

AMENDED IN SENATE JUNE 3, 2010

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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 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 require, by January 1, 2015, a local public agency that utilizes an automated parking enforcement system pursuant to these provisions to collect and report specified data to the Senate and Assembly Committees on Judiciary ~~and, the Senate Committee on Transportation and Housing, and the Assembly Committee on Transportation.~~

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 40248, as applicable, and Section 40203, and, additionally
8 shall contain a notice to the registered owner that, unless the
9 registered owner pays the parking penalty or contests the citation
10 within 21 calendar days from the date of issuance of the citation
11 or 14 calendar days after the mailing of the notice of delinquent
12 parking violation or completes and files an affidavit of nonliability
13 that complies with Section 40208 or 40209, the renewal of the
14 vehicle registration shall be contingent upon compliance with the
15 notice of delinquent parking violation. If the registered owner, by
16 appearance or by mail, makes payment to the processing agency
17 within 21 calendar days from the date of issuance of the citation
18 or 14 calendar days after the mailing of the notice of delinquent
19 parking violation, the parking penalty shall consist solely of the

1 amount of the original penalty. Additional fees, assessments, or
2 other charges shall not be added.

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4 and as of that date is repealed, unless a later enacted statute, that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

6 SEC. 2. Section 40207 of the Vehicle Code, as added by
7 Section 2 of Chapter 377 of the Statutes of 2007, is amended to
8 read:

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

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

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

29

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

32

33 40245. (a) The Legislature finds and declares all of the
34 following:

35 (1) Streetsweepers operating throughout our nation and the
36 world remove from streets and roads unnecessary pollutants,
37 contaminants, chemicals, trash, and debris, which provides
38 significant environmental and sanitation benefits, thereby
39 protecting the environment and contributing to the health of people
40 in communities worldwide.

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

6 (3) A major benefit of street sweeping, especially in more
7 urbanized areas with higher areas of paving, is that by capturing
8 pollutants before they are made soluble by rainwater, the need for
9 stormwater treatment practices, which can be very costly when
10 compared to collecting pollutants before they become soluble, may
11 be reduced.

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

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

23 (6) According to a July 2007 technical report titled “Trash Total
24 Maximum Daily Loads for the Los Angeles River Watershed,”
25 stormwater drain discharges are the “primary source of trash” in
26 the waterbodies of the Los Angeles River Watershed, whereby
27 unswept street litter is washed through the storm drain sewers into
28 the Los Angeles River, the Estuary, the beaches at Long Beach,
29 and the Pacific Ocean.

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

37 (8) Cities such as Chicago and Washington D.C. already utilize
38 automated parking enforcement systems mounted on their local
39 public agency-owned or local public agency-operated
40 streetsweepers to enforce existing regulations and improve

1 compliance with street-sweeping regulations, which benefits the
2 environment by helping reduce waste and pollutants from entering
3 stormwater drain systems.

4 (b) Therefore, it is the intent of the Legislature to allow local
5 public agency-owned or local public agency-operated
6 streetsweepers to utilize automated parking enforcement systems
7 for the purpose of digital photographing of street-sweeping parking
8 violations for vehicles that are parked during the designated hours
9 of operation in a street-sweeping parking lane, thus serving the
10 public interest by benefiting the environment, improving water
11 quality, decreasing stormwater drain runoff, and helping reduce
12 ongoing habitat deterioration.

13 40246. For the purposes of this article, the following terms
14 have the following meanings:

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

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

22 (c) “Street-sweeping parking lane” means the land designated
23 as a parking area on any street or road routinely cleaned by
24 streetsweepers during designated hours of operation as indicated
25 on schedule signs designated on both sides of the street or road.

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

1 public agency may operate an automated parking enforcement
 2 system.

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

6 (2) A citation shall not be issued, under the provisions of this
 7 article, for a vehicle that is parked on the street during the
 8 designated hours of operation for a street-sweeping parking lane
 9 when the vehicle is parked on the street after the street has been
 10 cleaned by a streetsweeper.

11 (b) At least 30 days prior to issuing notices of parking violations
 12 pursuant to subdivision (a) of Section 40248, a local public agency
 13 utilizing an automated parking enforcement system pursuant to
 14 this article shall make a public announcement of the automated
 15 parking enforcement system and shall only issue warning notices
 16 during this 30-day period. This subdivision does not affect the
 17 authority of a local public agency to issue notices of parking
 18 violations through a manual system before, during, or after the
 19 30-day warning period in this subdivision.

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

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

37 (2) Notwithstanding Section 26202.6 of the Government Code,
 38 ~~digital photograph evidence from automated parking enforcement~~
 39 ~~systems that does~~ *photographs from automated parking*
 40 *enforcement systems that do not contain evidence of a parking*

1 violation occurring in a street-sweeping parking lane shall be
2 destroyed within 15 days after the information was first obtained
3 in a manner that shall preserve the confidentiality of any person
4 included in the information.

5 (e) Notwithstanding Section 6253 of the Government Code, or
6 any other provision of law, the digital photographs made by an
7 automated parking enforcement system shall be confidential. Local
8 public agencies shall use and allow access to these photographs
9 only for the purposes authorized by this article.

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

30 (b) The notice of parking violation shall be served by depositing
31 the notice in the United States Postal Service to the registered
32 owner's last known address listed with the Department of Motor
33 Vehicles. Confidential information obtained from the Department
34 of 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. Proof of mailing demonstrating that the notice of parking
37 violation was mailed to that address shall be maintained by the
38 local public agency. If the registered owner, by appearance or by
39 mail, makes payment to the processing agency or contests the
40 violation within either 21 calendar days from the date of mailing

1 of the citation, or 14 calendar days after the mailing of the notice
2 of delinquent parking violation, the parking penalty shall consist
3 solely of the amount of the original penalty.

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

10 (c) *The local public agency shall allow a person to contest a*
11 *notice of parking violation pursuant to Section 40215.*

12 (d) Following an initial review by the local *public* agency, and
13 an administrative hearing, pursuant to Section 40215, a contestant
14 may seek court review by filing an appeal pursuant to Section
15 40230.

16 (e) The local public agency may contract with a private vendor
17 for the processing of notices of parking violations and notices of
18 delinquent violations, if the local public agency maintains overall
19 control and supervision of the automated parking enforcement
20 system.

21 40249. By January 1, 2015, a local public agency that utilizes
22 an automated parking enforcement system pursuant to this article
23 shall collect and report to the Senate and Assembly Committees
24 on Judiciary, *the Senate Committee on Transportation and*
25 *Housing*, and the Assembly Committee on Transportation, all of
26 the following data:

27 (a) Number of citations issued for parking violations.

28 (b) Number of violations contested, and the final disposition of
29 those violations.

30 (c) An evaluation of the overall effectiveness of the program.

31 (d) An evaluation of the privacy implications of the system,
32 including a summary of any privacy-related complaints about the
33 system.

34 40249.5. This article shall remain in effect only until January
35 1, 2016, and as of that date is repealed, unless a later enacted
36 statute, that is enacted before January 1, 2016, deletes or extends
37 that date.