

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1361

Introduced by Assembly Member Portantino

February 27, 2009

An act to amend Section ~~111.5~~ 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1361, as amended, Portantino. ~~All-terrain vehicles.~~ *Department of Motor Vehicles: records.*

Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles (DMV) records, if an officer or employee requests that address be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for 3 years following termination of office or employment, except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently, upon request.

This bill would revise the exemptions to nondisclosure to provide that a governmental agency may obtain the information necessary to process the service and collection of a traffic, parking, toll bridge, or toll road violation.

The bill would also provide that the applicable statutory time periods for processing traffic, parking, toll bridge, or toll road violations are tolled until the DMV provides the law enforcement agency or governmental agency with the confidential home addressee's information.

~~Existing law requires all-terrain vehicle safety training organization operators and instructors to be licensed by the Department of Motor Vehicles. Existing law defines the term “all-terrain vehicle safety training organization” as an organization that is approved to offer all-terrain vehicle safety instruction and that has been issued a license.~~

~~This bill would make technical, nonsubstantive changes to that law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

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

1 SECTION 1. Section 1808.4 of the Vehicle Code is amended
2 to read:

3 1808.4. (a) For all of the following persons, his or her home
4 address that appears in a record of the department, is confidential
5 if the person requests the confidentiality of that information:

- 6 (1) Attorney General.
- 7 (2) State public defender.
- 8 (3) A Member of the Legislature.
- 9 (4) A judge or court commissioner.
- 10 (5) A district attorney.
- 11 (6) A public defender.
- 12 (7) An attorney employed by the Department of Justice, the
13 office of the State Public Defender, or a county office of the district
14 attorney or public defender.
- 15 (8) A city attorney and an attorney who submits verification
16 from his or her public employer that the attorney represents the
17 city in matters that routinely place the attorney in personal contact
18 with persons under investigation for, charged with, or convicted
19 of, committing criminal acts, if that attorney is employed by a city
20 attorney.
- 21 (9) A nonsworn police dispatcher.
- 22 (10) A child abuse investigator or social worker, working in
23 child protective services within a social services department.
- 24 (11) An active or retired peace officer, as defined in Chapter
25 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
26 Code.
- 27 (12) An employee of the Department of Corrections and
28 Rehabilitation, Division of Juvenile Facilities, or the Prison

1 Industry Authority specified in Sections 20403 and 20405 of the
2 Government Code.

3 (13) A nonsworn employee of a city police department, a county
4 sheriff's office, the Department of the California Highway Patrol,
5 a federal, state, or local detention facility, or a local juvenile hall,
6 camp, ranch, or home, who submits agency verification that, in
7 the normal course of his or her employment, he or she controls or
8 supervises inmates or is required to have a prisoner in his or her
9 care or custody.

10 (14) A county counsel assigned to child abuse cases.

11 (15) An investigator employed by the Department of Justice, a
12 county district attorney, or a county public defender.

13 (16) A member of a city council.

14 (17) A member of a board of supervisors.

15 (18) A federal prosecutor, criminal investigator, or National
16 Park Service Ranger working in this state.

17 (19) An active or retired city enforcement officer engaged in
18 the enforcement of the Vehicle Code or municipal parking
19 ordinances.

20 (20) An employee of a trial court.

21 (21) A psychiatric social worker employed by a county.

22 (22) A police or sheriff department employee designated by the
23 Chief of Police of the department or the sheriff of the county as
24 being in a sensitive position. A designation pursuant to this
25 paragraph shall, for purposes of this section, remain in effect for
26 three years subject to additional designations that, for purposes of
27 this section, shall remain in effect for additional three-year periods.

28 (23) A state employee in one of the following classifications:

29 (A) Licensing Registration Examiner, Department of Motor
30 Vehicles.

31 (B) Motor Carrier Specialist 1, California Highway Patrol.

32 (C) Museum Security Officer and Supervising Museum Security
33 Officer.

34 (24) (A) The spouse or child of a person listed in paragraphs
35 (1) to (23), inclusive, regardless of the spouse's or child's place
36 of residence.

37 (B) The surviving spouse or child of a peace officer, as defined
38 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
39 2 of the Penal Code, if the peace officer died in the line of duty.

1 (b) The confidential home address of a person listed in
2 subdivision (a) shall not be disclosed, except to any of the
3 following:

4 (1) A court.

5 (2) A law enforcement agency.

6 (3) The State Board of Equalization.

7 (4) An attorney in a civil or criminal action that demonstrates
8 to a court the need for the home address, if the disclosure is made
9 pursuant to a subpoena.

10 (5) A governmental agency to which, under any provision of
11 law, information is required to be furnished from records
12 maintained by the department, *or the information is necessary to*
13 *process the service and collection of a traffic, parking, toll bridge,*
14 *or toll road violation.*

15 (c) (1) A record of the department containing a confidential
16 home address shall be open to public inspection, as provided in
17 Section 1808 if the address is completely obliterated or otherwise
18 removed from the record. *The home address shall be withheld*
19 *from public inspection for three years following the termination*
20 *of office or employment.*

21 ~~(2) Following termination of office or employment, a~~
22 ~~confidential home address shall be withheld from public inspection~~
23 ~~for three years, unless the termination is the result of conviction~~
24 ~~of a criminal offense. If the termination or separation is the result~~
25 ~~of the filing of a criminal complaint, a confidential home address~~
26 ~~shall be withheld from public inspection during the time in which~~
27 ~~the terminated individual may file an appeal from termination,~~
28 ~~while an appeal from termination is ongoing, and until the appeal~~
29 ~~process is exhausted, after which confidentiality shall be at the~~
30 ~~discretion of the employing agency if the termination or separation~~
31 ~~is upheld. Upon reinstatement to an office or employment, the~~
32 ~~protections of this section are available.~~

33 (3)

34 (2) With respect to a retired peace officer, his or her home
35 address shall be withheld from public inspection permanently upon
36 request of confidentiality at the time the information would
37 otherwise be opened. The home address of the surviving spouse
38 or child listed in subparagraph (B) of paragraph (24) of subdivision
39 (a) shall be withheld from public inspection for three years
40 following the death of the peace officer.

1 ~~(4)~~

2 (3) The department shall inform a person who requests a
3 confidential home address what agency the individual whose
4 address was requested is employed by or the court at which the
5 judge or court commissioner presides.

6 (d) *The applicable statutory time periods for processing the*
7 *service and collection of traffic parking, toll bridge, or toll road*
8 *violations are tolled until the department provides the law*
9 *enforcement agency or governmental agency with the confidential*
10 *home addressee's information.*

11 ~~(d)~~

12 (e) A violation of subdivision (a) by the disclosure of the
13 confidential home address of a peace officer, as specified in
14 paragraph (11) of subdivision (a), a nonsworn employee of the
15 city police department or county sheriff's office, or the spouses or
16 children of these persons, including, but not limited to, the
17 surviving spouse or child listed in subparagraph (B) of paragraph
18 (24) of subdivision (a), that results in bodily injury to the peace
19 officer, employee of the city police department or county sheriff's
20 office, or the spouses or children of these persons is a felony.

21 ~~SECTION 1. Section 111.5 of the Vehicle Code is amended~~
22 ~~to read:~~

23 ~~111.5. An "all-terrain vehicle safety training organization" is~~
24 ~~an organization that is approved to offer a program of instruction~~
25 ~~in all-terrain vehicle safety, including all-terrain vehicle safety~~
26 ~~instruction training, by the Off-Highway Vehicle Safety Education~~
27 ~~Committee and that has been issued a license by the department~~
28 ~~pursuant to Section 11105.6.~~