

AMENDED IN SENATE APRIL 22, 2010

SENATE BILL

No. 949

Introduced by Senator Oropeza

February 4, 2010

An act to amend Sections 21 and 21100 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 949, as amended, Oropeza. Vehicles: local authority: assessing penalties.

Existing law prohibits a local authority from enacting or enforcing an ordinance on matters covered by the Vehicle Code unless expressly authorized.

This bill would expressly prohibit a local authority from enacting or enforcing an ordinance that assesses a penalty for a violation of matters covered by the Vehicle Code that is different than the penalty expressly provided for in that code of this code or an ordinance adopted pursuant to this code unless expressly authorized by this code.

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

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

- 1 SECTION 1. Section 21 of the Vehicle Code is amended to
- 2 read:
- 3 21. (a) The provisions of this code are applicable and uniform
- 4 throughout the state, and a local authority shall not enact or enforce
- 5 an ordinance on the matters covered by this code unless expressly
- 6 authorized by this code.

1 (b) A local authority shall not enact or enforce an ordinance
2 ~~that assesses a penalty for a violation of matters covered by this~~
3 ~~code that is different than the penalty expressly provided for in~~
4 ~~this code unless expressly authorized by this code.~~ *that assesses*
5 *a penalty for a violation of this code or an ordinance adopted*
6 *pursuant to this code unless expressly authorized by this code.*

7 SEC. 2. Section 21100 of the Vehicle Code is amended to read:

8 21100. Local authorities may adopt rules and regulations by
9 ordinance or resolution regarding the following matters:

10 (a) Regulating or prohibiting processions or assemblages on the
11 highways.

12 (b) Licensing and regulating the operation of vehicles for hire
13 and drivers of passenger vehicles for hire.

14 (c) Regulating traffic by means of traffic officers.

15 (d) ~~(1)~~ Regulating traffic by means of official traffic control
16 devices meeting the requirements of Section 21400.

17 ~~(2) This subdivision does not limit or supercede the requirements~~
18 ~~of Section 21.~~

19 (e) (1) Regulating traffic by means of a person given temporary
20 or permanent appointment for that duty by the local authority
21 whenever official traffic control devices are disabled or otherwise
22 inoperable, at the scenes of accidents or disasters, or at locations
23 as may require traffic direction for orderly traffic flow.

24 (2) A person shall not be appointed pursuant to this subdivision
25 unless and until the local authority has submitted to the
26 commissioner or to the chief law enforcement officer exercising
27 jurisdiction in the enforcement of traffic laws within the area in
28 which the person is to perform the duty, for review, a proposed
29 program of instruction for the training of a person for that duty,
30 and unless and until the commissioner or other chief law
31 enforcement officer approves the proposed program. The
32 commissioner or other chief law enforcement officer shall approve
33 a proposed program if he or she reasonably determines that the
34 program will provide sufficient training for persons assigned to
35 perform the duty described in this subdivision.

36 (f) Regulating traffic at the site of road or street construction or
37 maintenance by persons authorized for that duty by the local
38 authority.

39 (g) (1) Licensing and regulating the operation of tow truck
40 service or tow truck drivers whose principal place of business or

1 employment is within the jurisdiction of the local authority,
2 excepting the operation and operators of any auto dismantlers' tow
3 vehicle licensed under Section 11505 or any tow truck operated
4 by a repossessing agency licensed under Chapter 11 (commencing
5 with Section 7500) of Division 3 of the Business and Professions
6 Code and its registered employees.

7 (2) The Legislature finds that the safety and welfare of the
8 general public is promoted by permitting local authorities to
9 regulate tow truck service companies and operators by requiring
10 licensure, insurance, and proper training in the safe operation of
11 towing equipment, thereby ensuring against towing mistakes that
12 may lead to violent confrontation, stranding motorists in dangerous
13 situations, impeding the expedited vehicle recovery, and wasting
14 state and local law enforcement's limited resources.

15 (3) Nothing in this subdivision shall limit the authority of a city
16 or city and county pursuant to Section 12111.

17 (h) Operation of bicycles, and, as specified in Section 21114.5,
18 electric carts by physically disabled persons, or persons 50 years
19 of age or older, on the public sidewalks.

20 (i) Providing for the appointment of nonstudent school crossing
21 guards for the protection of persons who are crossing a street or
22 highway in the vicinity of a school or while returning thereafter
23 to a place of safety.

24 (j) Regulating the methods of deposit of garbage and refuse in
25 streets and highways for collection by the local authority or by
26 any person authorized by the local authority.

27 (k) (1) Regulating cruising.

28 (2) The ordinance or resolution adopted pursuant to this
29 subdivision shall regulate cruising, which is the repetitive driving
30 of a motor vehicle past a traffic control point in traffic that is
31 congested at or near the traffic control point, as determined by the
32 ranking peace officer on duty within the affected area, within a
33 specified time period and after the vehicle operator has been given
34 an adequate written notice that further driving past the control
35 point will be a violation of the ordinance or resolution.

36 (3) A person is not in violation of an ordinance or resolution
37 adopted pursuant to this subdivision unless both of the following
38 apply:

1 (A) That person has been given the written notice on a previous
2 driving trip past the control point and then again passes the control
3 point in that same time interval.

4 (B) The beginning and end of the portion of the street subject
5 to cruising controls are clearly identified by signs that briefly and
6 clearly state the appropriate provisions of this subdivision and the
7 local ordinance or resolution on cruising.

8 (I) Regulating or authorizing the removal by peace officers of
9 vehicles unlawfully parked in a fire lane, as described in Section
10 22500.1, on private property. A removal pursuant to this
11 subdivision shall be consistent, to the extent possible, with the
12 procedures for removal and storage set forth in Chapter 10
13 (commencing with Section 22650).

14 (m) *This section does not authorize a local authority to enact*
15 *or enforce an ordinance assessing a penalty for a violation where*
16 *a penalty for the violation is expressly provided for in this code.*