

AMENDED IN SENATE MAY 14, 2002
AMENDED IN SENATE APRIL 30, 2002
AMENDED IN SENATE FEBRUARY 21, 2002
AMENDED IN SENATE JANUARY 28, 2002
AMENDED IN ASSEMBLY MAY 7, 2001
AMENDED IN ASSEMBLY MAY 3, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1314

Introduced by Assembly Member Havice

February 23, 2001

An act to amend Sections 22500, ~~40215, and 40225~~ and 40215 of, and to add Sections 22511, 22511.1, 40226, and 42001.6 to the Vehicle Code, relating to parking violations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1314, as amended, Havice. Parking.

(1) Existing law provides that no person shall stop, park, or leave a vehicle in front of a curb that has been constructed to provide wheelchair accessibility to the sidewalk so designated by either a sign or red paint.

This bill would provide that it is unlawful to stop, park, or leave a vehicle in front of *or upon* a curb that has been constructed to provide wheelchair accessibility to the sidewalk ~~or within 3 feet of an access ramp if it is identified with either a sign or red paint~~. By expanding the

scope of an existing crime, this bill would impose a state-mandated local program.

(2) Existing law authorizes local authorities to enact ordinances governing various types of vehicle parking.

This bill would authorize local authorities to enact an ordinance or resolution regulating parking spaces for electric vehicles, as specified.

(3) Existing law requires the Department of Motor Vehicles to issue distinctive decals, labels, or other identifiers for low-emission vehicles and super ultralow emission vehicles for the purposes of implementing a high-occupancy vehicle lanes program. Existing law makes it unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans unless the vehicle displays either a special identification license plate or a distinguished placard. Existing law also provides a procedure for the removal of vehicles unlawfully parked in the designated stalls or spaces of public or private offstreet parking facilities.

This bill would provide that no person may park or leave standing any vehicle in a stall or space designated for parking and fueling of zero-emission vehicles, as defined, unless the vehicle displays a decal issued by the department for zero-emission vehicles.

Because a violation of this prohibition would be an infraction punishable by a ~~\$250~~ \$100 fine, the bill would impose a state-mandated local program by creating a new crime.

This bill would set forth a procedure for the removal of a vehicle unlawfully parked in a stall or space designated for parking and fueling zero-emission vehicles in an offstreet parking facility that would be similar to the existing procedure governing the removal of unauthorized parking in a disabled parking stall or space.

~~(4) Existing law provides that 1/2 of the money collected for the penalty for equipment violations, as specified, is payable to the State Treasury, and one-half to the issuing and processing agencies.~~

~~This bill would provide that the distribution of the fee would be 1/3 to the State Treasury and the remainder to the issuing and processing agencies.~~

This *bill* would also provide that an agency that issues a fine for failure to display a disabled placard may, in lieu of collecting a fine, charge an administrative fee not to exceed \$25 if the individual who received the citation can show proof that he or she had been issued a valid placard at the time he or she was cited.

~~(5)~~



(4) This bill would make other technical, nonsubstantive changes.

~~(6)~~

(5) 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 22500 of the Vehicle Code is amended
2 to read:

3 22500. No person shall stop, park, or leave standing any
4 vehicle whether attended or unattended, except when necessary to
5 avoid conflict with other traffic or in compliance with the
6 directions of a peace officer or official traffic control device, in any
7 of the following places:

8 (a) Within an intersection, except adjacent to curbs as may be
9 permitted by local ordinance.

10 (b) On a crosswalk, except that a bus engaged as a common
11 carrier or a taxicab may stop in an unmarked crosswalk to load or
12 unload passengers when authorized by the legislative body of any
13 city pursuant to an ordinance.

14 (c) Between a safety zone and the adjacent right-hand curb or
15 within the area between the zone and the curb as may be indicated
16 by a sign or red paint on the curb, which sign or paint was erected
17 or placed by local authorities pursuant to an ordinance.

18 (d) Within 15 feet of the driveway entrance to any fire station.
19 This subdivision does not apply to any vehicle owned or operated
20 by a fire department and clearly marked as a fire department
21 vehicle.

22 (e) In front of a public or private driveway, except that a bus
23 engaged as a common carrier, schoolbus, or a taxicab may stop to
24 load or unload passengers when authorized by local authorities
25 pursuant to an ordinance.

