

AMENDED IN ASSEMBLY MAY 9, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 101

Introduced by Assembly Member Ma

December 21, 2006

An act to amend, *repeal, and add* Section 40207 of, and to add *and repeal* Article 3.5 (commencing with Section 40240) ~~to~~ of Chapter 1 of Division 17 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 101, as amended, Ma. Vehicles: parking enforcement: videotaped evidence.

Existing law requires a peace officer or person authorized to enforce parking laws and regulations to securely attach to a vehicle in violation of those laws or regulations a notice of violation, if the vehicle is unattended during the time of the violation.

This bill would authorize the City and County of San Francisco (*San Francisco*), *until January 1, 2012*, to enforce parking violations in transit-only lanes and during street sweep hours through the use of videotaped evidence. The City and County of San Francisco would be authorized to install videotape cameras on *city-owned* public transit *vehicles* and ~~other city-owned vehicles~~ *street sweepers* for the purposes of videotaping these parking violations. A designated employee would be required to review the videotape for determining whether these parking violations had occurred and to issue a notice of a parking violation to the registered owner within 15 days of the violation. ~~The bill would make legislative findings and declarations regarding the~~

~~inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution. If San Francisco implements a pilot program authorized by this bill, San Francisco would be required, on or before July 1, 2011, to submit to the transportation committees of the Legislature an assessment on the effectiveness of the pilot program.~~

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 40207 of the Vehicle Code is amended
2 to read:

3 40207. (a) The notice of delinquent parking violation shall
4 contain the information specified in subdivision (a) of Section
5 40202 or subdivision (a) of Section 40241, and Section 40203,
6 and, additionally shall contain a notice to the registered owner
7 that, unless the registered owner pays the parking penalty or
8 contests the citation within 21 calendar days from the date of
9 issuance of the citation or 14 calendar days after the mailing of
10 the notice of delinquent parking violation or completes and files
11 an affidavit of nonliability which complies with Section 40208 or
12 40209, the renewal of the vehicle registration shall be contingent
13 upon compliance with the notice of delinquent parking violation.
14 If the registered owner, by appearance or by mail, makes payment
15 to the processing agency within 21 calendar days from the date of
16 issuance of the citation or 14 calendar days after the mailing of
17 the notice of delinquent parking violation, the parking penalty shall
18 consist solely of the amount of the original penalty. ~~No additional~~
19 *Additional* fees, assessments, or other charges shall *not* be added.

20 (b) *This section shall remain in effect only until January 1, 2012,*
21 *and as of that date is repealed, unless a later enacted statute, that*
22 *is enacted before January 1, 2012, deletes or extends that date.*

23 SEC. 2. Section 40207 is added to the Vehicle Code, to read:

24 40207. (a) *The notice of delinquent parking violation shall*
25 *contain the information specified in subdivision (a) of Section*
26 *40202 and Section 40203, and, additionally shall contain a notice*
27 *to the registered owner that, unless the registered owner pays the*
28 *parking penalty or contests the citation within 21 calendar days*
29 *from the date of issuance of the citation or 14 calendar days after*

1 *the mailing of the notice of delinquent parking violation or*
2 *completes and files an affidavit of nonliability which complies with*
3 *Section 40208 or 40209, the renewal of the vehicle registration*
4 *shall be contingent upon compliance with the notice of delinquent*
5 *parking violation. If the registered owner, by appearance or by*
6 *mail, makes payment to the processing agency within 21 calendar*
7 *days from the date of issuance of the citation or 14 calendar days*
8 *after the mailing of the notice of delinquent parking violation, the*
9 *parking penalty shall consist solely of the amount of the original*
10 *penalty. Additional fees, assessments, or other charges shall not*
11 *be added.*

12 *(b) This section shall become operative on January 1, 2012.*

13 ~~SEC. 2.~~

14 SEC. 3. Article 3.5 (commencing with Section 40240) is added
15 to Chapter 1 of Division 17 of the Vehicle Code, to read:

16

17 Article 3.5. Procedure on Videotaping Parking Violations
18 Occurring in Transit-Only Lanes and During Posted Street
19 Sweeping Hours

20

21 40240. (a) The City and County of San Francisco may install
22 video cameras on *city-owned* public transit, as defined by Section
23 99211 of the Public Utilities Code, and ~~other city-owned vehicles~~
24 *city-owned street sweepers* for the purpose of videotaping parking
25 violations occurring in transit-only traffic lanes and during posted
26 street sweeping hours.

