

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 718

Introduced by Assembly Member Chu

February 25, 2015

An act to add Sections 22506.5 and 22651.06 to the Vehicle Code, relating to vehicles; Section 50034 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 718, as amended, Chu. ~~Vehicles: parking citations and impoundment.~~ *Local government: powers.*

Existing law authorizes the legislative body of a city or county to pass ordinances not in conflict with state or federal law and the state or federal constitution.

This bill would prohibit the legislative body of a city, county, or city and county from prohibiting, or otherwise subjecting to civil or criminal penalties, the act of sleeping or resting in a lawfully parked motor vehicle.

~~Existing law regulates the stopping, parking, or leaving of vehicles on highways and off-street parking facilities, and also authorizes local authorities, by ordinance or resolution, to regulate the parking of vehicles on highways, if the ordinance or resolution is first approved by the Department of Transportation. Existing law further authorizes the impoundment of a vehicle that is parked where local authorities, by resolution or ordinance, have prohibited parking, or when the vehicle has been issued 5 or more notices of parking violations to which the~~

owner or person in control of the vehicle has not responded within 21 calendar days, as specified:

This bill would prohibit a peace officer or an employee of a city or county from issuing a parking citation to the owner or person in control of a vehicle, or from impounding a vehicle, on the basis that the owner or other person is sleeping in the vehicle, if the vehicle is otherwise lawfully parked.

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 50034 is added to the Government Code,
2 to read:

3 50034. The legislative body of a city, county, or city and county
4 shall not prohibit, or otherwise subject to civil or criminal
5 penalties, the act of sleeping or resting in a lawfully parked motor
6 vehicle.

7 SECTION 1. Section 22506.5 is added to the Vehicle Code,
8 to read:

9 22506.5. A peace officer, or a regularly employed and salaried
10 employee of a city or county who is engaged in directing traffic
11 or enforcing parking laws, shall not issue a parking citation to the
12 owner or person in control of a vehicle for sleeping in the vehicle,
13 if the vehicle is otherwise lawfully parked.

14 SEC. 2. Section 22651.06 is added to the Vehicle Code, to
15 read:

16 22651.06. A peace officer, or a regularly employed and salaried
17 employee of a city or county who is engaged in directing traffic
18 or enforcing parking laws, shall not remove and impound a vehicle
19 on the basis that the owner or person in control of the vehicle is
20 sleeping in the vehicle, if the vehicle is otherwise lawfully parked.