

AMENDED IN ASSEMBLY APRIL 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 3

Introduced by Assembly Member Miller

December 6, 2010

An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as amended, Miller. Vehicles: confidential home addresses: citations.

(1) Existing law makes confidential the home-address *addresses* of certain state officers and employees that appear in the Department of Motor Vehicles records, if an officer or employee requests that his or her address be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law requires the department to inform a person who requests a confidential home address what agency the individual whose address was requested is employed by or the court at which the judge or court commissioner presides.

This bill would require a person who requests the confidentiality of his or her home address to provide the department with a current employment address for purposes of processing the service and collection of a traffic, parking, or toll road violation. The bill would require that the applicable statutory time periods for processing the service and collection of traffic, parking, or toll road violations be tolled until the department provides the law enforcement agency, governmental agency, or issuing agency with the person's current employment address.

~~The bill would require a person who has requested the confidentiality of his or her home address to notify the department of any change in his or her employment address within 10 days.~~

~~The bill would require the department to update the form to request confidentiality of the person's home address to include the requirement that the applicant or an existing enrollee provide a current employment address and would also require the department to distribute and make available copies of the updated form to the human resources office of each agency that employs any of the eligible persons listed pursuant to these provisions.~~

~~The bill would require the human resources office of an applicant or existing enrollee to take certain actions, including making the updated form available to new and current employees.~~

~~By creating new crimes, the bill would impose a state-mandated local program.~~

This bill would require the department, as part of its vehicle registration renewal process, to provide a person, who requests a confidential home address, with any outstanding notices of toll evasion violations or red light camera violations, as defined, that appear in the person's record with the department. The bill would require this notice to be the same level of notification as is required to be given to a person who does not have a confidential home address. The bill would prohibit these outstanding violations to include a fee or charge for failure to pay the violation. The bill would authorize the department to collect a reasonable fee from the person that is necessary to cover the department's costs to administer these provisions.

(2) Existing law requires the Department of Motor Vehicles to refuse to renew the registration of a vehicle if the registered owner or lessee has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation and the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee, and the owner or lessee has not paid the penalty and administrative fee.

~~This bill would require the department to refuse to renew the registration of a vehicle if the person, who has been served pursuant to the above-described provision, has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation and the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee; the department has mailed a notice of a toll~~

evasion violation or red light camera violation, and the owner or lessee person has not paid the penalty and administrative fee.

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

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

1 *SECTION 1. Section 1808.4 of the Vehicle Code is amended*
2 *to read:*

3 1808.4. (a) For all of the following persons, his or her home
4 address that appears in a record of the department is confidential
5 if the person requests the confidentiality of that information:

6 (1) Attorney General.

7 (2) State Public Defender.

8 (3) A Member of the Legislature.

9 (4) A judge or court commissioner.

10 (5) A district attorney.

11 (6) A public defender.

12 (7) An attorney employed by the Department of Justice, the
13 office of the State Public Defender, or a county office of the district
14 attorney or public defender.

15 (8) A city attorney and an attorney who submits verification
16 from his or her public employer that the attorney represents the
17 city in matters that routinely place the attorney in personal contact
18 with persons under investigation for, charged with, or convicted
19 of, committing criminal acts, if that attorney is employed by a city
20 attorney.

21 (9) A nonsworn police dispatcher.

22 (10) A child abuse investigator or social worker, working in
23 child protective services within a social services department.

24 (11) An active or retired peace officer, as defined in Chapter
25 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
26 Code.

27 (12) An employee of the Department of Corrections and
28 Rehabilitation, Division of Juvenile Facilities, or the Prison

1 Industry Authority specified in Sections 20403 and 20405 of the
2 Government Code.

3 (13) A nonsworn employee of a city police department, a county
4 sheriff's office, the Department of the California Highway Patrol,
5 a federal, state, or local detention facility, or a local juvenile hall,
6 camp, ranch, or home, who submits agency verification that, in
7 the normal course of his or her employment, he or she controls or
8 supervises inmates or is required to have a prisoner in his or her
9 care or custody.

10 (14) A county counsel assigned to child abuse cases.

11 (15) An investigator employed by the Department of Justice, a
12 county district attorney, or a county public defender.

13 (16) A member of a city council.

14 (17) A member of a board of supervisors.

15 (18) A federal prosecutor, criminal investigator, or National
16 Park Service Ranger working in this state.

17 (19) An active or retired city enforcement officer engaged in
18 the enforcement of the Vehicle Code or municipal parking
19 ordinances.

20 (20) An employee of a trial court.

21 (21) A psychiatric social worker employed by a county.

22 (22) A police or sheriff department employee designated by the
23 Chief of Police of the department or the sheriff of the county as
24 being in a sensitive position. A designation pursuant to this
25 paragraph shall, for purposes of this section, remain in effect for
26 three years subject to additional designations that, for purposes of
27 this section, shall remain in effect for additional three-year periods.

