

AMENDED IN ASSEMBLY APRIL 14, 2011

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 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.

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 processing agency has filed or electronically transmitted to the department an itemization of the unpaid ~~parking or traffic citation penalty~~ toll violation, the department has mailed a notice of a toll evasion violation ~~or red light camera violation~~, and the person has not paid the penalty.

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

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

3 (11) An active or retired peace officer, as defined in Chapter
4 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
5 Code.

6 (12) An employee of the Department of Corrections and
7 Rehabilitation, Division of Juvenile Facilities, or the Prison
8 Industry Authority specified in Sections 20403 and 20405 of the
9 Government Code.

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

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

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

20 (16) A member of a city council.

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

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

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

27 (20) An employee of a trial court.

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

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

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

36 (A) Licensing Registration Examiner, Department of Motor
37 Vehicles.

38 (B) Motor Carrier Specialist 1, Department of the California
39 Highway Patrol.

1 (C) Museum Security Officer and Supervising Museum Security
2 Officer.

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

6 (B) The surviving spouse or child of a peace officer, as defined
7 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
8 2 of the Penal Code, if the peace officer died in the line of duty.

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

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

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

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

24 (1) A court.

25 (2) A law enforcement agency.

26 (3) The State Board of Equalization.

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

30 (5) A governmental agency to which, under any law, information
31 is required to be furnished from records maintained by the
32 department.

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

37 (2) Following termination of office or employment, a
38 confidential home address shall be withheld from public inspection
39 for three years, unless the termination is the result of conviction
40 of a criminal offense. If the termination or separation is the result

1 of the filing of a criminal complaint, a confidential home address
2 shall be withheld from public inspection during the time in which
3 the terminated individual may file an appeal from termination,
4 while an appeal from termination is ongoing, and until the appeal
5 process is exhausted, after which confidentiality shall be at the
6 discretion of the employing agency if the termination or separation
7 is upheld. Upon reinstatement to an office or employment, the
8 protections of this section are available.

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

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

20 (d) (1) ~~As Notwithstanding statutory time periods established~~
21 ~~pursuant to subdivision (a) of Section 40254, for purposes of~~
22 ~~processing the service, as part of its vehicle registration renewal~~
23 ~~process, the department shall provide a person, who requests a~~
24 ~~confidential home address, with any outstanding notices of toll~~
25 ~~evasion violations or red light camera violations that appear on~~
26 ~~the person's record with the department. The department shall~~
27 ~~provide the person with the same level of notification as is required~~
28 ~~for notices of toll evasion violations pursuant to Section 40254 or~~
29 ~~red light camera violations pursuant to subdivision (b) of Section~~
30 ~~40518. The applicable statutory time periods period for collection~~
31 ~~of the toll evasion violations or red light camera violations are~~
32 ~~tolled until the registered owner of the vehicle receives the notice~~
33 ~~pursuant to this section.~~

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

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

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

10 ~~(5) For purposes of this subdivision, a "red light camera~~
11 ~~violation" is an alleged violation of Section 21453, 21455, or 22101~~
12 ~~that is recorded by an automated enforcement system pursuant to~~
13 ~~Section 21455.5.~~

14 (e) A violation of subdivision (a) by the disclosure of the
15 confidential home address of a peace officer, as specified in
16 paragraph (11) of subdivision (a), a nonsworn employee of the
17 city police department or county sheriff's office, or the spouses or
18 children of these persons, including, but not limited to, the
19 surviving spouse or child listed in subparagraph (B) of paragraph
20 (24) of subdivision (a), that results in bodily injury to the peace
21 officer, employee of the city police department or county sheriff's
22 office, or the spouses or children of these persons is a felony.