26 In unincorporated territory, where the entrance of a private road
27 or driveway is not delineated by an opening in a curb or by other



1 curb construction, so much of the surface of the ground as is paved,
2 surfaced, or otherwise plainly marked by vehicle use as a private
3 road or driveway entrance, shall constitute a driveway.

4 (f) On any portion of a sidewalk, or with the body of the vehicle
5 extending over any portion of a sidewalk, except electric carts
6 when authorized by local ordinance, as specified in Section
7 21114.5. Lights, mirrors, or devices that are required to be
8 mounted upon a vehicle under this code may extend from the body
9 of the vehicle over the sidewalk to a distance of not more than 10
10 inches.

11 (g) Alongside or opposite any street or highway excavation or
12 obstruction when stopping, standing, or parking would obstruct
13 traffic.

14 (h) On the roadway side of any vehicle stopped, parked, or
15 standing at the curb or edge of a highway, except for a schoolbus
16 when stopped to load or unload pupils in a business or residence
17 district where the speed limit is 25 miles per hour or less.

18 (i) Except as provided under Section 22500.5, alongside curb
19 space authorized for the loading and unloading of passengers of a
20 bus engaged as a common carrier in local transportation when
21 indicated by a sign or red paint on the curb erected or painted by
22 local authorities pursuant to an ordinance.

23 (j) In a tube or tunnel, except vehicles of the authorities in
24 charge, being used in the repair, maintenance, or inspection of the
25 facility.

26 (k) Upon a bridge, except vehicles of the authorities in charge,
27 being used in the repair, maintenance, or inspection of the facility,
28 and except that buses engaged as a common carrier in local
29 transportation may stop to load or unload passengers upon a bridge
30 where sidewalks are provided, when authorized by local
31 authorities pursuant to an ordinance, and except that local
32 authorities pursuant to an ordinance or the Department of
33 Transportation pursuant to an order, within their respective
34 jurisdictions, may permit parking on bridges having sidewalks and
35 shoulders of sufficient width to permit parking without interfering
36 with the normal movement of traffic on the roadway. Local
37 authorities, by ordinance or resolution, may permit parking on
38 these bridges on state highways in their respective jurisdictions if
39 the ordinance or resolution is first approved in writing by the
40 Department of Transportation. Parking shall not be permitted



1 unless there are signs in place, as may be necessary, to indicate the
2 provisions of local ordinances or the order of the Department of
3 Transportation.

4 (l) In front of *or upon* that portion of a curb that has been cut
5 down, lowered, or constructed to provide wheelchair accessibility
6 to the sidewalk ~~or within three feet of any sidewalk access ramp~~
7 ~~if the area adjoining the ramp is designated by either a sign or red~~
8 ~~paint on the curb pursuant to an ordinance of the local authority.~~
9 *sidewalk.*

10 SEC. 2. Section 22511 is added to the Vehicle Code, to read:

11 22511. (a) Any local authority, by ordinance or resolution,
12 and any person in lawful possession of an offstreet parking facility
13 may designate stalls or spaces in an offstreet parking facility
14 owned or operated by that local authority or person for the
15 exclusive purpose of fueling and parking a vehicle that displays a
16 valid zero-emission vehicle (ZEV) decal identification posted on
17 the driver's side rear window *or bumper* of the vehicle or,
18 notwithstanding any other provision of law, if the vehicle does not
19 have a rear window *or bumper*, on the driver's side of the
20 windshield issued by the Department of Motor Vehicles pursuant
21 to this section. The designation shall be made by posting a sign in
22 compliance with subdivision (d) or (e).

23 (b) If posted in accordance with subdivision (d) or (e), the
24 owner or person in lawful possession of a privately owned or
25 operated offstreet parking facility, after notifying the police or
26 sheriff's department, may cause the removal of a vehicle from a
27 stall or space designated pursuant to subdivision (a) in the facility
28 to the nearest public garage if a valid ZEV decal identification
29 issued pursuant to this section is not displayed on the vehicle.

