posted street sweeping hours. A violation of  
20 a statute, regulation, or ordinance governing vehicle parking under  
21 this code, under a federal or state statute or regulation, or under  
22 a ordinance enacted by the City and County of San Francisco  
23 occurring in a transit-only traffic lane or during posted street  
24 sweeping hours observed by the designated employee in the  
25 recordings is subject to a civil penalty.

26      (d) The registered owner shall be permitted to review the  
27 videotaped evidence of the alleged violation.

28      (e) Except as it may be included in court records described in  
29 Section 68152 of the Government Code, the videotaped evidence  
30 may be retained for up to six months from the date the information  
31 was first obtained, or until final disposition of the citation,  
32 whichever date is later, after which time the information shall be  
33 destroyed.

34      (f) For purpose of this article, “local agency” means the City  
35 and County of San Francisco.

36      40241. (a) A designated employee of the local agency shall  
37 issue a notice of a parking violation to the registered owner of a  
38 vehicle within 15 calendar days of the date of the violation. The  
39 notice of violation shall set forth the violation of a statute,  
40 regulation, or ordinance governing vehicle parking under this

1 code, under a federal or state statute or regulation, or under an  
2 ordinance enacted by the City and County of San Francisco  
3 occurring in a transit-only traffic lane or during posted street  
4 sweeping hours, a statement indicating that payment is required  
5 within 21 calendar days from the date of citation issuance, and  
6 the procedure for the registered owner, lessee, or rentee to deposit  
7 the parking penalty or contest the citation pursuant to Section  
8 40215. The notice of a parking violation shall also set forth the  
9 vehicle license number, registration expiration date, the color of  
10 the vehicle, and, if possible, the make of the vehicle. The notice of  
11 parking violation, or copy of the notice, shall be considered a  
12 record kept in the ordinary course of business of the City and  
13 County of San Francisco and shall be prima facie evidence of the  
14 facts contained in the notice. The City and County of San Francisco  
15 shall send information regarding the process for requesting review  
16 of the videotaped evidence along with the notice of parking  
17 violation.

18 (b) The notice of parking violation shall be served by depositing  
19 the notice in the United States mail to the registered owner's last  
20 known address listed with the Department of Motor Vehicles.

21 (c) If, within 21 days after the notice of parking violation is  
22 issued, the local agency determines that, in the interest of justice,  
23 the notice of parking violation should be canceled, the local agency  
24 shall cancel the notice of parking violation pursuant to subdivision  
25 (a) of Section 40215. The reason for the cancellation shall be set  
26 forth in writing.

27 (d) Following an initial review by the local agency, and an  
28 administrative hearing, pursuant to Section 40215, a contestant  
29 may seek court review by filing an appeal pursuant to Section  
30 40230.

31 (e) The City and County of San Francisco may contract with a  
32 private vendor for the processing of notices of parking violations  
33 and notices of delinquent violations. The City and County of San  
34 Francisco shall maintain overall control and supervision of the  
35 program.

36 SEC. 3. The Legislature finds and declares that this act, which  
37 is applicable only to the City and County of San Francisco, is  
38 necessary because of the unique and special problems associated  
39 with parking violations in transit-only lanes and during street  
40 sweeping hours in that city and county. It is, therefore, hereby

1 *declared that a general law within the meaning of Section 16 of*  
2 *Article IV of the California Constitution cannot be made applicable*  
3 *to that city and county and the enactment of this special law is*  
4 *necessary for the videotape enforcement of parking violations in*  
5 *transit-only lanes and during street sweeping hours for the public*  
6 *good.*

7 SECTION 1. Section 126 is added to the Streets and Highways  
8 Code, to read:

9 126. (a) ~~The department shall establish a publicly accessible~~  
10 ~~database that includes every public highway or road in California~~  
11 ~~that is closed during the winter months. This information shall be~~  
12 ~~updated annually and shall be readily available and easily~~  
13 ~~accessible on the department's Internet Web site.~~

14 (b) ~~For purposes of this section, public highways or roads~~  
15 ~~include state highways, county roads, and United States Forest~~  
16 ~~Service roads in California.~~

17 (c) ~~The Legislature urges manufacturers of printed maps and~~  
18 ~~Internet map companies to use the database described in~~  
19 ~~subdivision (a) for the purpose of indicating public highways and~~  
20 ~~roads in California that are closed in the winter if those highways~~  
21 ~~or roads appear on maps made available to California residents.~~