28 (23) A state employee in one of the following classifications:

29 (A) Licensing Registration Examiner, Department of Motor
30 Vehicles.

31 (B) Motor Carrier Specialist 1, Department of the California
32 Highway Patrol.

33 (C) Museum Security Officer and Supervising Museum Security
34 Officer.

35 (24) (A) The spouse or child of a person listed in paragraphs
36 (1) to (23), inclusive, regardless of the spouse's or child's place
37 of residence.

38 (B) The surviving spouse or child of a peace officer, as defined
39 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
40 2 of the Penal Code, if the peace officer died in the line of duty.

1 (C) (i) Subparagraphs (A) and (B) shall not apply if the person
2 listed in those subparagraphs was convicted of a crime and is on
3 active parole or probation.

4 (ii) For requests made on or after January 1, 2011, the person
5 requesting confidentiality for their spouse or child listed in
6 subparagraph (A) or (B) shall declare, at the time of the request
7 for confidentiality, whether the spouse or child has been convicted
8 of a crime and is on active parole or probation.

9 (iii) Neither the listed person's employer nor the department
10 shall be required to verify, or be responsible for verifying, that a
11 person listed in subparagraph (A) or (B) was convicted of a crime
12 and is on active parole or probation.

13 (b) The confidential home address of a person listed in
14 subdivision (a) shall not be disclosed, except to any of the
15 following:

16 (1) A court.

17 (2) A law enforcement agency.

18 (3) The State Board of Equalization.

19 (4) An attorney in a civil or criminal action that demonstrates
20 to a court the need for the home address, if the disclosure is made
21 pursuant to a subpoena.

22 (5) A governmental agency to which, under any ~~provision of~~
23 law, information is required to be furnished from records
24 maintained by the department.

25 (c) (1) A record of the department containing a confidential
26 home address shall be open to public inspection, as provided in
27 Section 1808, if the address is completely obliterated or otherwise
28 removed from the record.

29 (2) Following termination of office or employment, a
30 confidential home address shall be withheld from public inspection
31 for three years, unless the termination is the result of conviction
32 of a criminal offense. If the termination or separation is the result
33 of the filing of a criminal complaint, a confidential home address
34 shall be withheld from public inspection during the time in which
35 the terminated individual may file an appeal from termination,
36 while an appeal from termination is ongoing, and until the appeal
37 process is exhausted, after which confidentiality shall be at the
38 discretion of the employing agency if the termination or separation
39 is upheld. Upon reinstatement to an office or employment, the
40 protections of this section are available.

(3) With respect to a retired peace officer, his or her home address shall be withheld from public inspection permanently upon request of confidentiality at the time the information would otherwise be opened. The home address of the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a) shall be withheld from public inspection for three years following the death of the peace officer.

(4) The department shall inform a person who requests a confidential home address what agency the individual whose address was requested is employed by or the court at which the judge or court commissioner presides.

(d) (1) As part of its vehicle registration renewal process, the department shall provide a person, who requests a confidential home address, with any outstanding notices of toll evasion violations or red light camera violations that appear on the person's record with the department. The department shall provide the person with the same level of notification as is required for notices of toll evasion violations pursuant to Section 40254 or red light camera violations pursuant to subdivision (b) of Section 40518. The applicable statutory time periods for collection of the toll evasion violations or red light camera violations are tolled until the registered owner of the vehicle receives the notice pursuant to this section.

(2) Notwithstanding Section 40262.5 or any other law relating to failure to pay a red light camera violation, any outstanding toll evasion violations or red light camera violations, for which the department provides notification pursuant to this subdivision, shall not include a fee or charge for failure to pay the toll evasion penalty or red light camera violations.

(3) The department may collect from the person a reasonable fee necessary to cover the department's costs to administer this subdivision.

(4) The department shall refuse to renew the registration of a vehicle if the processing agency has filed or electronically transmitted to the department an itemization of the unpaid toll evasion violations or red light camera violations, the department has mailed notice to the person pursuant to this section, and the person has not paid the penalty.

(5) For purposes of this subdivision, a "red light camera violation" is an alleged violation of Section 21453, 21455, or

1 22101 that is recorded by an automated enforcement system
2 pursuant to Section 21455.5.

3 ~~(d)~~

4 (e) A violation of subdivision (a) by the disclosure of the
5 confidential home address of a peace officer, as specified in
6 paragraph (11) of subdivision (a), a nonsworn employee of the
7 city police department or county sheriff's office, or the spouses or
8 children of these persons, including, but not limited to, the
9 surviving spouse or child listed in subparagraph (B) of paragraph
10 (24) of subdivision (a), that results in bodily injury to the peace
11 officer, employee of the city police department or county sheriff's
12 office, or the spouses or children of these persons is a felony.