30 (c) If posted in accordance with subdivision (d), the local
31 authority owning or operating an offstreet parking facility, after
32 notifying the police or sheriff's department, may cause the
33 removal of a vehicle from a stall or space designated pursuant to
34 subdivision (a) in the facility to the nearest garage, as defined in
35 Section 340, that is owned, leased, or approved for use by a public
36 agency if a valid ZEV decal identification issued pursuant to this
37 section is not displayed on the vehicle.

38 (d) The posting required for an offstreet parking facility owned
39 or operated either privately or by a local authority shall consist of
40 a sign not less than 17 by 22 inches in size with lettering not less



1 than one inch in height which clearly and conspicuously states the
2 following: “Unauthorized vehicles not displaying valid
3 zero-emission vehicle decal identifications will be towed away at
4 owner’s expense. Towed vehicles may be reclaimed at

5
6 _____or by telephoning
7 (Address)
8 _____.”
9 (Telephone number of local law enforcement agency)

10
11 The sign shall be posted in either of the following locations:

12 (1) Immediately adjacent to, and visible from, the stall or
13 space.

14 (2) In a conspicuous place at each entrance to the offstreet
15 parking facility.

16 (e) If the parking facility is privately owned and public parking
17 is prohibited by the posting of a sign meeting the requirements of
18 paragraph (1) of subdivision (a) of Section 22658, the
19 requirements of subdivision (b) may be met by the posting of a sign
20 immediately adjacent to, and visible from, each stall or space
21 indicating that a vehicle not meeting the requirements of
22 subdivision (a) will be removed at the owner’s expense and
23 containing the telephone number of the local traffic law
24 enforcement agency.

25 (f) (1) For purposes of implementing this section, the
26 Department of Motor Vehicles shall make available for issuance,
27 for a fee determined by the department to be sufficient to
28 reimburse it for actual costs incurred pursuant to this section,
29 distinctive decals for zero-emission vehicles.

30 (2) The department shall design the decal, which shall be two
31 inches by two inches, and *be* placed on the driver’s side rear
32 window *or bumper* of the vehicle, or, notwithstanding any other
33 provision of law, if the vehicle does not have a rear window *or*
34 *bumper*, on the driver’s side of the windshield. Each decal shall
35 display a unique number. The decal may be provided to car dealers
36 who sell electric vehicles for distribution to ZEV purchasers.

37 (g) For purposes of this section, “zero-emission vehicle”
38 means any car, truck, or any other vehicle that produces no tailpipe
39 or evaporative emissions.



1 (h) Nothing in this section is intended to interfere with existing
2 law governing the ability of local authorities to adopt ordinances
3 related to parking programs within their jurisdiction, such as
4 programs that provide free parking in metered areas or municipal
5 garages for electric vehicles.

6 SEC. 3. Section 22511.1 is added to the Vehicle Code, to read:

7 22511.1. (a) A person may not park or leave standing any
8 vehicle in a stall or space designated pursuant to Section 22511
9 unless a valid zero-emission vehicle decal identification issued
10 pursuant to Section 22511 is displayed on that vehicle.

11 (b) A person may not obstruct, block, or otherwise bar access
12 to parking stalls or spaces described in subdivision (a) except as
13 provided in subdivision (a).

14 SEC. 4. Section 40215 of the Vehicle Code is amended to
15 read:

16 40215. (a) For a period of 21 calendar days from the issuance
17 of a notice of parking violation or 14 calendar days from the
18 mailing of a notice of delinquent parking violation, a person may
19 request an initial review of the notice by the issuing agency. The
20 request may be made by telephone, in writing, or in person. There
21 shall be no charge for this review. If, following the initial review,
22 the issuing agency is satisfied that the violation did not occur, that
23 the registered owner was not responsible for the violation, or that
24 extenuating circumstances make dismissal of the citation
25 appropriate in the interest of justice, the issuing agency shall
26 cancel the notice of parking violation or notice of delinquent
27 parking violation. The issuing agency shall advise the processing
28 agency, if any, of the cancellation. The issuing agency or the
29 processing agency shall mail the results of the initial review to the
30 person contesting the notice.

