

ASSEMBLY BILL

No. 3157

Introduced by Assembly Member Martinez

February 23, 1996

An act to amend Sections 1808.4, 22507.5, 22651, 22651.7, 22850.5, 40202, 40207, and 40209 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3157, as introduced, Martinez. Vehicles: records: parking violations.

(1) Under existing law, the confidential home address of listed law enforcement personnel and other public officials and their spouses and children contained in records of the Department of Motor Vehicles cannot be disclosed to any person except listed governmental officials.

This bill would allow the disclosure of that information to nonsworn employees employed in the police departments of the California State University and the University of California.

(2) Under existing law, local authorities are authorized to provide by ordinance or resolution for restricted, permit parking between the hours of 2 a.m. and 6 a.m. for handicapped persons and residents in certain described areas.

This bill would include guests of residents within the category of persons included within the restricted, permit group.

(3) Existing law authorizes peace officers and certain regularly employed and salaried employees engaged in traffic

control matters of local agencies to remove vehicles under specified circumstances.

This bill would authorize regularly employed and salaried employees of state agencies with the same employment responsibilities described above to also remove vehicles under the same circumstances. The bill would also make a technical clarifying change in this provision.

(4) Under existing law, one of the circumstances under which a vehicle may be removed pursuant to the authority described in (3) above is when the vehicle is found upon a highway or public land and is known to have been issued 5 or more notices of parking violations that are delinquent.

This bill would recast this provision to provide for the removal if the vehicles is found upon a highway or any public lands and it is known that the owner of the vehicle has been issued 5 or more notices of parking violations that are delinquent. The bill would make additional clarifying changes.

(5) Existing law authorizes local agencies to adopt an ordinance or resolution establishing procedures for the release of properly impounded vehicles and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, or release of the vehicles subject to waiver.

This bill would also authorize state agencies to adopt, by regulation, procedures for the release of properly impounded vehicles.

(6) Existing law provides for the issuance of notices of parking violation and describes their contents, including a statement indicating that payment is required to be made not later than 21 calendar days from the date of the violation. Existing law allows the issuing officer, in the interest of justice, to cancel the notice of parking violation.

This bill would recast the described statement by requiring it to state that the date of payment is 21 calendar days from the date of citation issuance rather than the date of the violation. To the extent that local agencies would be required to revise notices of parking violations, the bill would create a state-mandated local program. The bill would also allow the



issuing agency to cancel the notice of parking violation in the interest of justice.

(7) This bill would revise notices of delinquent parking violations and related procedures to conform to other provisions of law.

(8) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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. State-mandated local program: yes.

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

1 SECTION 1. Section 1808.4 of the Vehicle Code is
2 amended to read:

3 1808.4. (a) The home address of any of the following
4 persons, that appears in any record of the department, is
5 confidential, if the person requests the confidentiality of
6 that information:

7 (1) Attorney General.

8 (2) State public defender.

9 (3) Members of the Legislature.

10 (4) Judges or court commissioners.

11 (5) District attorneys.

12 (6) Public defenders.

13 (7) Attorneys employed by the Department of Justice,
14 the office of the State Public Defender, or a county office
15 of the district attorney or public defender.

16 (8) City attorneys and attorneys who submit
17 verification from their public employer that they
18 represent the city in matters that routinely place them in



1 personal contact with persons under investigation for,
2 charged with, or convicted of, committing criminal acts,
3 if those attorneys are employed by city attorneys.

4 (9) Nonsworn police dispatchers.

5 (10) Child abuse investigators or social workers,
6 working in child protective services within a social
7 services department.

8 (11) Active or retired peace officers, as defined in
9 Chapter 4.5 (commencing with Section 830) of Title 3 of
10 Part 2 of the Penal Code.

11 (12) Employees of the Department of Corrections, the
12 Department of the Youth Authority, or the Prison
13 Industry Authority specified in Sections 20017.77 and
14 20017.79 of the Government Code.

15 (13) Nonsworn employees of a city police department,
16 a county sheriff's office, the Department of the California
17 Highway Patrol, federal, state, and local detention
18 facilities, and local juvenile halls, camps, ranches, and
19 homes, who submit agency verification that, in the
20 normal course of their employment, they control or
21 supervise inmates or are required to have a prisoner in
22 their care or custody.

