

ASSEMBLY BILL

No. 2567

Introduced by Assembly Member Bradford

February 19, 2010

An act to amend Section 40207 of, and to add and repeal Article 3.6 (commencing with Section 40245) of Chapter 1 of Division 17 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2567, as introduced, Bradford. Vehicles: parking violations: digital photograph recordings.

Existing law authorizes the City and County of San Francisco, until January 1, 2012, to enforce parking violations in specified transit-only traffic lanes through the use of video image evidence.

This bill would authorize a local public agency to install and operate an automated parking enforcement system on local public agency-owned or local public agency-operated streetsweepers for the purpose of digital photographing of street-sweeping parking violations occurring in street-sweeping parking lanes during the designated hours of street-sweeping operations, except when the vehicle is parked in a street-sweeping parking lane during the designated hours of street-sweeping operations after the street has already been cleaned. The bill also would require the local public agency, at least 30 days prior to issuing notice of parking violations under these provisions, to make a public announcement of the automated parking enforcement system and to issue only warning notices during this 30-day period.

The bill would require a designated employee, who is qualified by the local public agency, to review the digital photograph recordings 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 pursuant to a specified procedure. The digital photograph records would be confidential and would be available only to public agencies to enforce parking violations.

The bill would repeal these provisions as of January 1, 2016, and would make related changes.

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 40207 of the Vehicle Code, as amended
2 by Section 1 of Chapter 377 of the Statutes of 2007, is amended
3 to read:

4 40207. (a) The notice of delinquent parking violation shall
5 contain the information specified in subdivision (a) of Section
6 40202, *subdivision (a) of Section 40241*, or subdivision (a) of
7 Section ~~40241~~, 40248, *as applicable*, and Section 40203, and,
8 additionally shall contain a notice to the registered owner that,
9 unless the registered owner pays the parking penalty or contests
10 the citation within 21 calendar days from the date of issuance of
11 the citation or 14 calendar days after the mailing of the notice of
12 delinquent parking violation or completes and files an affidavit of
13 nonliability ~~which~~ *that* complies with Section 40208 or 40209, the
14 renewal of the vehicle registration shall be contingent upon
15 compliance with the notice of delinquent parking violation. If the
16 registered owner, by appearance or by mail, makes payment to the
17 processing agency within 21 calendar days from the date of
18 issuance of the citation or 14 calendar days after the mailing of
19 the notice of delinquent parking violation, the parking penalty shall
20 consist solely of the amount of the original penalty. Additional
21 fees, assessments, or other charges shall not be added.

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

25 SEC. 2. Section 40207 of the Vehicle Code, as added by
26 Section 2 of Chapter 377 of the Statutes of 2007, is amended to
27 read:

28 40207. (a) The notice of delinquent parking violation shall
29 contain the information specified in subdivision (a) of Section

1 40202 or subdivision (a) of Section 40248, as applicable, and
2 Section 40203, and, additionally shall contain a notice to the
3 registered owner that, unless the registered owner pays the parking
4 penalty or contests the citation within 21 calendar days from the
5 date of issuance of the citation or 14 calendar days after the mailing
6 of the notice of delinquent parking violation or completes and files
7 an affidavit of nonliability ~~which~~ that complies with Section 40208
8 or 40209, the renewal of the vehicle registration shall be contingent
9 upon compliance with the notice of delinquent parking violation.
10 If the registered owner, by appearance or by mail, makes payment
11 to the processing agency within 21 calendar days from the date of
12 issuance of the citation or 14 calendar days after the mailing of
13 the notice of delinquent parking violation, the parking penalty shall
14 consist solely of the amount of the original penalty. Additional
15 fees, assessments, or other charges shall not be added.

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

17 SEC. 3. Article 3.6 (commencing with Section 40245) is added
18 to Chapter 1 of Division 17 of the Vehicle Code, to read:

19

20 Article 3.6. Procedure on Photo Enforcement and Digital
21 Photographing of Parking Violations During Street Sweeping

22

23 40245. (a) The Legislature finds and declares all of the
24 following:

25 (1) Streetsweepers operating throughout our nation and the
26 world remove from streets and roads unnecessary pollutants,
27 contaminants, chemicals, trash, and debris, which provides
28 significant environmental and sanitation benefits, thereby
29 protecting the environment and contributing to the health of people
30 in communities worldwide.

31 (2) Each year, illegally parked private cars, trucks, and service
32 vehicles on local streets and roads disrupt full street sweeping of
33 as many as three parking spaces per illegally parked vehicle,
34 resulting in significant debris, grease, oil, and other pollutants
35 being needlessly washed into the stormwater drains.

36 (3) A major benefit of street sweeping, especially in more
37 urbanized areas with higher areas of paving, is that by capturing
38 pollutants before they are made soluble by rainwater, the need for
39 stormwater treatment practices, which can be very costly when

1 compared to collecting pollutants before they become soluble, may
2 be reduced.

