

AMENDED IN SENATE JUNE 13, 2012

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY APRIL 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 539**

---

---

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

February 16, 2011

---

---

An act to ~~add Section 1463.21 to the Penal Code, and to add Section 42000.2 to the Vehicle Code, relating to vehicles~~ *amend Section 31490 of the Streets and Highways Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 539, as amended, Williams. ~~Vehicles: speeding: school zones: penalties.~~ *Electronic toll collection systems: information use.*

*Existing law authorizes the development and implementation of various electronic bridge and highway toll collection mechanisms.*

*Existing law prohibits a transportation agency, as defined, from selling or providing personally identifiable information of a person obtained pursuant to the person's participation in an electronic toll collection system or use of a toll facility that uses an electronic toll collection system, subject to specified exceptions. Existing law requires a transportation agency that uses an electronic toll collection system to establish a privacy policy regarding the collection and storage of personally identifiable information in that regard, to provide the policy to subscribers, and to post the policy on its Internet Web site. Existing law permits a transportation agency to share data collected via an electronic toll collection system with another transportation agency*

*solely to comply with interoperability specifications and standards for electronic toll collection devices. Existing law also permits a transportation agency to perform billing and other financial functions necessary to operate and manage toll facilities.*

*This bill would permit a transportation agency or its designee to share license plate and other specified data regarding a vehicle's use of toll facilities with an entity operating a toll facility, whether in the state or not, solely to comply with the above specifications and standards.*

*This bill would also permit a transportation agency to perform toll collection and violation enforcement functions required to operate and manage toll facilities, whether in the state or not.*

~~Existing law establishes the prima facie speed limit on various roadways, including a 25 miles per hour speed limit when approaching or passing a school building or grounds, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving the school. Existing law authorizes a local authority to lower the speed limit in a school zone in certain circumstances including when a local authority determines upon the basis of an engineering and traffic survey that the prima facie speed limit of 25 miles per hour is more than is reasonable or safe. A violation of the Vehicle Code is an infraction unless stated otherwise. Existing law establishes a penalty structure for a person convicted of an infraction that requires a fine of not more than \$100 or \$250 depending on the number of violations within a specified time period.~~

~~This bill would authorize a local authority to adopt an ordinance or resolution that doubles a base fine imposed upon a person who is convicted of speeding in a school zone if certain conditions are met, including the condition that the street on which the speeding offense occurred is not one where the speed could have been reduced because the maximum posted prima facie speed limit is greater than 30 miles per hour, as provided. The bill would provide that the doubling of the base fine shall not result in the increase in any associated and additional penalties, fines, fees, or assessments, as provided by law. The bill would also provide that a local authority that adopts an ordinance shall receive funds from a special account in the county treasury for use for specified purposes, including driver awareness educational programs. The money in the fund would come from the enhanced portion of the fine imposed for speeding in the specified school zone.~~

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

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

1     **SECTION 1.** *Section 31490 of the Streets and Highways Code*  
2 *is amended to read:*

3     31490. (a) Except as otherwise provided in this section, a  
4 transportation agency may not sell or otherwise provide to any  
5 other person or entity personally identifiable information of any  
6 person who subscribes to an electronic toll collection system or  
7 who uses a toll bridge, toll lane, or toll highway that employs an  
8 electronic toll collection system.

9     (b) A transportation agency that employs an electronic toll  
10 collection system shall establish a privacy policy regarding the  
11 collection and use of personally identifiable information and  
12 provide to subscribers of that system a copy of the privacy policy  
13 in a manner that is conspicuous and meaningful, such as by  
14 providing a copy to the subscriber with the transponder or other  
15 device used as an electronic toll collection mechanism, or, if the  
16 system does not use a mechanism, with the application materials.  
17 A transportation agency shall conspicuously post its privacy policy  
18 on its Internet Web site. For purposes of this subdivision,  
19 “conspicuously post” has the same meaning as that term is defined  
20 in paragraphs (1) to (4), inclusive, of subdivision (b) of Section  
21 22577 of the Business and Professions Code. The policy shall  
22 include, but need not be limited to, a description of the following:

23     (1) The types of personally identifiable information that is  
24 collected by the agency.

25     (2) The categories of third-party persons or entities with whom  
26 the agency may share personally identifiable information.