23 (14) County counsels assigned to child abuse cases.

24 (15) Investigators employed by the Department of
25 Justice, a county district attorney, or a county public
26 defender.

27 (16) Members of a city council.

28 (17) Members of a board of supervisors.

29 (18) Federal prosecutors and criminal investigators
30 and National Park Service Rangers working in this state.

31 (19) Any active or retired city enforcement officer
32 engaged in the enforcement of the Vehicle Code or
33 municipal parking ordinances.

34 (20) The spouse or children of persons listed in this
35 section, regardless of the spouse's or child's place of
36 residence.

37 (b) The confidential home address of any of the
38 persons listed in subdivision (a) shall not be disclosed to
39 any person, except a court, a law enforcement agency,
40 *nonsworn employees of either the California State*



1 *University police department or the University of*
2 *California police safety department, the State Board of*
3 *Equalization, or any governmental agency to which,*
4 *under any provision of law, information is required to be*
5 *furnished from records maintained by the department.*

6 (c) Any record of the department containing a
7 confidential home address shall be open to public
8 inspection, as provided in Section 1808, if the address is
9 completely obliterated or otherwise removed from the
10 record. The home address shall be withheld from public
11 inspection for three years following termination of office
12 or employment except with respect to retired peace
13 officers, whose home addresses shall be withheld from
14 public inspection permanently upon request of
15 confidentiality at the time the information would
16 otherwise be opened. The department shall inform any
17 person who requests a confidential home address what
18 agency the individual whose address was requested is
19 employed by or the court at which the judge or court
20 commissioner presides.

21 (d) A violation of subdivision (a) by the disclosure of
22 the confidential home address of a peace officer, as
23 specified in paragraph (11) of subdivision (a), a
24 nonsworn employee of the city police department or
25 county sheriff's office, or the spouse or children of these
26 persons that results in bodily injury to the peace officer,
27 employee of the city police department or county
28 sheriff's office, or the spouse or children of these persons
29 is a felony.

30 SEC. 2. Section 22507.5 of the Vehicle Code is
31 amended to read:

32 22507.5. (a) Notwithstanding Section 22507, local
33 authorities may, by ordinance or resolution, prohibit or
34 restrict the parking or standing of vehicles on certain
35 streets or highways, or portions thereof, between the
36 hours of 2 a.m. and 6 a.m., and may, by ordinance or
37 resolution, prohibit or restrict the parking or standing, on
38 any street, or portion thereof, in a residential district, of
39 commercial vehicles having a manufacturer's gross
40 vehicle weight rating of 10,000 pounds or more. The



1 ordinance or resolution relating to parking between the
2 hours of 2 a.m. and 6 a.m. may provide for a system of
3 permits for the purpose of exempting from the
4 prohibition or restriction of the ordinance or resolution
5 handicapped persons ~~and~~, residents, *and guests of*
6 *residents* of high-density, multiple-family dwelling areas
7 or similar areas lacking adequate offstreet parking
8 facilities. The ordinance or resolution relating to the
9 parking or standing of commercial vehicles in a
10 residential district, however, shall not be effective with
11 respect to any commercial vehicle making pickups or
12 deliveries of goods, wares, and merchandise from or to
13 any building or structure located on the restricted streets
14 or highways or for the purpose of delivering materials to
15 be used in the actual and bona fide repair, alteration,
16 remodeling, or construction of any building or structure
17 upon the restricted streets or highways for which a
18 building permit has previously been obtained.

19 (b) Subdivision (a) of this section is applicable to
20 vehicles specified in subdivision (a) of Section 31303,
21 except that no ordinance or resolution adopted pursuant
22 to subdivision (a) of this section may permit the parking
23 of those vehicles which is otherwise prohibited under this
24 code.

25 (c) For the purpose of implementing this section, each
26 local authority may, by ordinance, define the term
27 “residential district” in accordance with its zoning
28 ordinance. The ordinance shall not be effective unless the
29 legislative body of the local authority holds a public
30 hearing on the proposed ordinance prior to its adoption,
31 with notice of the public hearing given in accordance
32 with Section 65090 of the Government Code.

