

AMENDED IN SENATE JUNE 21, 2012

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 432

Introduced by Assembly Member ~~Hall Dickinson~~
(Coauthor: Senator Steinberg)

February 14, 2011

An act to ~~amend Sections 40518 and 40520 of~~ *add Section 99270.6* to the ~~Vehicle~~ *Public Utilities* Code, relating to ~~vehicles~~ *transportation*.

LEGISLATIVE COUNSEL'S DIGEST

AB 432, as amended, ~~Hall Dickinson. Vehicles: notice to appear: service.~~ *Transit: Sacramento County.*

Existing law authorizes transportation planning agencies to administer transit funding made available under the Transportation Development Act. Existing law imposes certain financial requirements on transit operators making claims for transit funds, including requirements that fares collected by the operator cover a specified percentage of operating costs. In certain cases, transit operators are required to meet a higher percentage if they met that standard in the 1978–79 fiscal year.

Existing law permits the Metropolitan Transportation Commission to make a determination as to whether transit operators serving a specified area have met the requirements for claims for transit funds by evaluating the operators as a group rather than individually.

This bill would authorize the Sacramento Area Council of Governments to determine whether transit operators serving Sacramento County, as a group, have met the requirements for claims for transit funds. The bill would require the Sacramento Regional Transit District to cover no less than 23% of operating costs from fares even if the transit operators serving Sacramento County are evaluated as a group under this provision.

~~(1) Existing law provides special written, mailed notice to appear procedures in connection with certain alleged traffic violations, including those recorded by an automated traffic enforcement system, and also requires that for those violations recorded by an automated traffic enforcement system the governmental agency may not contract out to the manufacturer or supplier of the automated traffic enforcement system the requirement to maintain controls necessary to ensure that only those citations that have been reviewed and approved by law enforcement are delivered to violators.~~

~~This bill would require that only a peace officer or a qualified employee of a law enforcement agency may serve a notice to appear for the specified traffic offenses, including those recorded by an automated traffic enforcement system, and would require that the notice to appear be enclosed in an official envelope of the issuing agency. By expanding the duties of local law enforcement officials, the bill would impose a state-mandated local program.~~

~~(2) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

- 1 *SECTION 1. Section 99270.6 is added to the Public Utilities*
- 2 *Code, to read:*
- 3 *99270.6. In determining whether there is compliance with*
- 4 *Section 99268.1, 99268.2, 99268.3, 99268.4, 99268.5, or 99268.9,*
- 5 *as the case may be, by operators serving the area of Sacramento*

1 County and the cities within the county, the Sacramento Area
2 Council of Governments may make that determination for all or
3 some of the operators as a group, if the Sacramento Area Council
4 of Governments finds that the public transportation services of the
5 operators grouped are coordinated. Notwithstanding any other
6 provision of this article, the fare recovery ratio for the Sacramento
7 Regional Transit District shall be no less than 23 percent.

8 SECTION 1. ~~Section 40518 of the Vehicle Code is amended~~
9 ~~to read:~~

10 40518. (a) A written notice to appear shall be issued by a peace
11 officer or by a qualified employee of a law enforcement agency
12 on a form approved by the Judicial Council and enclosed in an
13 official envelope of the issuing agency, for an alleged violation of
14 Section 22451, or, based on an alleged violation of Section 21453,
15 21455, or 22101 recorded by an automated traffic enforcement
16 system pursuant to Section 21455.5 or 22451, and delivered by
17 mail within 15 days of the alleged violation to the current address
18 of the registered owner of the vehicle on file with the department,
19 with a certificate of mailing obtained through the United States
20 Postal Service as evidence of service. An exact and legible
21 duplicate copy of the notice to appear when filed with the
22 magistrate shall constitute a complaint to which the defendant may
23 enter a plea. Preparation and delivery of a notice to appear pursuant
24 to this section is not an arrest.

25 (b) A notice to appear shall contain the name and address of the
26 person, the license plate number of the person's vehicle, the
27 violation charged, including a description of the offense, and the
28 time and place when, and where, the person may appear in court
29 or before a person authorized to receive a deposit of bail. The time
30 specified shall be at least 10 days after the notice to appear is
31 delivered.

32 SEC. 2. ~~Section 40520 of the Vehicle Code is amended to read:~~

33 40520. (a) A notice to appear issued pursuant to Section 40518
34 for an alleged violation recorded by an automatic traffic
35 enforcement system shall contain, or be accompanied by, an
36 affidavit of nonliability and information as to what constitutes
37 nonliability, information as to the effect of executing the affidavit,
38 and instructions for returning the affidavit to the issuing agency.

39 (b) (1) If a notice to appear is sent to a car rental or leasing
40 company, as the registered owner of the vehicle, the company may

1 return the notice of nonliability pursuant to paragraph (2), if the
2 violation occurred when the vehicle was either leased or rented
3 and operated by a person other than an employee of the rental or
4 leasing company.

5 (2) If the affidavit of nonliability is returned to the issuing
6 agency by the registered owner within 30 days of the mailing of
7 the notice to appear together with the proof of a written rental
8 agreement or lease between a bona fide renting or leasing company
9 and its customer and that agreement identifies the renter or lessee
10 and provides the driver's license number, name, and address of
11 the renter or lessee, the agency shall cancel the notice for the
12 registered owner to appear and shall, instead, issue a notice to
13 appear to the renter or lessee identified in the affidavit of
14 nonliability.

15 (e) Nothing in this section precludes an issuing agency from
16 establishing a procedure whereby registered owners, other than
17 bona fide renting and leasing companies, may execute an affidavit
18 of nonliability if the registered owner identifies the person who
19 was the driver of the vehicle at the time of the alleged violation
20 and whereby the issuing agency issues a notice to appear pursuant
21 to Section 40518 to that person.

22 SEC. 3. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.