27     (3) The process by which a transportation agency notifies  
28 subscribers of material changes to its privacy policy.

29     (4) The effective date of the privacy policy.

30     (5) The process by which a subscriber may review and request  
31 changes to any of his or her personally identifiable information.

32     (c) A transportation agency may, within practical business and  
33 cost constraints, store only personally identifiable information of  
34 a person such as the account name, credit card number, billing  
35 address, vehicle information, and other basic account information

1 required to perform account functions such as billing, account  
2 settlement, or enforcement activities. All other information, on  
3 and after July 1, 2011, shall be discarded no more than four years  
4 and six months after the closure date of the billing cycle and the  
5 bill has been paid and all toll violations, if applicable, have been  
6 resolved.

7 (d) On and after July 1, 2011, a transportation agency shall take  
8 every effort, within practical business and cost constraints, to purge  
9 the personal account information of an account that is closed or  
10 terminated. In no case shall a transportation agency maintain  
11 personal information more than four years and six months after  
12 the date an account is closed or terminated.

13 (e) (1) A transportation agency may make personally  
14 identifiable information of a person available to a law enforcement  
15 agency only pursuant to a search warrant. Absent a provision in  
16 the search warrant to the contrary, the law enforcement agency  
17 shall immediately, but in any event within no more than five days,  
18 notify the person that his or her records have been obtained and  
19 shall provide the person with a copy of the search warrant and the  
20 identity of the law enforcement agency or peace officer to whom  
21 the records were provided.

22 (2) This section does not prohibit a peace officer, as defined in  
23 Section 830.1 or 830.2 of the Penal Code, when conducting a  
24 criminal or traffic collision investigation, from obtaining personally  
25 identifiable information of a person if the officer has good cause  
26 to believe that a delay in obtaining this information by seeking a  
27 search warrant would cause an adverse result, as defined in  
28 paragraph (2) of subdivision (a) of Section 1524.2 of the Penal  
29 Code.

30 (f) This section does not prohibit a transportation agency in  
31 subdivision (a) from providing aggregated traveler information  
32 derived from collective data that relates to a group or category of  
33 persons from which personally identifiable information has been  
34 removed.

35 (g) This section does not prohibit a transportation agency from  
36 providing the license plate number of an intermodal chassis to the  
37 owner of the chassis for purposes of locating the driver of the  
38 chassis in the event the driver fails to pay the toll.

39 (h) This section does not prohibit a transportation agency from  
40 sharing *license plate information and other data regarding a*

1 *vehicle's use of toll facilities with another transportation agency*  
2 *any entity operating a toll bridge, toll lane, or toll highway,*  
3 *whether in the state or not, solely to comply with interoperability*  
4 *specifications and standards adopted pursuant to Section 27565*  
5 *regarding electronic toll collection devices and technologies. A*  
6 *third-party vendor may not use personally identifiable information*  
7 *obtained under this subdivision for a purpose other than described*  
8 *in this subdivision.*

9 (i) ~~Subdivision (d)~~ *This section shall not prohibit a transportation*  
10 *agency, or its designee, from performing financial and accounting*  
11 *functions such as billing, account settlement, toll collection,*  
12 *violation enforcement, or other financial activities required to*  
13 *operate and manage the toll facilities, whether in the state or not.*

14 (j) This section does not prohibit a transportation agency from  
15 communicating about products and services offered by itself, a  
16 business partner, or the agency with which it contracts to  
17 subscribers of the transportation agency through a contracted  
18 third-party vendor using personally identifiable information limited  
19 to the subscriber's name, address, and electronic mail address,  
20 provided that, for customer agreements entered into on or after  
21 January 1, 2011, the transportation agency has received the  
22 subscriber's express written consent to receive the communications.

23 (k) A transportation agency may not use a nonsubscriber's  
24 personally identifiable information obtained using an electronic  
25 toll collection system to market products or services to that  
26 nonsubscriber. This subdivision shall not apply to toll-related  
27 products or services contained in a notice of toll evasion issued  
28 pursuant to Section 23302 of the Vehicle Code.

29 (l) For purposes of this section, "transportation agency" means  
30 the Department of Transportation, the Bay Area Toll Authority,  
31 any entity operating a toll bridge, toll lane, or toll highway within  
32 the state, or any entity under contract with any of the above entities.