33 SEC. 3. Section 22651 of the Vehicle Code is amended
34 to read:

35 22651. Any peace officer, as defined in Chapter 4.5
36 (commencing with Section 830) of Title 3 of Part 2 of the
37 Penal Code; or any regularly employed and salaried
38 employee, who is engaged in directing traffic or
39 enforcing parking laws and regulations, of a *state agency*,
40 city, or a county in which a vehicle is located, may remove



1 a vehicle located within the territorial limits in which the
2 officer or employee may act, under any of the following
3 circumstances:

4 (a) When any vehicle is left unattended upon any
5 bridge, viaduct, or causeway or in any tube or tunnel
6 where the vehicle constitutes an obstruction to traffic.

7 (b) When any vehicle is parked or left standing upon
8 a highway in a position so as to obstruct the normal
9 movement of traffic or in a condition so as to create a
10 hazard to other traffic upon the highway.

11 (c) When any vehicle is found upon a highway or any
12 public lands and a report has previously been made that
13 the vehicle has been stolen or a complaint has been filed
14 and a warrant thereon issued charging that the vehicle
15 has been embezzled.

16 (d) When any vehicle is illegally parked so as to block
17 the entrance to a private driveway and it is impractical to
18 move the vehicle from in front of the driveway to another
19 point on the highway.

20 (e) When any vehicle is illegally parked so as to
21 prevent access by firefighting equipment to a fire
22 hydrant and it is impracticable to move the vehicle from
23 in front of the fire hydrant to another point on the
24 highway.

25 (f) When any vehicle, except any highway
26 maintenance or construction equipment, is stopped,
27 parked, or left standing for more than four hours upon the
28 right-of-way of any freeway which has full control of
29 access and no crossings at grade and the driver, if present,
30 cannot move the vehicle under its own power.

31 (g) When the person or persons in charge of a vehicle
32 upon a highway or any public lands are, by reason of
33 physical injuries or illness, incapacitated to an extent so as
34 to be unable to provide for its custody or removal.

35 (h) (1) When an officer arrests any person driving or
36 in control of a vehicle for an alleged offense and the
37 officer is, by this code or other law, required or permitted
38 to take, and does take, the person into custody.

39 (2) When an officer serves a notice of an order of
40 suspension or revocation pursuant to Section 23137.



1 (i) (1) When any vehicle, other than a rented vehicle,
 2 is found upon a highway or any public lands, or is removed
 3 pursuant to this code, and it is known ~~to have~~ *that the*
 4 *owner of the vehicle has* been issued five or more notices
 5 of parking violation, to which the owner or person in
 6 control of the vehicle has not responded within 21
 7 calendar days of notice of citation issuance or citation
 8 issuance or 14 calendar days of a notice of delinquent
 9 parking violation to the agency responsible for processing
 10 notices of parking violation or the registered owner of the
 11 vehicle is known to have been issued five or more notices
 12 for failure to pay or failure to appear in court for traffic
 13 violations for which no certificate has been issued by the
 14 magistrate or clerk of the court hearing the case showing
 15 that the case has been adjudicated or concerning which
 16 the registered owner's record has not been cleared
 17 pursuant to Chapter 6 (commencing with Section 41500)
 18 of Division 17, the vehicle may be impounded until that
 19 person furnishes to the impounding law enforcement
 20 agency all of the following:

- 21 (A) Evidence of his or her identity.
- 22 (B) An address within this state at which he or she can
 23 be located.
- 24 (C) Satisfactory evidence that all parking penalties
 25 due for the vehicle and any other vehicle registered to the
 26 registered owner of the impounded vehicle, and all traffic
 27 violations of the registered owner, have been cleared.

28 (2) The requirements in subparagraph (C) of
 29 paragraph (1) shall be fully enforced by the impounding
 30 law enforcement agency on and after the time that the
 31 Department of Motor Vehicles is able to provide access
 32 to the necessary records.

33 (3) A notice of parking violation issued for an
 34 unlawfully parked vehicle shall be accompanied by a
 35 warning that repeated violations may result in the
 36 impounding of the vehicle. In lieu of furnishing
 37 satisfactory evidence that the full amount of parking
 38 penalties or bail has been deposited, that person may
 39 demand to be taken without unnecessary delay before a
 40 magistrate, for traffic offenses, or a hearing examiner, for



1 parking offenses, within the county in which the offenses
2 charged are alleged to have been committed and who has
3 jurisdiction of the offenses and is nearest or most
4 accessible with reference to the place where the vehicle
5 is impounded. Evidence of current registration shall be
6 produced after a vehicle has been impounded, or, at the
7 discretion of the impounding law enforcement agency, a
8 notice to appear for violation of subdivision (a) of Section
9 4000 shall be issued to that person.

