

AMENDED IN ASSEMBLY JUNE 30, 2010

AMENDED IN SENATE MAY 11, 2010

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 *by the Vehicle Code*.

This bill would ~~expressly~~ prohibit a local authority from enacting or enforcing an ordinance or resolution *on matters covered by the Vehicle Code, and would expressly include an ordinance or resolution* that establishes regulations or procedures for, or assesses a fine, penalty, assessment, or fee for a violation of, matters covered by this code unless expressly authorized by this code *or any other 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:

21. Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the state and in all counties and municipalities therein, and a local authority shall not enact or enforce any ordinance or resolution on the matters covered by this code, including ordinances or resolutions that establish regulations or procedures for, or assess a fine, penalty, assessment, or fee for a violation of, matters covered by this code, unless expressly authorized by this code *or any other code*.

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

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

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

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

(c) Regulating traffic by means of traffic officers.

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

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

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

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

(g) (1) Licensing and regulating the operation of tow truck 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 (l) 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) (1) This section does not authorize a local authority to enact
15 or enforce an ordinance or resolution that establishes a violation
16 if a violation for the same or similar conduct is provided in this
17 code, nor does it authorize a local authority to enact or enforce an
18 ordinance or resolution that assesses a fine, penalty, assessment,
19 or fee for a violation if a fine, penalty, assessment, or fee for a
20 violation involving the same or similar conduct is provided in this
21 code.

22 (2) *This section does not preclude a local authority from*
23 *enacting parking ordinances pursuant to existing authority in*
24 *Chapter 9 (commencing with Section 22500) of Division 11.*