

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE JUNE 17, 2010

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, including any information read from a license plate, 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, 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

1 within 21 calendar days from the date of issuance of the citation
2 or 14 calendar days after the mailing of the notice of delinquent
3 parking violation, the parking penalty shall consist solely of the
4 amount of the original penalty. Additional fees, assessments, or
5 other charges shall not be added.

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7 and as of that date is repealed, unless a later enacted statute, that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

9 SEC. 2. Section 40207 of the Vehicle Code, as added by
10 Section 2 of Chapter 377 of the Statutes of 2007, is amended to
11 read:

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

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

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

32

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

35

36 40245. (a) The Legislature finds and declares all of the
37 following:

38 (1) Streetsweepers operating throughout our nation and the
39 world remove from streets and roads unnecessary pollutants,
40 contaminants, chemicals, trash, and debris, which provides

1 significant environmental and sanitation benefits, thereby
2 protecting the environment and contributing to the health of people
3 in communities worldwide.

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

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

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

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

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

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

1 (8) Cities such as Chicago and Washington D.C. already utilize
2 automated parking enforcement systems mounted on their local
3 public agency-owned or local public agency-operated
4 streetsweepers to enforce existing regulations and improve
5 compliance with street-sweeping regulations, which benefits the
6 environment by helping reduce waste and pollutants from entering
7 stormwater drain systems.

8 *(b) It is the intent of the Legislature that a citation shall be*
9 *issued, under the provisions of this article, only for violations*
10 *captured during the designated hours of operation for a*
11 *street-sweeping parking lane. It is also the intent of the Legislature*
12 *that a citation shall not be issued, under the provisions of this*
13 *article, for a vehicle that is parked on the street during the*
14 *designated hours of operation for a street-sweeping parking lane*
15 *when the vehicle is parked on the street after the street has been*
16 *cleaned by a streetsweeper.*

17 *(c) It is also the intent of the Legislature that this article shall*
18 *provide a single statewide standard for the use of camera*
19 *enforcement technology on streetsweepers to help ensure continuity*
20 *in program implementation and enforcement by local public*
21 *agencies that desire to implement camera enforcement systems,*
22 *including prohibiting the use of information read from license*
23 *plates for any other purpose, establishing appropriate context*
24 *supporting the violation that ensures individual privacy is*
25 *maintained, and ensuring confidential data is disposed of properly,*
26 *adequately, and safely after final disposition.*

27 ~~(b)~~

28 *(d) Therefore, it is the intent of the Legislature to allow local*
29 *public agency-owned or local public agency-operated*
30 *streetsweepers to utilize automated parking enforcement systems*
31 *for the purpose of digital photographing of street-sweeping parking*
32 *violations for vehicles that are illegally parked during the*
33 *designated hours of operation in a street-sweeping parking lane,*
34 *thus serving the public interest by benefiting the environment,*
35 *improving water quality, decreasing stormwater drain runoff, and*
36 *helping reduce ongoing habitat deterioration.*

37 40246. For the purposes of this article, the following terms
38 have the following meanings:

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

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

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

10 40247. (a) A local public agency may install and operate an
11 automated parking enforcement system on local public
12 agency-owned or local public agency-operated streetsweepers for
13 the purpose of digital photographing of street-sweeping parking
14 violations occurring in street-sweeping parking lanes. The
15 equipment shall be angled and focused so as to capture digital
16 photographs of license plates on vehicles violating designated
17 street-sweeping regulations and shall not unnecessarily capture
18 identifying photographs of other drivers, vehicles, or pedestrians.
19 The equipment shall only capture digital photographs when the
20 automated parking enforcement system detects the occurrence of
21 a parking infraction. The equipment shall record the date and time
22 the ~~photograph~~ violation was captured onto the photograph. Any
23 information read from a license plate at a location or at a time not
24 designated for streetsweeping shall be destroyed by the close of
25 the next business day. Notwithstanding subdivision (e) of Section
26 40248, only a local public agency may operate an automated
27 parking enforcement system.

