

AMENDED IN SENATE SEPTEMBER 7, 2007

AMENDED IN SENATE JULY 3, 2007

AMENDED IN SENATE JUNE 21, 2007

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) 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: video image 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 *specified* transit-only *traffic* lanes ~~and during street sweeping hours~~ through the use of video image evidence. San Francisco would be authorized to install ~~video cameras~~ *automated forwarding facing parking control devices* on city-owned public transit vehicles ~~and city-owned~~

street sweepers for the ~~purposes~~ *purpose* of video imaging ~~these~~ of parking violations *occurring in transit-only traffic lanes*. A designated employee, *who is qualified by San Francisco*, would be required to review the video image 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 video image records would be confidential and be available only to public agencies to enforce parking violations.

If San Francisco implements the pilot program authorized by this bill, San Francisco would be required, on or before March 1, 2011, to submit to the transportation committees of the Legislature an evaluation of 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. Additional
19 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:

1 40207. (a) The notice of delinquent parking violation shall
2 contain the information specified in subdivision (a) of Section
3 40202 and Section 40203, and, additionally shall contain a notice
4 to the registered owner that, unless the registered owner pays the
5 parking penalty or contests the citation within 21 calendar days
6 from the date of issuance of the citation or 14 calendar days after
7 the mailing of the notice of delinquent parking violation or
8 completes and files an affidavit of nonliability which complies
9 with Section 40208 or 40209, the renewal of the vehicle registration
10 shall be contingent upon compliance with the notice of delinquent
11 parking violation. If the registered owner, by appearance or by
12 mail, makes payment to the processing agency within 21 calendar
13 days from the date of issuance of the citation or 14 calendar days
14 after the mailing of the notice of delinquent parking violation, the
15 parking penalty shall consist solely of the amount of the original
16 penalty. Additional fees, assessments, or other charges shall not
17 be added.

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

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

21
22 Article 3.5. Procedure on Video Imaging of Parking Violations
23 Occurring in Transit-Only Lanes and ~~During Posted Street~~
24 ~~Sweeping Hours~~
25

26 40240. (a) The City and County of San Francisco may install
27 ~~video cameras~~ *automated forward facing parking control devices*
28 on city-owned public transit *vehicles*, as defined by Section 99211
29 of the Public Utilities Code, ~~and city-owned street sweepers~~ for
30 the purpose of video imaging of parking violations occurring in
31 transit-only traffic lanes ~~and during posted street sweeping hours~~.
32 ~~Those video cameras shall only record video images when the~~
33 ~~driver or operator of a city-owned public transit sees a vehicle~~
34 ~~parked in a transit-only traffic lane or a city-owned street sweeper~~
35 ~~sees a vehicle parked in an area where parking is prohibited during~~
36 ~~posted street sweeping hours lanes. Citations shall only be issued~~
37 ~~for violation captured during the posted hours of operation for a~~
38 ~~transit-only traffic lane. The devices shall be angled and focused~~
39 ~~so as to capture video images of parking violations and not~~

1 *unnecessarily capture identifying images of other drivers, vehicles,*
2 *and pedestrians.*

3 (b) Prior to issuing notices of parking violations pursuant to
4 subdivision (a) of Section 40241, the City and County of San
5 Francisco shall commence a program to issue only warning notices
6 for 30 days. The City and County of San Francisco shall also make
7 a public announcement of the program at least 30 days prior to
8 commencement of issuing notices of parking violations.

9 (c) A designated employee of the City and County of San
10 Francisco, *who is qualified by the city and county to issue parking*
11 *citations*, shall review video image recordings for the purpose of
12 determining whether a parking violation occurred in a transit-only
13 traffic lane ~~or during posted street sweeping hours~~. A violation of
14 a statute, regulation, or ordinance governing vehicle parking under
15 this code, under a federal or state statute or regulation, or under a
16 *an* ordinance enacted by the City and County of San Francisco
17 occurring in a transit-only traffic lane ~~or during posted street~~
18 ~~sweeping hours~~ observed by the designated employee in the
19 recordings is subject to a civil penalty.

20 (d) The registered owner shall be permitted to review the video
21 image evidence of the alleged violation during normal business
22 hours at no cost.

23 (e) (1) Except as it may be included in court records described
24 in Section 68152 of the Government Code, *or as provided in*
25 *paragraph (2)*, the video image evidence may be retained for up
26 to six months from the date the information was first obtained, or
27 60 days after final disposition of the citation, whichever date is
28 later, after which time the information shall be destroyed.

