

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1362

Introduced by Senator Simitian

February 19, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1362, as amended, Simitian. 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, *that include, among other things, establishing guidelines for selection of location.*

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

This bill would require that those guidelines be based on safety and be made available to the public, including posting the guidelines on the governmental agency's Internet Web site, if applicable.

The bill would make any citation issued by a governmental agency null and void if the governmental agency violates or engages in a contract that violates specified activities.

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:

8 (1) Identifies the system by signs that clearly indicate the
9 system's presence and are visible to traffic approaching from all
10 directions, ~~or~~ *and* posts signs at all major entrances to the city,
11 including, at a minimum, freeways, bridges, and state highway
12 routes.

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

15 (b) Prior to issuing citations under this section, a local
16 jurisdiction utilizing an automated traffic enforcement system shall
17 commence a program to issue only warning notices for 30 days.
18 The local jurisdiction shall also make a public announcement of
19 the automated traffic enforcement system at least 30 days prior to
20 the commencement of the enforcement program.

21 (c) Only a governmental agency, in cooperation with a law
22 enforcement agency, may operate an automated traffic enforcement
23 system. As used in this subdivision, "operate" includes all of the
24 following activities:

25 (1) Developing uniform guidelines for screening and issuing
26 violations and for the processing and storage of confidential
27 information, and establishing procedures to ensure compliance
28 with those guidelines.

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

31 (A) Establishing guidelines for selection of location *based on*
32 *safety. The guidelines shall be made available to the public,*
33 *including posting the guidelines on the governmental agency's*
34 *Internet Web site, if applicable.*

35 (B) Ensuring that the equipment is regularly inspected.

36 (C) Certifying that the equipment is properly installed and
37 calibrated, and is operating properly.

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

3 (E) Overseeing the establishment or change of signal phases
4 and the timing thereof.

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

8 (d) (1) The activities listed in subdivision (c) that relate to the
9 operation of the system may be contracted out by the governmental
10 agency, if it maintains overall control and supervision of the
11 system. However, the activities listed in paragraph (1) of, and
12 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,
13 subdivision (c) may not be contracted out to the manufacturer or
14 supplier of the automated traffic enforcement system.

15 (2) *Any citation issued by a governmental agency is null and*
16 *void if it violates or engages in a contract that violates any of the*
17 *activities described in paragraph (1) of, or subparagraph (A), (D),*
18 *(E), or (F) of paragraph (2) of, subdivision (c).*

19 (e) (1) Notwithstanding Section 6253 of the Government Code,
20 or any other provision of law, photographic records made by an
21 automated traffic enforcement system shall be confidential, and
22 shall be made available only to governmental agencies and law
23 enforcement agencies and only for the purposes of this article.

24 (2) Confidential information obtained from the Department of
25 Motor Vehicles for the administration or enforcement of this article
26 shall be held confidential, and may not be used for any other
27 purpose.

28 (3) Except for court records described in Section 68152 of the
29 Government Code, the confidential records and information
30 described in paragraphs (1) and (2) may be retained for up to six
31 months from the date the information was first obtained, or until
32 final disposition of the citation, whichever date is later, after which
33 time the information shall be destroyed in a manner that will
34 preserve the confidentiality of any person included in the record
35 or information.

36 (f) Notwithstanding subdivision (d), the registered owner or any
37 individual identified by the registered owner as the driver of the
38 vehicle at the time of the alleged violation shall be permitted to
39 review the photographic evidence of the alleged violation.

1 (g) (1) A contract between a governmental agency and a
2 manufacturer or supplier of automated traffic enforcement
3 equipment may not include provision for the payment or
4 compensation to the manufacturer or supplier based on the number
5 of citations generated, or as a percentage of the revenue generated,
6 as a result of the use of the equipment authorized under this section.
7 (2) Paragraph (1) does not apply to a contract that was entered
8 into by a governmental agency and a manufacturer or supplier of
9 automated traffic enforcement equipment before January 1, 2004,
10 unless that contract is renewed, extended, or amended on or after
11 January 1, 2004.