33 (m) For purposes of this section, "electronic toll collection  
34 system" is a system where a transponder, camera-based vehicle  
35 identification system, or other electronic medium is used to deduct  
36 payment of a toll from a subscriber's account or to establish an  
37 obligation to pay a toll.

38 (n) For purposes of this section, "person" means any person  
39 who subscribes to an electronic toll collection system or any person

1 who uses a toll bridge, toll lane, or toll road that employs an  
2 electronic toll collection system.

3 (o) For purposes of this section, “personally identifiable  
4 information” means any information that identifies or describes a  
5 person including, but not limited to, travel pattern data, address,  
6 telephone number, e-mail address, license plate number,  
7 photograph, bank account information, or credit card number.

8 (p) (1) In addition to any other remedies provided by law, a  
9 person whose personally identifiable information has been  
10 knowingly sold or otherwise provided in violation of this section  
11 may bring an action to recover either actual damages or two  
12 thousand five hundred dollars (\$2,500) for each individual  
13 violation, whichever is greater, and may also recover reasonable  
14 costs and attorney’s fees.

15 (2) A person whose personally identifiable information has been  
16 knowingly sold or otherwise provided three or more times in  
17 violation of this section may bring an action to recover either actual  
18 damages or four thousand dollars (\$4,000) for each individual  
19 violation, whichever is greater, and may also recover reasonable  
20 costs and attorney’s fees.

21 (q) Nothing in subdivisions (c) and (d) shall preclude compliance  
22 with a court order or settlement agreement that has been approved  
23 on or before April 25, 2010.

24 (r) A transportation agency that employs an electronic toll  
25 collection system may impose an administrative fee on persons  
26 who use that system in an amount sufficient to cover the cost of  
27 implementing this section.

28 ~~SECTION 1. Section 1463.21 is added to the Penal Code, to~~  
29 ~~read:~~

30 ~~1463.21. Notwithstanding Section 1463.001, out of the moneys~~  
31 ~~deposited with the county treasurer pursuant to Section 1463.001,~~  
32 ~~the enhanced portion of the fine imposed pursuant to Section~~  
33 ~~42000.2 of the Vehicle Code shall be deposited in a special account~~  
34 ~~in the county treasury which shall be used exclusively to pay for~~  
35 ~~the cost of education, engineering, or enforcement administered~~  
36 ~~by a local authority that adopted an ordinance or resolution~~  
37 ~~pursuant to Section 42000.2 of the Vehicle Code.~~

38 ~~SEC. 2. Section 42000.2 is added to the Vehicle Code, to read:~~

39 ~~42000.2. (a) A local authority may adopt an ordinance or~~  
40 ~~resolution that doubles the base fine imposed on a person who is~~

1 ~~convicted of speeding in a school zone, as defined in Section~~  
2 ~~40802, if the following conditions are met:~~

3 ~~(1) Children are present at the time the offense was committed.~~

4 ~~(2) A sign was erected in the zone that provides notification to~~  
5 ~~the driver of the doubled base fine zone.~~

6 ~~(3) The highway on which the offense occurred is not one for~~  
7 ~~which the speed limit could have been reduced by the local~~  
8 ~~authority pursuant to subdivision (b) of Section 22358.4 because~~  
9 ~~the posted speed limit does not meet the condition specified in~~  
10 ~~subparagraph (B) of paragraph (2) of that subdivision.~~

11 ~~(b) Doubling of the base fine, pursuant to this section, shall not~~  
12 ~~result in the increase in any associated and additional penalties,~~  
13 ~~finer, fees, or assessments as provided by law.~~

14 ~~(c) A local authority that adopts an ordinance or resolution~~  
15 ~~pursuant to this section shall receive funds from a special account~~  
16 ~~in the county treasury pursuant to Section 1463.21 of the Penal~~  
17 ~~Code. These funds shall be used for any of the following purposes:~~

18 ~~(1) Educational programs meant to increase driver awareness~~  
19 ~~of the enhanced fine and the dangers associated with speeding in~~  
20 ~~school zones that are provided in a manner that recognizes the~~  
21 ~~different languages spoken within the community.~~

22 ~~(2) Enforcement of the speed limit in a school zone.~~

23 ~~(3) Engineering programs that enhance the safety of students~~  
24 ~~traveling to and from school on foot or bicycle.~~