

AMENDED IN SENATE JUNE 7, 2004

AMENDED IN ASSEMBLY JANUARY 6, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 517

Introduced by Assembly Member Oropeza

February 18, 2003

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

LEGISLATIVE COUNSEL'S DIGEST

AB 517, as amended, Oropeza. Vehicles: automated enforcement system.

Existing law authorizes the limit line, 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 ~~limits the authority to operate an automated enforcement system to governmental agencies, in cooperation with law enforcement agencies~~ *requires the photographic records made by an automated enforcement system and related administration or enforcement information to be confidential and allows those records and information to be retained for up to 6 months from the date the information was first obtained or until final disposition of the related citation, whichever date is later.*

This bill would ~~limit the law enforcement agency authorized to cooperate in the operation of an automated enforcement system to the law enforcement agency having primary traffic enforcement responsibility. The bill would authorize the local law enforcement~~

agency to enter into an agreement with another law enforcement agency for the purposes of operating an automatic enforcement system allow the described records and information to be retained for up to 13 months, as described, or until final disposition of the citation, whichever date is later. This bill would specify that the records and information are available for judicial purposes. The bill would authorize a law enforcement agency that operates an automated enforcement system to audit retained records.

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 enforcement system if the
6 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 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
17 shall commence a program to issue only warning notices for 30
18 days. The local jurisdiction shall also make a public announcement
19 of the automated traffic enforcement system at least 30 days prior
20 to the commencement of the enforcement program.
21 (c) Only a governmental agency, in cooperation with ~~the a~~ law
22 enforcement agency ~~having primary traffic enforcement~~
23 ~~responsibility~~, may operate an automated enforcement system. As
24 used in this subdivision ~~and subdivision (d)~~, “operate” includes
25 all of the following activities:
26 (1) Developing uniform guidelines for screening and issuing
27 violations and for the processing and storage of confidential



1 information, and establishing procedures to ensure compliance
2 with those guidelines.

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

5 (A) Establishing guidelines for selection of location.

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

7 (C) Certifying that the equipment is properly installed and
8 calibrated, and is operating properly.

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

11 (E) Overseeing the establishment or change of signal phases
12 and the timing thereof.

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

16 ~~(d) A local law enforcement agency may enter into an
17 agreement with another law enforcement agency for the purposes
18 of operating an automatic enforcement system.~~

19 ~~(e)~~

20 (d) The activities listed in subdivision (c) that relate to the
21 operation of the system may be contracted out by the governmental
22 agency, if it maintains overall control and supervision of the
23 system. However, the activities listed in paragraph (1) of, and
24 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,
25 subdivision (c) may not be contracted out to the manufacturer or
26 supplier of the automated enforcement system.

27 ~~(f)~~

28 (e) (1) Notwithstanding Section 6253 of the Government
29 Code, or any other provision of law, photographic records made
30 by an automated enforcement system shall be confidential, and
31 shall be made available only to governmental agencies and law
32 enforcement agencies and only for the purposes of this article.

33 (2) Confidential information obtained from the Department of
34 Motor Vehicles for the administration or enforcement of this
35 article shall be held confidential, and may not be used for any other
36 purpose.

37 (3) Except for court records described in Section 68152 of the
38 Government Code, the confidential records and information
39 described in paragraphs (1) and (2) may be retained for up to six
40 months from the date the information was first obtained, or until



1 13 months, including the month in which the information
2 described in paragraph (2) was obtained, or until the final
3 disposition of the citation, whichever date is later, after which time
4 the information shall be destroyed in a manner that will preserve
5 the confidentiality of any person included in the record or
6 information.

7 ~~(g)~~

8 (4) Records and information retained pursuant to this section
9 shall be available for judicial purposes. The original
10 photographic and electronic records shall be retained pursuant to
11 this section.

12 (5) A law enforcement agency that operates an automated
13 enforcement system may audit retained records to ensure
14 compliance with a contract entered into under subdivision (d) and
15 the provisions of this section.

16 (f) Notwithstanding subdivision (e), the registered owner or
17 any individual identified by the registered owner as the driver of
18 the vehicle at the time of the alleged violation shall be permitted
19 to review the photographic evidence of the alleged violation.

20 ~~(h)~~

21 (g) (1) A contract between a governmental agency and a
22 manufacturer or supplier of automated enforcement equipment
23 may not include provision for the payment or compensation to the
24 manufacturer or supplier based on the number of citations
25 generated, or as a percentage of the revenue generated, as a result
26 of the use of the equipment authorized under this section.

27 (2) Paragraph (1) does not apply to a contract that was entered
28 into by a governmental agency and a manufacturer or supplier of
29 automated enforcement equipment before January 1, 2004, unless
30 that contract is renewed, extended, or amended on or after January
31 1, 2004.