10 (4) A vehicle shall be released to the legal owner, as
11 defined in Section 370, if the legal owner does all of the
12 following:

13 (A) Pays the cost of towing and storing the vehicle.

14 (B) Submits evidence of payment of fees as provided
15 in Section 9561.

16 (C) Completes an affidavit in a form acceptable to the
17 impounding law enforcement agency stating that the
18 vehicle was not in possession of the legal owner at the
19 time of occurrence of the offenses relating to standing or
20 parking. A vehicle released to a legal owner under this
21 subdivision is a repossessed vehicle for purposes of
22 disposition or sale. The impounding agency shall have a
23 lien on any surplus that remains upon sale of the vehicle
24 to which the registered owner is or may be entitled, as
25 security for the full amount of the parking penalties for
26 all notices of parking violations issued for the vehicle and
27 for any local administrative charges imposed pursuant to
28 Section 22850.5. The legal owner shall promptly remit to,
29 and deposit with, the agency responsible for processing
30 notices of parking violations from that surplus, on receipt
31 thereof, full amount of the parking penalties for all
32 notices of parking violations issued for the vehicle and for
33 any local administrative charges imposed pursuant to
34 Section 22850.5.

35 (5) The impounding agency that has a lien on the
36 surplus that remains upon the sale of a vehicle to which
37 a registered owner is entitled pursuant to paragraph (4)
38 has a deficiency claim against the registered owner for
39 the full amount of the parking penalties for all notices of
40 parking violations issued for the vehicle and for any local



1 administrative charges imposed pursuant to Section
2 22850.5, less the amount received from the sale of the
3 vehicle.

4 (j) When any vehicle is found illegally parked and
5 there are no license plates or other evidence of
6 registration displayed, the vehicle may be impounded
7 until the owner or person in control of the vehicle
8 furnishes the impounding law enforcement agency
9 evidence of his or her identity and an address within this
10 state at which he or she can be located.

11 (k) When any vehicle is parked or left standing upon
12 a highway for 72 or more consecutive hours in violation
13 of a local ordinance authorizing removal.

14 (l) When any vehicle is illegally parked on a highway
15 in violation of any local ordinance forbidding standing or
16 parking and the use of a highway, or a portion thereof, is
17 necessary for the cleaning, repair, or construction of the
18 highway, or for the installation of underground utilities,
19 and signs giving notice that the vehicle may be removed
20 are erected or placed at least 24 hours prior to the
21 removal by local authorities pursuant to the ordinance.

22 (m) Wherever the use of the highway, or any portion
23 thereof, is authorized by local authorities for a purpose
24 other than the normal flow of traffic or for the movement
25 of equipment, articles, or structures of unusual size, and
26 the parking of any vehicle would prohibit or interfere
27 with that use or movement, and signs giving notice that
28 the vehicle may be removed are erected or placed at least
29 24 hours prior to the removal by local authorities pursuant
30 to the ordinance.

31 (n) Whenever any vehicle is parked or left standing
32 where local authorities, by resolution or ordinance, have
33 prohibited parking and have authorized the removal of
34 vehicles. No vehicle may be removed unless signs are
35 posted giving notice of the removal.

36 (o) (1) When any vehicle is found upon a highway,
37 any public lands, or an offstreet parking facility with a
38 registration expiration date in excess of one year before
39 the date it is found on the highway, public lands, or the
40 offstreet parking facility. However, if the vehicle is



1 occupied, only a peace officer, as defined in Chapter 4.5
2 (commencing with Section 830) of Title 3 of Part 2 of the
3 Penal Code, may remove the vehicle. For purposes of this
4 subdivision, the vehicle shall be released to the owner or
5 person in control of the vehicle only after the owner or
6 person furnishes the storing law enforcement agency
7 with proof of current registration and a currently valid
8 driver's license to operate the vehicle.