31 (b) If the person is dissatisfied with the results of the initial
32 review, the person may request an administrative hearing of the
33 violation no later than 21 calendar days following the mailing of
34 the results of the issuing agency's initial review. The request may
35 be made by telephone, in writing, or in person. The person
36 requesting an administrative hearing shall deposit the amount of
37 the parking penalty with the processing agency. The issuing
38 agency shall provide a written procedure to allow a person to
39 request an administrative hearing without payment of the parking
40 penalty upon satisfactory proof of an inability to pay the amount



1 due. Notice of this procedure shall be provided to all persons
2 requesting an administrative hearing. After January 1, 1996, an
3 administrative hearing shall be held within 90 calendar days
4 following the receipt of a request for an administrative hearing,
5 excluding time tolled pursuant to this article. The person
6 requesting the hearing may request one continuance, not to exceed
7 21 calendar days.

8 (c) The administrative hearing process shall include the
9 following:

10 (1) The person requesting a hearing shall have the choice of a
11 hearing by mail or in person. An in-person hearing shall be
12 conducted within the jurisdiction of the issuing agency. If an
13 issuing agency contracts with an administrative provider, hearings
14 shall be held within the jurisdiction of the issuing agency or no
15 more than 21 miles outside the county.

16 (2) If the person requesting a hearing is a minor, that person
17 shall be permitted to appear at a hearing or admit responsibility for
18 the parking violation without the necessity of the appointment of
19 a guardian. The processing agency may proceed against the minor
20 in the same manner as against an adult.

21 (3) The administrative hearing shall be conducted in
22 accordance with written procedures established by the issuing
23 agency and approved by the governing body or chief executive
24 officer of the issuing agency. The hearing shall provide an
25 independent, objective, fair, and impartial review of contested
26 parking violations.

27 (4) (A) The issuing agency's governing body or chief
28 executive officer shall appoint or contract with qualified
29 examiners or administrative hearing providers that employ
30 qualified examiners to conduct the administrative hearings.
31 Examiners shall demonstrate those qualifications, training, and
32 objectivity necessary to conduct a fair and impartial review. An
33 examiner shall not be employed, managed, or controlled by a
34 person whose primary duties are parking enforcement, parking
35 citation, processing, collection, or issuance. The examiner shall be
36 separate and independent from the citation collection or
37 processing function. An examiner's continued employment,
38 performance evaluation, compensation, and benefits shall not,
39 directly or indirectly, be linked to the amount of fines collected by
40 the examiner.



1 (B) Examiners shall have a minimum of 20 hours of training.
2 The examiner is responsible for the costs of the training. The
3 issuing agency may reimburse the examiner for those costs.
4 Training may be provided through (i) an accredited college or
5 university, (ii) a program conducted by the Commission on Peace
6 Officer Standards and Training, (iii) American Arbitration
7 Association or a similar established organization, or (iv) through
8 any program approved by the governing board of the issuing
9 agency, including a program developed and provided by, or for, the
10 agency. Training programs may include topics relevant to the
11 administrative hearing, including, but not limited to, applicable
12 laws and regulations, parking enforcement procedures, due
13 process, evaluation of evidence, hearing procedures, and effective
14 oral and written communication. Upon the approval of the
15 governing board of the issuing agency, up to 12 hours of relevant
16 experience may be substituted for up to 12 hours of training. In
17 addition, up to eight hours of the training requirements described
18 in this subparagraph may be credited to an individual, at the
19 discretion of the governing board of the issuing agency, based
20 upon training programs or courses described in (i) to (iv),
21 inclusive, that the individual attended within the last five years.

22 (5) The officer or person who issues a notice of parking
23 violation shall not be required to participate in an administrative
24 hearing. The issuing agency shall not be required to produce any
25 evidence other than the notice of parking violation or copy thereof
26 and information received from the Department of Motor Vehicles
27 identifying the registered owner of the vehicle. The
28 documentation in proper form shall be prima facie evidence of the
29 violation.

30 (6) The examiner's decision following the administrative
31 hearing may be personally delivered to the person by the examiner
32 or sent by first-class mail.

33 (7) Following a determination by the examiner that a person
34 has committed the violation, the examiner may, consistent with the
35 written guidelines established by the issuing agency, allow
36 payment of the parking penalty in installments, or an issuing
37 agency may allow for deferred payment or allow for payments in
38 installments, if the person provides evidence satisfactory to the
39 examiner or the issuing agency, as the case may be, of an inability
40 to pay the parking penalty in full. If authorized by the governing



1 board of the issuing agency, the examiner may permit the
2 performance of community service in lieu of payment of a parking
3 penalty.