3 (4) According to an analysis by the District of Columbia
4 Department of Public Works, an average of 10 pounds of oil and
5 grease, three pounds of nitrogen and phosphorus, and up to two
6 pounds of heavy metals are typically removed per mile swept of
7 local streets and roads through street sweeping.

8 (5) According to an August 2004 technical report on “Trash
9 Best Management Practices” submitted by the County of Los
10 Angeles Department of Public Works, street sweeping and stricter
11 enforcement of no parking regulations should “be utilized to the
12 maximum extent practicable” to help prevent trash, litter, and other
13 harmful pollutants from getting into the stormwater drain system.

14 (6) According to a July 2007 technical report titled “Trash Total
15 Maximum Daily Loads for the Los Angeles River Watershed,”
16 stormwater drain discharges are the “primary source of trash” in
17 the waterbodies of the Los Angeles River Watershed, whereby
18 unswept street litter is washed through the storm drain sewers into
19 the Los Angeles River, the Estuary, the beaches at Long Beach,
20 and the Pacific Ocean.

21 (7) In August 2007, after extensive studies, public meetings,
22 and economic benefit analysis, the Los Angeles Regional Water
23 Quality Control Board adopted a phased-in goal of “zero”
24 discharges of manmade trash in the Los Angeles River Watershed
25 by 2016, a goal that was subsequently approved by the State Water
26 Resources Control Board in April 2008 and the United States
27 Environmental Protection Agency in July 2008.

28 (8) Cities such as Chicago and Washington D.C. already utilize
29 automated parking enforcement systems mounted on their local
30 public agency-owned or local public agency-operated
31 streetsweepers to enforce existing regulations and improve
32 compliance with street-sweeping regulations, which benefits the
33 environment by helping reduce waste and pollutants from entering
34 stormwater drain systems.

35 (b) Therefore, it is the intent of the Legislature to allow local
36 public agency-owned or local public agency-operated
37 streetsweepers to utilize automated parking enforcement systems
38 for the purpose of digital photographing of street-sweeping parking
39 violations for vehicles that are parked during the designated hours
40 of operation in a street-sweeping parking lane, thus serving the

1 public interest by benefiting the environment, improving water
2 quality, decreasing stormwater drain runoff, and helping reduce
3 ongoing habitat deterioration.

4 40246. For the purposes of this article, the following terms
5 have the following meanings:

6 (a) “Local public agency” means a city, county, city and county,
7 district, or joint powers authority.

8 (b) “Streetsweeper” means a mechanical vehicle that cleans
9 streets and roads, utilizing a broom, conveyor belt, vacuum, or
10 regenerative-air mechanism, among other mechanisms, to loosen,
11 carry, and collect debris, dust, grease, oil, metals, and other
12 pollutants from streets and roads.

13 (c) “Automated parking enforcement system” means the
14 installation and use of equipment that takes a digital camera-based
15 photograph and is linked with a violation detection system that
16 synchronizes the taking of the photograph with the occurrence of
17 a parking infraction.

18 (d) “Street-sweeping parking lane” means the land designated
19 as a parking area on any street or road routinely cleaned by
20 streetsweepers during designated hours of operation as indicated
21 on schedule signs designated on both sides of the street or road.

22 40247. (a) A local public agency may install and operate an
23 automated parking enforcement system on local public
24 agency-owned or local public agency-operated streetsweepers for
25 the purpose of digital photographing of street-sweeping parking
26 violations occurring in street-sweeping parking lanes. The
27 equipment shall be angled and focused so as to capture digital
28 photographs of license plates on vehicles violating designated
29 street-sweeping regulations and shall not unnecessarily capture
30 identifying photographs of other drivers, vehicles, or pedestrians.
31 The equipment shall only capture digital photographs when the
32 automated parking enforcement system detects the occurrence of
33 a parking infraction. Notwithstanding subdivision (e) of Section
34 40248, only a local public agency may operate an automated
35 parking enforcement system.

36 (1) A citation shall be issued only for violations captured during
37 the designated hours of operation for a street-sweeping parking
38 lane.

39 (2) A citation shall not be issued, under the provisions of this
40 article, for a vehicle that is parked on the street during the

1 designated hours of operation for a street-sweeping parking lane
2 when the vehicle is parked on the street after the street has been
3 cleaned by a streetsweeper.

4 (b) At least 30 days prior to issuing notices of parking violations
5 pursuant to subdivision (a) of Section 40248, a local public agency
6 utilizing an automated parking enforcement system pursuant to
7 this article shall make a public announcement of the automated
8 parking enforcement system and shall only issue warning notices
9 during this 30-day period. This subdivision does not affect the
10 authority of a local public agency to issue notices of parking
11 violations through a manual system before, during, or after the
12 30-day warning period in this subdivision.