9 (2) As used in this subdivision, "offstreet parking
10 facility" means any offstreet facility held open for use by
11 the public for parking vehicles and includes any publicly
12 owned facilities for offstreet parking, and privately
13 owned facilities for offstreet parking where no fee is
14 charged for the privilege to park and which are held open
15 for the common public use of retail customers.

16 (p) When the peace officer issues the driver of a
17 vehicle a notice to appear for a violation of Section 12500,
18 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604
19 and the vehicle has not been impounded pursuant to
20 Section 22655.5. Any vehicle so removed from the
21 highway or any public lands, or from private property
22 after having been on a highway or public lands, shall not
23 be released to the registered owner or his or her agent,
24 except upon presentation of the registered owner's or his
25 or her agent's currently valid driver's license to operate
26 the vehicle and proof of current vehicle registration, or
27 upon order of a court.

28 (q) Whenever any vehicle is parked for more than 24
29 hours on a portion of highway which is located within the
30 boundaries of a common interest development, as
31 defined in subdivision (c) of Section 1351 of the Civil
32 Code, and signs, as required by Section 22658.2, have been
33 posted on that portion of highway providing notice to
34 drivers that vehicles parked thereon for more than 24
35 hours will be removed at the owner's expense, pursuant
36 to a resolution or ordinance adopted by the local
37 authority.

38 (r) When any vehicle is illegally parked and blocks the
39 movement of a legally parked vehicle.



1 (s) (1) When any vehicle, except highway
 2 maintenance or construction equipment, an authorized
 3 emergency vehicle, or a vehicle which is properly
 4 permitted or otherwise authorized by the Department of
 5 Transportation, is stopped, parked, or left standing for
 6 more than eight hours within a roadside rest area or
 7 viewpoint.

8 (2) For purposes of this subdivision, a roadside rest
 9 area or viewpoint is a publicly maintained vehicle
 10 parking area, adjacent to a highway, utilized for the
 11 convenient, safe stopping of a vehicle to enable motorists
 12 to rest or to view the scenery. If two or more roadside rest
 13 areas are located on opposite sides of the highway, or
 14 upon the center divider, within seven miles of each other,
 15 then that combination of rest areas is considered to be the
 16 same rest area.

17 SEC. 4. Section 22651.7 of the Vehicle Code is
 18 amended to read:

19 22651.7. In addition to, or as an alternative to,
 20 removal, any peace officer, as defined in Chapter 4.5
 21 (commencing with Section 830) of Title 3 of Part 2 of the
 22 Penal Code, or any regularly employed and salaried
 23 employee who is engaged in directing traffic or enforcing
 24 parking laws and regulations, of a jurisdiction in which a
 25 vehicle is located may immobilize the vehicle with a
 26 device designed and manufactured for the
 27 immobilization of vehicles, on a highway or any public
 28 lands located within the territorial limits in which the
 29 officer or employee may act if the vehicle is found upon
 30 a highway or any public lands and *it is known to have that*
 31 *the owner of the vehicle has* been issued five or more
 32 notices of parking violation which are delinquent because
 33 the owner or person in control of the vehicle has not
 34 responded to the agency responsible for processing
 35 notices of parking violation within 21 calendar days of
 36 notice of citation issuance or citation issuance or 14
 37 calendar days of *the mailing of* a notice of delinquent
 38 parking violation, or the registered owner of the vehicle
 39 is known to have been issued five or more notices for
 40 failure to pay or failure to appear in court for traffic



1 violations for which no certificate has been issued by the
2 magistrate or clerk of the court hearing the case showing
3 that the case has been adjudicated or concerning which
4 the registered owner's record has not been cleared
5 pursuant to Chapter 6 (commencing with Section 41500)
6 of Division 17. The vehicle may be immobilized until that
7 person furnishes to the immobilizing law enforcement
8 agency all of the following:

9 (a) Evidence of his or her identity.

10 (b) An address within this state at which he or she can
11 be located.