4 (d) The provisions of this section relating to the administrative
5 appeal process do not apply to an issuing agency that is a law
6 enforcement agency if the issuing agency does not also act as the
7 processing agency.

8 ~~SEC. 5. Section 40225 of the Vehicle Code is amended to~~
9 ~~read:~~

10 ~~40225. (a) An equipment violation entered on the notice of~~
11 ~~parking violation attached to the vehicle under Section 40203 shall~~
12 ~~be processed in accordance with this article. All of the violations~~
13 ~~entered on the notice of parking violation shall be noticed in the~~
14 ~~notice of delinquent parking violation delivered pursuant to~~
15 ~~Section 40206, together with the amount of civil penalty.~~

16 ~~(b) Whether or not a vehicle is in violation of any regulation~~
17 ~~governing the standing or parking of a vehicle but is in violation~~
18 ~~of subdivision (a) of Section 5204, a person authorized to enforce~~
19 ~~parking laws and regulations shall issue a written notice of parking~~
20 ~~violation, setting forth the alleged violation. The violation shall be~~
21 ~~processed pursuant to this section.~~

22 ~~(c) The civil penalty for each equipment violation, including~~
23 ~~failure to properly display a license plate, is the amount established~~
24 ~~for the violation in the Uniform Bail and Penalty Schedule, as~~
25 ~~adopted by the Judicial Council, except that upon proof of the~~
26 ~~correction to the processing agency, the penalty shall be reduced~~
27 ~~to ten dollars (\$10). The reduction provided for in this subdivision~~
28 ~~involving failure to properly display license plates shall only apply~~
29 ~~if, at the time of the violation, valid license plates were issued for~~
30 ~~that vehicle in accordance with this code. The civil penalty for each~~
31 ~~violation of Section 5204 is the amount established for the~~
32 ~~violation in the Uniform Bail and Penalty Schedule, as adopted by~~
33 ~~the Judicial Council, except that upon proof of the correction to the~~
34 ~~processing agency, the penalty shall be reduced to ten dollars~~
35 ~~(\$10).~~

36 ~~(d) One-third of any penalty collected pursuant to this section~~
37 ~~for registration or equipment violations by a processing agency~~
38 ~~shall be paid to the county for remittance to the State Treasurer and~~
39 ~~the remainder shall be retained by the issuing agency and~~



1 processing agency subject to the terms of the contract described in
2 Section 40200.5.

3 ~~(c) Subdivisions (a) and (b) do not preclude the recording of a
4 violation of subdivision (a) or (b) of Section 4000 on a notice of
5 parking violation or the adjudication of that violation under the
6 civil process set forth in this article.~~

7 ~~SEC. 6.~~

8 SEC. 5. Section 40226 is added to the Vehicle Code, to read:

9 40226. An issuing agency may, in lieu of collecting a fine for
10 a citation for failure to display a disabled placard, charge an
11 administrative fee not to exceed twenty-five dollars (\$25) to
12 process cancellation of a citation in any case where the individual
13 who received the citation can show proof that he or she had been
14 issued a valid ~~clean air decal identification~~ placard at the time the
15 citation was received.

16 ~~SEC. 7.~~

17 SEC. 6. Section 42001.6 is added to the Vehicle Code, to read:

18 42001.6. Every person convicted of an infraction for a
19 violation of Section 22511.1 is punishable by a fine of ~~not less than~~
20 ~~two hundred fifty dollars (\$250).~~ *one hundred dollars (\$100).*

21 No part of any fine imposed shall be suspended, except the court
22 may suspend that portion of the fine above ~~one hundred dollars~~
23 ~~(\$100)~~ *twenty-five dollars (\$25)* for a violation of Section 22511.1
24 if the person convicted possessed at the time of the offense, but
25 failed to display, a valid clean air decal identification issued
26 pursuant to subdivisions (a) and (b) of Section 5205.5. The fine
27 may be paid in installments if the court determines that the
28 defendant is unable to pay the entire amount in one payment.

29 ~~SEC. 8.~~

30 SEC. 7. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