13 ~~SECTION 1. Section 1808.4 of the Vehicle Code is amended~~
14 ~~to read:~~

15 ~~1808.4. (a) For all of the following persons, his or her home~~
16 ~~address that appears in a record of the department is confidential~~
17 ~~if the person requests the confidentiality of that information:~~

18 ~~(1) Attorney General.~~

19 ~~(2) State Public Defender.~~

20 ~~(3) A Member of the Legislature.~~

21 ~~(4) A judge or court commissioner.~~

22 ~~(5) A district attorney.~~

23 ~~(6) A public defender.~~

24 ~~(7) An attorney employed by the Department of Justice, the~~
25 ~~office of the State Public Defender, or a county office of the district~~
26 ~~attorney or public defender.~~

27 ~~(8) A city attorney and an attorney who submits verification~~
28 ~~from his or her public employer that the attorney represents the~~
29 ~~city in matters that routinely place the attorney in personal contact~~
30 ~~with persons under investigation for, charged with, or convicted~~
31 ~~of, committing criminal acts, if that attorney is employed by a city~~
32 ~~attorney.~~

33 ~~(9) A nonsworn police dispatcher.~~

34 ~~(10) A child abuse investigator or social worker, working in~~
35 ~~child protective services within a social services department.~~

36 ~~(11) An active or retired peace officer, as defined in Chapter~~
37 ~~4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal~~
38 ~~Code.~~

39 ~~(12) An employee of the Department of Corrections and~~
40 ~~Rehabilitation, Division of Juvenile Facilities, or the Prison~~

- 1 Industry Authority specified in Sections 20403 and 20405 of the
2 Government Code.
- 3 (13) A nonsworn employee of a city police department, a county
4 sheriff's office, the Department of the California Highway Patrol,
5 a federal, state, or local detention facility, or a local juvenile hall,
6 camp, ranch, or home, who submits agency verification that, in
7 the normal course of his or her employment, he or she controls or
8 supervises inmates or is required to have a prisoner in his or her
9 care or custody.
- 10 (14) A county counsel assigned to child abuse cases.
- 11 (15) An investigator employed by the Department of Justice, a
12 county district attorney, or a county public defender.
- 13 (16) A member of a city council.
- 14 (17) A member of a board of supervisors.
- 15 (18) A federal prosecutor, criminal investigator, or National
16 Park Service Ranger working in this state.
- 17 (19) An active or retired city enforcement officer engaged in
18 the enforcement of the Vehicle Code or municipal parking
19 ordinances.
- 20 (20) An employee of a trial court.
- 21 (21) A psychiatric social worker employed by a county.
- 22 (22) A police or sheriff department employee designated by the
23 Chief of Police of the department or the sheriff of the county as
24 being in a sensitive position. A designation pursuant to this
25 paragraph shall, for purposes of this section, remain in effect for
26 three years subject to additional designations that, for purposes of
27 this section, shall remain in effect for additional three-year periods.
- 28 (23) A state employee in one of the following classifications:
- 29 (A) Licensing Registration Examiner, Department of Motor
30 Vehicles.
- 31 (B) Motor Carrier Specialist 1, Department of the California
32 Highway Patrol.
- 33 (C) Museum Security Officer and Supervising Museum Security
34 Officer.
- 35 (24) (A) The spouse or child of a person listed in paragraphs
36 (1) to (23), inclusive, regardless of the spouse's or child's place
37 of residence.
- 38 (B) The surviving spouse or child of a peace officer, as defined
39 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
40 2 of the Penal Code, if the peace officer died in the line of duty.

1 ~~(C) (i) Subparagraphs (A) and (B) shall not apply if the person~~
2 ~~listed in those subparagraphs was convicted of a crime and is on~~
3 ~~active parole or probation.~~

4 ~~(ii) For requests made on or after January 1, 2011, the person~~
5 ~~requesting confidentiality for their spouse or child listed in~~
6 ~~subparagraph (A) or (B) shall declare, at the time of the request~~
7 ~~for confidentiality, whether the spouse or child has been convicted~~
8 ~~of a crime and is on active parole or probation.~~

9 ~~(iii) Neither the listed person's employer nor the department~~
10 ~~shall be required to verify, or be responsible for verifying, that a~~
11 ~~person listed in subparagraph (A) or (B) was convicted of a crime~~
12 ~~and is on active parole or probation.~~

13 ~~(b) The confidential home address of a person listed in~~
14 ~~subdivision (a) shall not be disclosed, except to any of the~~
15 ~~following:~~

16 ~~(1) A court.~~

17 ~~(2) A law enforcement agency.~~

18 ~~(3) The State Board of Equalization.~~

19 ~~(4) An attorney in a civil or criminal action that demonstrates~~
20 ~~to a court the need for the home address, if the disclosure is made~~
21 ~~pursuant to a subpoena.~~

