

**Introduced by Senator Harman**

February 13, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1071, as introduced, Harman. Vehicles: automated traffic enforcement systems.

Existing law authorizes the limitline, 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.

This bill would make technical, nonsubstantive changes to these provisions.

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 21455.5 of the Vehicle Code is amended
- 2 to read:
- 3 21455.5. (a) The limit line, the intersection, or a place
- 4 designated in Section 21455, where a driver is required to stop,
- 5 may be equipped with an automated *traffic* enforcement system if
- 6 the governmental agency utilizing the system meets all of the
- 7 following requirements:

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

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

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

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

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

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

24 (A) Establishing guidelines for selection of location.  
25 (B) Ensuring that the equipment is regularly inspected.  
26 (C) Certifying that the equipment is properly installed and  
27 calibrated, and is operating properly.

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

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

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

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

1 subdivision (c) 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 may 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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