12 (c) Satisfactory evidence that the full amount of
13 parking penalties has been deposited for all notices of
14 parking violation issued for the vehicle and any vehicles
15 registered to the registered owner of the immobilized
16 vehicle and that bail has been deposited for all traffic
17 violations of the registered owner that have not been
18 cleared. The requirements in subdivision (c) shall be fully
19 enforced by the immobilizing law enforcement agency
20 on and after the time that the Department of Motor
21 Vehicles is able to provide access to the necessary records.
22 A notice of parking violation issued to the vehicle shall be
23 accompanied by a warning that repeated violations may
24 result in the impounding or immobilization of the
25 vehicle. In lieu of furnishing satisfactory evidence that
26 the full amount of parking penalties or bail, or both, have
27 been deposited that person may demand to be taken
28 without unnecessary delay before a magistrate, for traffic
29 offenses, or a hearing examiner, for parking offenses,
30 within the county in which the offenses charged are
31 alleged to have been committed and who has jurisdiction
32 of the offenses and is nearest or most accessible with
33 reference to the place where the vehicle is immobilized.
34 Evidence of current registration shall be produced after
35 a vehicle has been immobilized or, at the discretion of the
36 immobilizing law enforcement agency, a notice to appear
37 for violation of subdivision (a) of Section 4000 shall be
38 issued to that person.

39 SEC. 5. Section 22850.5 of the Vehicle Code is
40 amended to read:



1 22850.5. (a) A *state agency*, city, county, or city and
2 county may adopt ~~an~~ *a regulation*, ordinance, or
3 resolution establishing procedures for the release of
4 properly impounded vehicles and for the imposition of a
5 charge equal to its administrative costs relating to the
6 removal, impound, storage, or release of the vehicles.
7 Those administrative costs may be waived by the *state*
8 *agency or* local authority upon verifiable proof that the
9 vehicle was reported stolen at the time the vehicle was
10 removed.

11 (b) Administrative costs shall only be imposed on the
12 registered owner or the agents of that owner and shall not
13 include any vehicle towed under an abatement program
14 or sold at a lien sale pursuant to Sections 3068.1 to 3074,
15 inclusive, of, and Section 22851 of, the Civil Code unless
16 the sale is sufficient in amount to pay the lienholder's total
17 charges and proper administrative costs.

18 (c) Any administrative costs imposed shall be
19 collected by the ~~local~~ authority at the time of release.

20 (d) The ~~local~~ administration charges imposed
21 pursuant to this section shall be in addition to any other
22 charges authorized or imposed pursuant to this code.

23 SEC. 6. Section 40202 of the Vehicle Code is amended
24 to read:

25 40202. (a) If a vehicle is unattended during the time
26 of the violation, the peace officer or person authorized to
27 enforce parking laws and regulations shall securely attach
28 to the vehicle a notice of parking violation setting forth
29 the violation, including reference to the section of this
30 code or of the Public Resources Code, the local ordinance,
31 or the federal statute or regulation so violated; the date;
32 the approximate time thereof; the location where the
33 violation occurred; a statement *printed on the notice*
34 indicating that *the date of* payment is required to be
35 made not later than 21 calendar days from the date of ~~the~~
36 ~~violation~~ *citation issuance*; and the procedure for the
37 registered owner, lessee, or rentee to deposit the parking
38 penalty or, pursuant to Section 40215, contest the citation.
39 The notice of parking violation shall also set forth the
40 vehicle license number and registration expiration date



1 if they are visible, the last four digits of the vehicle
2 identification number, if that number is readable through
3 the windshield, the color of the vehicle, and, if possible,
4 the make of the vehicle. The notice of parking violation,
5 or copy thereof, shall be considered a record kept in the
6 ordinary course of business of the issuing agency and the
7 processing agency and shall be prima facie evidence of
8 the facts contained therein.

9 (b) The notice of parking violation shall be served by
10 attaching it to the vehicle either under the windshield
11 wiper or in another conspicuous place upon the vehicle
12 so as to be easily observed by the person in charge of the
13 vehicle upon the return of that person.

14 (c) Once the issuing officer has prepared the notice of
15 parking violation and has attached it to the vehicle as
16 provided in subdivisions (a) and (b), the officer shall file
17 the notice with the processing agency. Any person,
18 including the issuing officer and any member of the
19 officer's department or agency, or any peace officer who
20 alters, conceals, modifies, nullifies, or destroys, or causes
21 to be altered, concealed, modified, nullified, or destroyed
22 the face of the remaining original or any copy of a citation
23 that was retained by the officer, for any reason, before it
24 is filed with the processing agency or with a person
25 authorized to receive the deposit of the parking penalty,
26 is guilty of a misdemeanor.