22 ~~(5) A governmental agency to which, under any law, information~~
23 ~~is required to be furnished from records maintained by the~~
24 ~~department.~~

25 ~~(c) (1) A record of the department containing a confidential~~
26 ~~home address shall be open to public inspection, as provided in~~
27 ~~Section 1808, if the address is completely obliterated or otherwise~~
28 ~~removed from the record.~~

29 ~~(2) Following termination of office or employment, a~~
30 ~~confidential home address shall be withheld from public inspection~~
31 ~~for three years, unless the termination is the result of conviction~~
32 ~~of a criminal offense. If the termination or separation is the result~~
33 ~~of the filing of a criminal complaint, a confidential home address~~
34 ~~shall be withheld from public inspection during the time in which~~
35 ~~the terminated individual may file an appeal from termination,~~
36 ~~while an appeal from termination is ongoing, and until the appeal~~
37 ~~process is exhausted, after which confidentiality shall be at the~~
38 ~~discretion of the employing agency if the termination or separation~~
39 ~~is upheld. Upon reinstatement to an office or employment, the~~
40 ~~protections of this section are available.~~

1 ~~(3) With respect to a retired peace officer, his or her home~~
2 ~~address shall be withheld from public inspection permanently upon~~
3 ~~request of confidentiality at the time the information would~~
4 ~~otherwise be opened. The home address of the surviving spouse~~
5 ~~or child listed in subparagraph (B) of paragraph (24) of subdivision~~
6 ~~(a) shall be withheld from public inspection for three years~~
7 ~~following the death of the peace officer.~~

8 ~~(4) The department shall inform a person who requests a~~
9 ~~confidential home address what agency the individual whose~~
10 ~~address was requested is employed by or the court at which the~~
11 ~~judge or court commissioner presides.~~

12 ~~(d) (1) A person who requests the confidentiality of his or her~~
13 ~~home address pursuant to this article shall provide the department~~
14 ~~with a current employment address for purposes of processing the~~
15 ~~service and collection of a traffic, parking, or toll road violation.~~
16 ~~The applicable statutory time periods for processing the service~~
17 ~~and collection of traffic, parking, or toll road violations are tolled~~
18 ~~until the department provides the law enforcement agency,~~
19 ~~governmental agency, or issuing agency with the person's current~~
20 ~~employment address. Notwithstanding Sections 40500 and 40518~~
21 ~~or any other law, the use of a person's current employment address,~~
22 ~~whose home address is confidential, satisfies the requirement of~~
23 ~~the person's home address for purposes of serving a notice to~~
24 ~~appear or a notice of violation pursuant to Article 2 (commencing~~
25 ~~with Section 40500) of Chapter 2 of Division 17.~~

26 ~~(2) A person who has requested the confidentiality of his or her~~
27 ~~home address shall notify the department of any change in his or~~
28 ~~her employment address within 10 days.~~

29 ~~(3) The department shall refuse to renew the registration of a~~
30 ~~vehicle if the person who has been served pursuant to this section~~
31 ~~has been mailed a notice of delinquent parking violation or a failure~~
32 ~~to pay a traffic citation and the processing agency has filed or~~
33 ~~electronically transmitted to the department an itemization of the~~
34 ~~unpaid parking or traffic citation penalty, including the~~
35 ~~administrative fee, and the owner or lessee has not paid the penalty~~
36 ~~and administrative fee.~~

37 ~~(e) A violation of subdivision (a) by the disclosure of the~~
38 ~~confidential home address of a peace officer, as specified in~~
39 ~~paragraph (11) of subdivision (a), a nonsworn employee of the~~
40 ~~city police department or county sheriff's office, or the spouses or~~

1 children of these persons, including, but not limited to, the
2 surviving spouse or child listed in subparagraph (B) of paragraph
3 (24) of subdivision (a), that results in bodily injury to the peace
4 officer, employee of the city police department or county sheriff's
5 office, or the spouses or children of these persons is a felony.

6 (f) (1) The department shall update the form to request
7 confidentiality of the person's home address to include the
8 requirement that the applicant or an existing enrollee provide a
9 current employment address pursuant to paragraph (1) or (2) of
10 subdivision (d) and shall distribute and make available copies of
11 the updated form to the human resources office of each agency
12 that employs any of the eligible persons listed pursuant to
13 subdivision (a) of this section.

14 (2) The human resources office of an applicant or existing
15 enrollee shall do all of the following:

16 (A) Make the updated form available to new and current
17 employees and require all new applicants and existing enrollees
18 complete and return the form with their current employment
19 address to their human resources office.

20 (B) Forward all new application forms to the Confidential
21 Records Unit (CRU) of the department, upon receipt from the
22 applicant, and forward the updated forms of existing enrollees to
23 the CRU of the department by April 1, 2013.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.