

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 432

Introduced by Assembly Member Hall

February 14, 2011

~~An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 210 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 432, as amended, Hall. Vehicles: automated traffic enforcement systems.

Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated enforcement system, as defined, if the system meets certain requirements. Existing law authorizes a governmental agency to contract out the operation of the system under certain circumstances, except for specified activities, that include, among other things, establishing guidelines for selection of location. A violation of the Vehicle Code is a crime.

Existing law defines an “automated enforcement system” as any system operated by a governmental agency, in cooperation with a law enforcement agency, that photographically records a driver’s responses to a rail or rail transit signal or crossing gate, or both, or to an official traffic control signal and is designed to obtain a clear photograph of a vehicle’s license plate and the driver of the vehicle.

~~This bill would make technical, nonsubstantive changes to these provisions~~ *redefine an “automated enforcement system” as an “automated traffic enforcement system” and would also include a*

system that uses digital recording to obtain a digital image or digital video of a vehicle’s license plate and the driver of the vehicle.

By expanding the definition of an existing crime, the bill would impose a state-mandated local program.

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: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 210 of the Vehicle Code is amended to
2 read:

3 210. An “automated traffic enforcement system” is any system
4 operated by a governmental agency, in cooperation with a law
5 enforcement agency, that *digitally or* photographically records a
6 driver’s responses to a rail or rail transit signal or crossing gate,
7 or both, or to an official traffic control signal described in Section
8 21450, and is designed to obtain a clear *digital image, digital video,*
9 *or* photograph of a vehicle’s license plate and the driver of the
10 vehicle.

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 SECTION 1. ~~Section 21455.5 of the Vehicle Code is amended~~
21 ~~to read:~~

22 21455.5. ~~(a) The limit line, the intersection, or a place~~
23 ~~designated in Section 21455, where a driver is required to stop,~~
24 ~~may be equipped with an automated traffic enforcement system if~~

1 the governmental agency utilizing the system meets all of the
2 following requirements:

3 (1) Identifies the system by signs that clearly indicate the
4 system's presence and are visible to traffic approaching from all
5 directions or posts signs at all major entrances to the city, including,
6 at a minimum, freeways, bridges, and state highway routes.

7 (2) If it locates the system at an intersection and ensures that
8 the system meets the criteria specified in Section 21455.7.

9 (b) Prior to issuing citations under this section, a local
10 jurisdiction utilizing an automated traffic enforcement system shall
11 commence a program to issue only warning notices for 30 days.
12 The local jurisdiction shall also make a public announcement of
13 the automated traffic enforcement system at least 30 days prior to
14 the commencement of the enforcement program.

15 (c) Only a governmental agency, in cooperation with a law
16 enforcement agency, may operate an automated traffic enforcement
17 system. As used in this subdivision, "operate" includes all of the
18 following activities:

19 (1) Developing uniform guidelines for screening and issuing
20 violations and for the processing and storage of confidential
21 information and establishing procedures to ensure compliance with
22 those guidelines.

23 (2) Performing administrative functions and day-to-day
24 functions, including, but not limited to, all of the following:

25 (A) Establishing guidelines for selection of location.

26 (B) Ensuring that the equipment is regularly inspected.

27 (C) Certifying that the equipment is properly installed and
28 calibrated, and is operating properly.

29 (D) Regularly inspecting and maintaining warning signs placed
30 under paragraph (1) of subdivision (a).

31 (E) Overseeing the establishment or change of signal phases
32 and the timing of signal phases.

33 (F) Maintaining controls necessary to assure that only those
34 citations that have been reviewed and approved by law enforcement
35 are delivered to violators.

36 (d) The activities listed in subdivision (c) that relate to the
37 operation of the system may be contracted out by the governmental
38 agency if it maintains overall control and supervision of the system.
39 However, the activities listed in paragraph (1) of, and
40 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,

1 subdivision (e) may not be contracted out to the manufacturer or
2 supplier of the automated traffic enforcement system.

3 (e) (1) Notwithstanding Section 6253 of the Government Code,
4 or any other provision of law, photographic records made by an
5 automated traffic enforcement system shall be confidential and
6 shall be made available only to governmental agencies and law
7 enforcement agencies and only for the purposes of this article.

8 (2) Confidential information obtained from the Department of
9 Motor Vehicles for the administration or enforcement of this article
10 shall be held confidential and shall not be used for any other
11 purpose.

12 (3) Except for court records described in Section 68152 of the
13 Government Code, the confidential records and information
14 described in paragraphs (1) and (2) may be retained for up to six
15 months from the date the information was first obtained, or until
16 final disposition of the citation, whichever date is later, after which
17 time the information shall be destroyed in a manner that will
18 preserve the confidentiality of any person included in the record
19 or information.

20 (f) Notwithstanding subdivision (e), the registered owner or any
21 individual identified by the registered owner as the driver of the
22 vehicle at the time of the alleged violation shall be permitted to
23 review the photographic evidence of the alleged violation.

24 (g) (1) A contract between a governmental agency and a
25 manufacturer or supplier of automated traffic enforcement
26 equipment may not include provision for the payment or
27 compensation to the manufacturer or supplier based on the number
28 of citations generated, or as a percentage of the revenue generated,
29 as a result of the use of the equipment authorized under this section.

30 (2) Paragraph (1) does not apply to a contract that was entered
31 into by a governmental agency and a manufacturer or supplier of
32 automated traffic enforcement equipment before January 1, 2004;
33 unless that contract is renewed, extended, or amended on or after
34 January 1, 2004.

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