

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2756

Introduced by Assembly Members Blumenfield and Feuer

February 19, 2010

An act to add ~~Section 22500.2 to the Vehicle Codes, relating to vehicles Chapter 33 (commencing with Section 7599) to Division 7 of Title 1 of the Government Code, relating to mobile billboard advertising displays.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2756, as amended, Blumenfield. ~~Parking: commercial advertising: mobile billboards. Mobile billboard advertising displays: parking prohibition.~~

~~(1) The~~

~~The Planning and Zoning Law authorizes the legislative body of a city or county to adopt ordinances that regulate, among other things, signs and billboards.~~

~~Existing law authorizes local authorities to enact, by ordinance or resolution, prohibitions or restrictions on the stopping, parking, or standing of vehicles, including, but not limited to, vehicles that are 6 feet or more in height, including any load thereon, within 100 feet of any intersection, on certain streets or highways, or portions thereof, during all or certain hours of the day.~~

~~This bill would make it unlawful for a person to conduct, or cause to be conducted, any mobile billboard advertising by parking any vehicle or wheeled conveyance that carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising on any public street, or other public place within the city or county in which the public~~

has the right to travel. The bill would require enforcement by the city or county. By increasing the duties of local public officials and creating a new crime, the bill would impose a state-mandated local program.

The bill would also authorize a city or county to enact an ordinance that would permit the use of mobile billboards in its local jurisdiction.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

This bill would prohibit a person from parking a mobile billboard advertising display, as defined, in a public place within a city or county, other than a parking lot or parking garage. This bill would declare that its enactment shall not create any inference that the Legislature intends to occupy the field of mobile billboard advertising displays or preempt any local ordinance that regulates those displays, and would expressly provide that the bill does not preempt a city or county from adopting or enforcing an ordinance regulating those displays. This bill would exempt a vehicle that displays an advertisement or identifies the business of its owner from the prohibition against the parking of any mobile billboard advertising display, so long as the vehicle is engaged in the usual business or regular work of the owner, and is not parked for the primary purpose of advertising.

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

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

1 *SECTION 1. The enactment of this act shall not create any*
 2 *inference that the Legislature intends to occupy the field of*
 3 *regulation of mobile billboard advertising displays, or preempt*
 4 *any local ordinance that regulates mobile billboard advertising*
 5 *displays.*

6 *SEC. 2. Chapter 33 (commencing with Section 7599) is added*
 7 *to Division 7 of Title 1 of the Government Code, to read:*

1 *CHAPTER 33. MOBILE BILLBOARD ADVERTISING DISPLAYS*

2
3 7599. (a) *No person shall park a mobile billboard advertising*
4 *display in a public place within a city or county, other than a*
5 *parking lot or parking garage.*

6 (b) *For purposes of this chapter, “mobile billboard advertising*
7 *display” means any advertising display that is attached to a*
8 *wheeled conveyance, or is otherwise mobile, that carries, pulls,*
9 *or transports any sign or billboard for the primary purpose of*
10 *advertising.*

11 (c) *This section shall not preempt a city or county from adopting*
12 *or enforcing an ordinance regulating mobile billboard advertising*
13 *displays that is more or less restrictive than the prohibition*
14 *contained in subdivision (a).*

15 (d) *The prohibition contained in subdivision (a) shall not apply*
16 *to a vehicle that displays an advertisement or identifies the business*
17 *of its owner, so long as the vehicle to which the advertising display*
18 *is attached is engaged in the usual business or regular work of*
19 *the owner and is not parked for the primary purpose of advertising.*

20 ~~SECTION 1. The Legislature finds and declares all of the~~
21 ~~following:~~

22 ~~(a) Communities across the state are experiencing a surge in~~
23 ~~mobile billboards. These portable advertising signs on vehicles or~~
24 ~~trailers are driven to a location where they are detached and parked~~
25 ~~on city streets for hours, and often several days.~~

26 ~~(b) Not only are mobile billboards a visual blight, but they pose~~
27 ~~a significant safety hazard when motorists are forced to veer around~~
28 ~~them into the next lane of traffic. Mobile billboards also reduce~~
29 ~~available on-street parking and impair the visibility of pedestrians~~
30 ~~and drivers.~~

31 ~~(c) Local jurisdictions throughout the state have attempted to~~
32 ~~regulate mobile billboards, but these efforts have become mired~~
33 ~~in litigation and are difficult to enforce. Therefore, the Legislature~~
34 ~~declares that a statewide approach to regulating mobile billboards~~
35 ~~is necessary to address this serious public nuisance and to protect~~
36 ~~public safety.~~

37 ~~SEC. 2. Section 22500.2 is added to the Vehicle Code, to read:~~

38 ~~22500.2. (a) It is unlawful for a person to conduct, or cause~~
39 ~~to be conducted, any mobile billboard advertising by parking any~~
40 ~~vehicle or wheeled conveyance that carries, conveys, pulls, or~~

1 transports any sign or billboard for the primary purpose of
2 advertising on any public street or other public place within the
3 city or county in which the public has the right to travel.

4 (b) A violation of this section is an infraction punishable by the
5 city or county where the violation occurred.

6 (c) This section shall not apply to any vehicle that displays an
7 advertisement or business identification of its owner, so long as
8 the vehicle is engaged in the usual business or regular work of the
9 owner, and not used merely, mainly, or primarily to display
10 advertisement.

11 (d) Notwithstanding subdivision (a), a city or county may enact
12 a local ordinance that authorizes the use of mobile billboards within
13 its local jurisdictions.

14 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution for certain~~
16 ~~costs that may be incurred by a local agency or school district~~
17 ~~because, in that regard, this act creates a new crime or infraction,~~
18 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
19 ~~or infraction, within the meaning of Section 17556 of the~~
20 ~~Government Code, or changes the definition of a crime within the~~
21 ~~meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~

23 However, if the Commission on State Mandates determines that
24 this act contains other costs mandated by the state, reimbursement
25 to local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.