27 (d) If, during the issuance of a notice of parking
28 violation, without regard to whether the vehicle was
29 initially attended or unattended, the vehicle is driven
30 away prior to attaching the notice to the vehicle, the
31 issuing officer shall file the notice with the processing
32 agency. The processing agency shall mail, within 15
33 calendar days of issuance of the notice of parking
34 violation, a copy of the notice of parking violation to the
35 registered owner.

36 (e) If, *within 15 days* after ~~a copy of~~ the notice of
37 parking violation is attached to the vehicle, the issuing
38 officer *or the issuing agency* determines that, in the
39 interest of justice, the notice of parking violation should
40 be canceled, the issuing agency, pursuant to subdivision



1 (a) of Section 40215, shall cancel the notice of parking
2 violation or, if the issuing agency has contracted with a
3 processing agency, shall notify the processing agency to
4 cancel the notice of parking violation pursuant to
5 subdivision (a) of Section 40215. The reason for the
6 cancellation shall be set forth in writing.

7 If, after a copy of the notice of parking violation is
8 attached to the vehicle, the issuing officer determines
9 that there is incorrect data on the notice, including, but
10 not limited to, the date or time, the issuing officer may
11 indicate in writing, on a form attached to the original
12 notice, the necessary correction to allow for the timely
13 entry of the notice on the processing agency's data
14 system. A copy of the correction shall be mailed to the
15 person receiving the notice of parking violation.

16 (f) Under no circumstances shall a personal
17 relationship with any officer, public official, or law
18 enforcement agency be grounds for cancellation.

19 SEC. 7. Section 40207 of the Vehicle Code is amended
20 to read:

21 40207. The notice of delinquent parking violation
22 shall contain the information specified in subdivision (a)
23 of Section 40202 and Section 40203, and, additionally shall
24 contain a notice to the registered owner that, unless the
25 registered owner pays the parking penalty or contests the
26 citation within 21 calendar days *from the date of issuance*
27 *of the citation or 14 calendar days after the mailing of the*
28 *notice of delinquent parking violation or completes and*
29 *files an affidavit of nonliability which complies with*
30 *Section 40208 or 40209, the renewal of the vehicle*
31 *registration shall be contingent upon compliance with*
32 *the notice of delinquent parking violation. If the*
33 *registered owner, by appearance or by mail, makes*
34 *payment to the processing agency within 21 calendar*
35 *days of from the date of issuance of the citation or 14*
36 *calendar days after the mailing of the notice of delinquent*
37 *parking violation, the parking penalty shall consist solely*
38 *of the amount of the original penalty. No additional fees,*
39 *assessments, or other charges shall be added.*



1 SEC. 8. Section 40209 of the Vehicle Code is amended
2 to read:

3 40209. If the affidavit of nonliability is returned to the
4 processing agency within 30 calendar days of the mailing
5 of the notice of delinquent parking violation together
6 with the proof of a written lease or rental agreement
7 between a bona fide rental or leasing company, and its
8 customer which identifies the rentee or lessee and
9 provides the driver's license number, name, and address
10 of the rentee or lessee, the processing agency shall serve
11 or mail to the rentee or lessee identified in the affidavit
12 of nonliability a notice of delinquent parking violation. If
13 payment is not received within 21 calendar days *from the*
14 *date of issuance of the citation or 14 calendar days after*
15 the mailing of the notice of delinquent parking violation,
16 the processing agency may proceed against the rentee or
17 lessee pursuant to Section 40220.

18 SEC. 9. Notwithstanding Section 17610 of the
19 Government Code, if the Commission on State Mandates
20 determines that this act contains costs mandated by the
21 state, reimbursement to local agencies and school
22 districts for those costs shall be made pursuant to Part 7
23 (commencing with Section 17500) of Division 4 of Title
24 2 of the Government Code. If the statewide cost of the
25 claim for reimbursement does not exceed one million
26 dollars (\$1,000,000), reimbursement shall be made from
27 the State Mandates Claims Fund.

28 Notwithstanding Section 17580 of the Government
29 Code, unless otherwise specified, the provisions of this act
30 shall become operative on the same date that the act
31 takes effect pursuant to the California Constitution.

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