27 (b) Prior to issuing notices of parking violations pursuant to
28 subdivision (a) of Section 40241, the City and County of San
29 Francisco shall commence a program to issue only warning notices
30 for 30 days. The City and County of San Francisco shall also make
31 a public announcement of the program at least 30 days prior to
32 commencement of issuing notices of parking violations.

33 (c) A designated employee of the City and County of San
34 Francisco shall review videotaped recordings for the purpose of
35 determining whether a parking violation occurred in a transit-only
36 traffic lane or during posted street sweeping hours. A violation of
37 a statute, regulation, or ordinance governing vehicle parking under
38 this code, under a federal or state statute or regulation, or under a
39 ordinance enacted by the City and County of San Francisco
40 occurring in a transit-only traffic lane or during posted street

1 sweeping hours observed by the designated employee in the
2 recordings is subject to a civil penalty.

3 (d) The registered owner shall be permitted to review the
4 videotaped evidence of the alleged violation.

5 (e) Except as it may be included in court records described in
6 Section 68152 of the Government Code, the videotaped evidence
7 may be retained for up to six months from the date the information
8 was first obtained, or until final disposition of the citation,
9 whichever date is later, after which time the information shall be
10 destroyed.

11 (f) For purpose of this article, "local agency" means the City
12 and County of San Francisco.

13 40241. (a) A designated employee of the local agency shall
14 issue a notice of a parking violation to the registered owner of a
15 vehicle within 15 calendar days of the date of the violation. The
16 notice of violation shall set forth the violation of a statute,
17 regulation, or ordinance governing vehicle parking under this code,
18 under a federal or state statute or regulation, or under an ordinance
19 enacted by the City and County of San Francisco occurring in a
20 transit-only traffic lane or during posted street sweeping hours, a
21 statement indicating that payment is required within 21 calendar
22 days from the date of citation issuance, and the procedure for the
23 registered owner, lessee, or rentee to deposit the parking penalty
24 or contest the citation pursuant to Section 40215. The notice of a
25 parking violation shall also set forth the vehicle license number,
26 registration expiration date, the color of the vehicle, and, if
27 possible, the make of the vehicle. The notice of parking violation,
28 or copy of the notice, shall be considered a record kept in the
29 ordinary course of business of the City and County of San
30 Francisco and shall be prima facie evidence of the facts contained
31 in the notice. The City and County of San Francisco shall send
32 information regarding the process for requesting review of the
33 videotaped evidence along with the notice of parking violation.

34 (b) The notice of parking violation shall be served by depositing
35 the notice in the United States mail to the registered owner's last
36 known address listed with the Department of Motor Vehicles.

37 (c) If, within 21 days after the notice of parking violation is
38 issued, the local agency determines that, in the interest of justice,
39 the notice of parking violation should be canceled, the local agency
40 shall cancel the notice of parking violation pursuant to subdivision

1 (a) of Section 40215. The reason for the cancellation shall be set
2 forth in writing.

3 (d) Following an initial review by the local agency, and an
4 administrative hearing, pursuant to Section 40215, a contestant
5 may seek court review by filing an appeal pursuant to Section
6 40230.

7 (e) The City and County of San Francisco may contract with a
8 private vendor for the processing of notices of parking violations
9 and notices of delinquent violations. The City and County of San
10 Francisco shall maintain overall control and supervision of the
11 program.

12 *40242. Notwithstanding Section 7550.5 of the Government*
13 *Code, if the City and County of San Francisco implements a*
14 *parking enforcement pilot program pursuant to this article, no*
15 *later than July 1, 2011, the City and County of San Francisco shall*
16 *provide to the transportation committees of the Legislature an*
17 *assessment of the pilot program's effectiveness.*

18 *40243. This article shall remain in effect only until January 1,*
19 *2012, and as of that date is repealed, unless a later enacted statute,*
20 *that is enacted before January 1, 2012, deletes or extends that*
21 *date.*

22 ~~SEC. 3. The Legislature finds and declares that this act, which~~
23 ~~is applicable only to the City and County of San Francisco, is~~
24 ~~necessary because of the unique and special problems associated~~
25 ~~with parking violations in transit-only lanes and during street~~
26 ~~sweeping hours in that city and county. It is, therefore, hereby~~
27 ~~declared that a general law within the meaning of Section 16 of~~
28 ~~Article IV of the California Constitution cannot be made applicable~~
29 ~~to that city and county and the enactment of this special law is~~
30 ~~necessary for the videotape enforcement of parking violations in~~
31 ~~transit-only lanes and during street sweeping hours for the public~~
32 ~~good.~~