13 (c) A designated employee for the local public agency, who is
14 qualified by the local public agency to issue parking citations, shall
15 review digital photographs for the purpose of determining whether
16 a parking violation occurred in a street-sweeping parking lane. A
17 violation of a statute, regulation, or ordinance governing parking
18 under this code, under a federal or state statute or regulation, or
19 under an ordinance enacted by the local public agency occurring
20 in a street-sweeping parking lane observed by the designated
21 employee in the photographs is subject to a civil penalty.

22 (d) (1) Except as it may be included in court records described
23 in Section 68152 of the Government Code, or as provided in
24 paragraph (2), the digital photograph evidence may be retained
25 for up to six months from the date the information was first
26 obtained, or 60 days after final disposition of the citation,
27 whichever date is later, after which time the information shall be
28 destroyed in a manner that shall preserve the confidentiality of any
29 person included in the record or information.

30 (2) Notwithstanding Section 26202.6 of the Government Code,
31 digital photograph evidence from automated parking enforcement
32 systems that does not contain evidence of a parking violation
33 occurring in a street-sweeping parking lane shall be destroyed
34 within 15 days after the information was first obtained in a manner
35 that shall preserve the confidentiality of any person included in
36 the information.

37 (e) Notwithstanding Section 6253 of the Government Code, or
38 any other provision of law, the digital photographs made by an
39 automated parking enforcement system shall be confidential. Local

1 public agencies shall use and allow access to these photographs
2 only for the purposes authorized by this article.

3 40248. (a) A designated employee for the local public agency
4 shall issue a notice of a parking violation to the registered owner
5 of a vehicle within 15 calendar days of the date of the violation.
6 The notice of violation shall set forth the violation of a statute,
7 regulation, or ordinance governing vehicle parking under this code,
8 under a federal or state statute or regulation, or under an ordinance
9 enacted by the local public agency occurring in a street-sweeping
10 parking lane, a statement indicating that payment is required within
11 21 calendar days from the date of citation issuance, and the
12 procedure for the registered owner to deposit the parking penalty
13 or contest the citation pursuant to Section 40215. The notice of a
14 parking violation shall also set forth the date, time, and location
15 of the violation, the vehicle license number, registration expiration
16 date if visible, the color of the vehicle, and, if possible, the make
17 of the vehicle. The notice of parking violation shall include a copy
18 of the digital photograph evidence. Except as provided in paragraph
19 (1) of subdivision (d) of Section 40247, the notice of parking
20 violation, or copy of the notice, shall be considered a record kept
21 in the ordinary course of business of the local public agency and
22 shall be prima facie evidence of the facts contained in the notice.

23 (b) The notice of parking violation shall be served by depositing
24 the notice in the United States Postal Service to the registered
25 owner's last known address listed with the Department of Motor
26 Vehicles. Confidential information obtained from the Department
27 of Motor Vehicles for the administration or enforcement of this
28 article shall be held confidential, and may not be used for any other
29 purpose. Proof of mailing demonstrating that the notice of parking
30 violation was mailed to that address shall be maintained by the
31 local public agency. If the registered owner, by appearance or by
32 mail, makes payment to the processing agency or contests the
33 violation within either 21 calendar days from the date of mailing
34 of the citation, or 14 calendar days after the mailing of the notice
35 of delinquent parking violation, the parking penalty shall consist
36 solely of the amount of the original penalty.

37 (c) If, within 21 days after the notice of parking violation is
38 issued, the local public agency determines that, in the interest of
39 justice, the notice of parking violation should be canceled, the
40 local agency shall cancel the notice of parking violation pursuant

1 to subdivision (a) of Section 40215. The reason for the cancellation
2 shall be set forth in writing.

3 (d) Following an initial review by the local agency, and an
4 administrative hearing, pursuant to Section 40215, a contestant
5 may seek court review by filing an appeal pursuant to Section
6 40230.

7 (e) The local public agency may contract with a private vendor
8 for the processing of notices of parking violations and notices of
9 delinquent violations, if the local public agency maintains overall
10 control and supervision of the automated parking enforcement
11 system.

12 40249. By January 1, 2015, a local public agency that utilizes
13 an automatic parking enforcement system pursuant to this article
14 shall collect and report to the Senate and Assembly Committees
15 on Judiciary, all of the following data:

- 16 (a) Number of citations issued for parking violations.
- 17 (b) Number of violations contested, and the final disposition of
18 those violations.
- 19 (c) An evaluation of the overall effectiveness of the program.
- 20 (d) An evaluation of the privacy implications of the system,
21 including a summary of any privacy-related complaints about the
22 system.

23 40249.5. This article shall remain in effect only until January
24 1, 2016, and as of that date is repealed, unless a later enacted
25 statute, that is enacted before January 1, 2016, deletes or extends
26 that date.