

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN SENATE JUNE 7, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 475

**Introduced by Assembly Member Butler
(Coauthor: Assembly Member Achadjian)**

February 15, 2011

An act to amend Sections 22511 and 22511.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 475, as amended, Butler. Vehicles: offstreet parking: electric vehicles.

(1) Existing law authorizes a local authority, by ordinance or resolution, and a person in lawful possession of an offstreet parking facility, to designate stalls or spaces in an offstreet parking facility owned or operated by that local authority or person for the exclusive purpose of fueling and parking a vehicle that displays a valid zero emission vehicle (ZEV) decal identification posted on the driver's side rear window or bumper of the vehicle or, if the vehicle does not have a rear window or bumper, on the driver's side of the windshield, issued by the Department of Motor Vehicles pursuant to these provisions. Existing law, for purposes of those provisions, defines a "zero emission vehicle" to mean any car, truck, or other vehicle that produces no tailpipe or evaporative emissions.

This bill would instead ~~make those provisions applicable to an electric vehicle~~ *allow only a vehicle that is connected for electric charging purposes to park in these designated stalls or spaces*, and would define “electric vehicle” to mean any car, truck, or other vehicle that does not produce tailpipe or evaporative emissions or is a plug-in hybrid electric vehicle (PHEV), as that term is used by the State Air Resources Board. The bill would also authorize the removal of these vehicles from an offstreet parking facility if they are not connected for electric charging purposes. The bill would delete the requirement for the display of decal identification from this provision.

Existing law further prohibits a person from parking or leaving standing a vehicle in a stall or space so designated for a zero emission vehicle unless a valid zero emission vehicle decal identification is displayed on that vehicle. A violation of that law is a crime.

This bill would instead ~~make apply that prohibition applicable~~ to a vehicle in a stall or space designated pursuant to the above provisions unless the vehicle is ~~not~~ connected for electric charging purposes. The bill would also prohibit a person from parking or leaving standing a specified vehicle unless the vehicle is connected for electric charging purposes. The bill would delete the requirement for the display of decal identification from this provision. By expanding the scope of a crime, 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 no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 22511 of the Vehicle Code is amended
- 2 to read:
- 3 22511. (a) A local authority, by ordinance or resolution, and
- 4 a person in lawful possession of an offstreet parking facility may
- 5 designate stalls or spaces in an offstreet parking facility owned or
- 6 operated by that local authority or person for the exclusive purpose
- 7 of charging and parking a vehicle that is connected for electric
- 8 charging purposes.

1 (b) If posted in accordance with subdivision (d) or (e), the owner
 2 or person in lawful possession of a privately owned or operated
 3 offstreet parking facility, after notifying the police or sheriff’s
 4 department, may cause the removal of a vehicle from a stall or
 5 space designated pursuant to subdivision (a) in the facility to the
 6 nearest public garage if the vehicle is not connected for electric
 7 charging purposes.

8 (c) If posted in accordance with subdivision (d), the local
 9 authority owning or operating an offstreet parking facility, after
 10 notifying the police or sheriff’s department, may cause the removal
 11 of a vehicle from a stall or space designated pursuant to subdivision
 12 (a) in the facility to the nearest garage, as defined in Section 340,
 13 that is owned, leased, or approved for use by a public agency if
 14 the vehicle is not ~~currently~~ connected for electric charging
 15 purposes.

16 (d) The posting required for an offstreet parking facility owned
 17 or operated either privately or by a local authority shall consist of
 18 a sign not less than 17 by 22 inches in size with lettering not less
 19 than one inch in height that clearly and conspicuously states the
 20 following: “Unauthorized vehicles not connected for electric
 21 charging purposes will be towed away at owner’s expense. Towed
 22 vehicles may be reclaimed at

23 _____ or by telephoning
 24 (Address)
 25 _____.”
 26 (Telephone number of local law enforcement agency)
 27

28
 29 The sign shall be posted in either of the following locations:
 30 (1) Immediately adjacent to, and visible from, the stall or space.
 31 (2) In a conspicuous place at each entrance to the offstreet
 32 parking facility.

33 (e) If the parking facility is privately owned and public parking
 34 is prohibited by the posting of a sign meeting the requirements of
 35 paragraph (1) of subdivision (a) of Section 22658, the requirements
 36 of subdivision (b) may be met by the posting of a sign immediately
 37 adjacent to, and visible from, each stall or space indicating that a
 38 vehicle not meeting the requirements of subdivision (a) will be
 39 removed at the owner’s expense and containing the telephone
 40 number of the local traffic law enforcement agency.

1 (f) This section does not interfere with existing law governing
2 the ability of local authorities to adopt ordinances related to parking
3 programs within their jurisdiction, such as programs that provide
4 free parking in metered areas or municipal garages for electric
5 vehicles.

6 SEC. 2. Section 22511.1 of the Vehicle Code is amended to
7 read:

8 22511.1. (a) A person shall not park or leave standing a vehicle
9 in a stall or space designated pursuant to Section 22511 unless the
10 vehicle is connected for electric charging purposes.

11 (b) A person shall not obstruct, block, or otherwise bar access
12 to parking stalls or spaces described in subdivision (a) except as
13 provided in subdivision (a).

14 SEC. 3. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.