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

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

36 (b) At least 30 days prior to issuing notices of parking violations
37 pursuant to subdivision (a) of Section 40248, a local public agency
38 utilizing an automated parking enforcement system pursuant to
39 this article shall make a public announcement of the automated
40 parking enforcement system and shall only issue warning notices

1 during this 30-day period. This subdivision does not affect the
2 authority of a local public agency to issue notices of parking
3 violations through a manual system before, during, or after the
4 30-day warning period in this subdivision.

5 (c) A designated employee for the local public agency, who is
6 qualified by the local public agency to issue parking citations, shall
7 review digital photographs for the purpose of determining whether
8 a parking violation occurred in a street-sweeping parking lane. A
9 violation of a statute, regulation, or ordinance governing parking
10 under this code, under a federal or state statute or regulation, or
11 under an ordinance enacted by the local public agency occurring
12 in a street-sweeping parking lane observed by the designated
13 employee in the photographs is subject to a civil penalty.

14 (d) (1) Except as it may be included in court records described
15 in Section 68152 of the Government Code, or as provided in
16 paragraph (2), the digital photograph evidence may be retained
17 for up to six months from the date the information was first
18 obtained, or 90 days after final disposition of the citation,
19 whichever date is sooner, after which time the information shall
20 be destroyed in a manner that shall preserve the confidentiality of
21 any person included in the record or information.

22 (2) Notwithstanding Section 26202.6 of the Government Code,
23 digital photographs from automated parking enforcement systems
24 that do not contain evidence of a parking violation occurring in a
25 street-sweeping parking lane shall be destroyed within 15 days
26 after the information was first obtained in a manner that shall
27 preserve the confidentiality of any person included in the
28 information.

29 (e) Notwithstanding Section 6253 of the Government Code, or
30 any other provision of law, the digital photographs made, and any
31 information read from license plates, by an automated parking
32 enforcement system shall be confidential. Local public agencies
33 shall use and allow access to these photographs and license plate
34 readings only for the purposes authorized by this article.

35 40248. (a) A designated employee for the local public agency
36 shall issue a notice of a parking violation to the registered owner
37 of a vehicle within 15 calendar days of the date of the violation.
38 The notice of violation shall set forth the violation of a statute,
39 regulation, or ordinance governing vehicle parking under this code,
40 under a federal or state statute or regulation, or under an ordinance

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

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

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

31 (d) Following an initial review by the local public agency, and
32 an administrative hearing, pursuant to Section 40215, a contestant
33 may seek court review by filing an appeal pursuant to Section
34 40230.

35 (e) The local public agency may contract with a private vendor
36 for the processing of notices of parking violations and notices of
37 delinquent violations, if the local public agency maintains overall
38 control and supervision of the automated parking enforcement
39 system.

1 40249. By January 1, 2015, a local public agency that utilizes
2 an automated parking enforcement system pursuant to this article
3 shall collect and report to the Senate and Assembly Committees
4 on Judiciary, the Senate Committee on Transportation and Housing,
5 and the Assembly Committee on Transportation, all of the
6 following data:

- 7 (a) Number of citations issued for parking violations.
 - 8 (b) Number of violations contested, and the final disposition of
9 those violations.
 - 10 (c) Number and percentage of photographs recorded from which
11 notices of parking violations were issued.
 - 12 (d) Number and percentage of photographs recorded from which
13 no notices of parking violations were recorded.
 - 14 (e) A summary of any instances in which a person or entity
15 requested a photograph for a purpose unrelated to this article,
16 including information regarding the purpose for which the
17 photograph was requested, whether or not the local public agency
18 provided the photograph, and, if the public agency provided the
19 photograph, to whom the photograph was provided.
 - 20 (f) The specific procedures that were used for the destruction
21 of license plate readings pursuant to subdivision (a) of Section
22 40247 and the photographs pursuant to subdivision (d) of Section
23 40247.
 - 24 (g) An evaluation of the overall effectiveness of the program.
 - 25 (h) An evaluation of the privacy implications of the system,
26 including a summary of any privacy-related complaints about the
27 system.
- 28 40249.5. This article shall remain in effect only until January
29 1, 2016, and as of that date is repealed, unless a later enacted
30 statute, that is enacted before January 1, 2016, deletes or extends
31 that date.