29 (2) *Notwithstanding Section 26202.6 of the Government Code,*
30 *video image evidence from forward facing automated enforcement*
31 *devices that does not contain evidence of a parking violation*
32 *occurring in a transit-only traffic lane shall be destroyed within*
33 *15 days after the information was first obtained.*

34 (f) Notwithstanding Section 6253 of the Government Code, or
35 any other provision of law, the video image records are
36 confidential. Public agencies shall use *and allow access to* these
37 records only for the purposes authorized by this article.

38 (g) For the purposes of this article, “local agency” means the
39 City and County of San Francisco.

1 (h) For the purposes of this article, “transit-only traffic lane”
2 means any of the designated transit-only lanes that were designated
3 on or before January 1, 2008, on Beach Street, Bush Street, Clay
4 Street, First Street, Fourth Street, Fremont Street, Geary
5 Boulevard, Jefferson Street, Jones Street, Mission Street, Market
6 Street, O’Farrell Street, Post Street, Potrero Street, Sacramento
7 Street, Sansome Street, Stockton Street, Sutter Street, and Third
8 Street.

9 (i) Video images captured pursuant to this article shall not be
10 transmitted wirelessly.

11 40241. (a) A designated employee of the local agency shall
12 issue a notice of a parking violation to the registered owner of a
13 vehicle within 15 calendar days of the date of the violation. The
14 notice of violation shall set forth the violation of a statute,
15 regulation, or ordinance governing vehicle parking under this code,
16 under a federal or state statute or regulation, or under an ordinance
17 enacted by the City and County of San Francisco occurring in a
18 transit-only traffic lane ~~or during posted street sweeping hours~~, a
19 statement indicating that payment is required within 21 calendar
20 days from the date of citation issuance, and the procedure for the
21 registered owner, lessee, or rentee to deposit the parking penalty
22 or contest the citation pursuant to Section 40215. The notice of a
23 parking violation shall also set forth the date, time, and location
24 of the violation, the vehicle license number, registration expiration
25 date if visible, the color of the vehicle, and, if possible, the make
26 of the vehicle. The notice of parking violation, or copy of the
27 notice, shall be considered a record kept in the ordinary course of
28 business of the City and County of San Francisco and shall be
29 prima facie evidence of the facts contained in the notice. The City
30 and County of San Francisco shall send information regarding the
31 process for requesting review of the video image evidence along
32 with the notice of parking violation.

33 (b) The notice of parking violation shall be served by depositing
34 the notice in the United States mail to the registered owner’s last
35 known address listed with the Department of Motor Vehicles.
36 Proof of mailing demonstrating that the notice of parking violation
37 was mailed to that address shall be maintained by the local agency.
38 ~~Additional fees, assessments or charges shall not be assessed if~~
39 ~~the registered owner declares, under penalty of perjury, that the~~
40 ~~notice of parking violation was not received. If the registered~~

1 owner, by appearance or by mail, makes payment to the processing
 2 agency or contests the violation within either 21 calendar days
 3 from the date of mailing of the citation, or 14 calendar days after
 4 the mailing of the notice of delinquent parking violation, the
 5 parking penalty shall consist solely of the amount of the original
 6 penalty.

7 (c) If, within 21 days after the notice of parking violation is
 8 issued, the local agency determines that, in the interest of justice,
 9 the notice of parking violation should be canceled, the local agency
 10 shall cancel the notice of parking violation pursuant to subdivision
 11 (a) of Section 40215. The reason for the cancellation shall be set
 12 forth in writing.

13 (d) Following an initial review by the local agency, and an
 14 administrative hearing, pursuant to Section 40215, a contestant
 15 may seek court review by filing an appeal pursuant to Section
 16 40230.

17 (e) The City and County of San Francisco may contract with a
 18 private vendor for the processing of notices of parking violations
 19 and notices of delinquent violations. The City and County of San
 20 Francisco shall maintain overall control and supervision of the
 21 program.

22 40242. Notwithstanding Section 7550.5 of the Government
 23 Code, if the City and County of San Francisco implements a
 24 parking enforcement pilot program pursuant to this article, no later
 25 than March 1, 2011, the City and County of San Francisco shall
 26 provide to the transportation committees of the Legislature an
 27 evaluation of the pilot program’s effectiveness.

28 40243. This article shall remain in effect only until January 1,
 29 2012, and as of that date is repealed, unless a later enacted statute,
 30 that is enacted before January 1, 2012, deletes or extends that date.

31 SEC. 4. The Legislature finds and declares that the public
 32 interest would be served through the use of ~~video cameras~~
 33 *automated forward facing parking control devices* as a reliable
 34 and cost-effective means of enforcing traffic and parking laws,
 35 reducing traffic congestion, and improving the flow of city-owned
 36 public transit vehicles and street sweepers that can be significantly
 37 impeded by double parked vehicles, without significantly

- 1 impinging on the privacy rights of individuals depicted in the video
- 2 image records.

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