

Assembly Bill No. 101

CHAPTER 377

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.

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 101, 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 through the use of video image evidence. San Francisco would be authorized to install automated forward facing parking control devices on city-owned public transit vehicles for the purpose of video imaging 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.

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

SECTION 1. Section 40207 of the Vehicle Code is amended to read:

40207. (a) The notice of delinquent parking violation shall contain the information specified in subdivision (a) of Section 40202 or subdivision (a) of Section 40241, and Section 40203, and, additionally shall contain a notice to the registered owner that, unless the registered owner pays the parking penalty or contests the citation within 21 calendar days from the date of issuance of the citation or 14 calendar days after the mailing of the notice of delinquent parking violation or completes and files an affidavit of

nonliability which complies with Section 40208 or 40209, the renewal of the vehicle registration shall be contingent upon compliance with the notice of delinquent parking violation. If the registered owner, by appearance or by mail, makes payment to the processing agency within 21 calendar days from the date of issuance of the citation or 14 calendar days after the mailing of the notice of delinquent parking violation, the parking penalty shall consist solely of the amount of the original penalty. Additional fees, assessments, or other charges shall not be added.

(b) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

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

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

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

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

Article 3.5. Procedure on Video Imaging of Parking Violations Occurring
in Transit-Only Lanes

40240. (a) The City and County of San Francisco may install automated forward facing parking control devices on city-owned public transit vehicles, as defined by Section 99211 of the Public Utilities Code for the purpose of video imaging of parking violations occurring in transit-only traffic lanes. Citations shall only be issued for violation captured during the posted hours of operation for a transit-only traffic lane. The devices shall be angled and focused so as to capture video images of parking violations and not unnecessarily capture identifying images of other drivers, vehicles, and pedestrians.

(b) Prior to issuing notices of parking violations pursuant to subdivision (a) of Section 40241, the City and County of San Francisco shall commence a program to issue only warning notices for 30 days. The City and County

of San Francisco shall also make a public announcement of the program at least 30 days prior to commencement of issuing notices of parking violations.

(c) A designated employee of the City and County of San Francisco, who is qualified by the city and county to issue parking citations, shall review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane. A violation of a statute, regulation, or ordinance governing vehicle parking under this code, under a federal or state statute or regulation, or under an ordinance enacted by the City and County of San Francisco occurring in a transit-only traffic lane observed by the designated employee in the recordings is subject to a civil penalty.

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

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

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

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

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

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

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

40241. (a) A designated employee of the local agency shall issue a notice of a parking violation to the registered owner of a vehicle within 15 calendar days of the date of the violation. The notice of violation shall set forth the violation of a statute, regulation, or ordinance governing vehicle parking under this code, under a federal or state statute or regulation, or under an ordinance enacted by the City and County of San Francisco occurring in a transit-only traffic lane, a statement indicating that payment is required within 21 calendar days from the date of citation issuance, and the procedure for the registered owner, lessee, or rentee to deposit the parking

penalty or contest the citation pursuant to Section 40215. The notice of a parking violation shall also set forth the date, time, and location of the violation, the vehicle license number, registration expiration date if visible, the color of the vehicle, and, if possible, the make of the vehicle. The notice of parking violation, or copy of the notice, shall be considered a record kept in the ordinary course of business of the City and County of San Francisco and shall be prima facie evidence of the facts contained in the notice. The City and County of San Francisco shall send information regarding the process for requesting review of the video image evidence along with the notice of parking violation.

(b) The notice of parking violation shall be served by depositing the notice in the United States mail to the registered owner's last known address listed with the Department of Motor Vehicles. Proof of mailing demonstrating that the notice of parking violation was mailed to that address shall be maintained by the local agency. If the registered owner, by appearance or by mail, makes payment to the processing agency or contests the violation within either 21 calendar days from the date of mailing of the citation, or 14 calendar days after the mailing of the notice of delinquent parking violation, the parking penalty shall consist solely of the amount of the original penalty.

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

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

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

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

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

SEC. 4. The Legislature finds and declares that the public interest would be served through the use of automated forward facing parking control devices as a reliable and cost-effective means of enforcing traffic and parking laws, reducing traffic congestion, and improving the flow of city-owned public transit vehicles and street sweepers that can be significantly impeded

by double-parked vehicles, without significantly impinging on the privacy rights of individuals depicted in the video image records.

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