

AMENDED IN SENATE AUGUST 18, 2010
AMENDED IN SENATE AUGUST 2, 2010
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 amend Sections 21100 and 22651 of, and to add Section 395.5 to, the Vehicle Code, relating to mobile billboard advertising displays.

LEGISLATIVE COUNSEL'S DIGEST

AB 2756, as amended, Blumenfield. Mobile billboard advertising displays: local ordinances.

The

(1) *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 prohibits a local authority from enacting or enforcing an ordinance on matters covered by the Vehicle Code unless expressly authorized by the code.

This bill would expressly authorize a local authority to regulate mobile billboard advertising displays, as defined, including the establishment of penalties.

Existing law authorizes a peace officer, or a regularly employed and salaried public employee who is engaged in directing traffic or enforcing parking laws and regulations, to remove a vehicle located within the territorial limits in which the officer or employee is allowed to act under

specified and enumerated circumstances, including when a vehicle is parked or left standing where local authorities by resolution or ordinance have prohibited parking and have authorized the removal of vehicles. Existing law also requires that a vehicle may not be removed unless signs are posted giving notice of the removal.

This bill would authorize the removal of a vehicle under these provisions when the vehicle is a mobile billboard advertising display and is parked or left standing in violation of a local resolution or ordinance, if the registered owner of the vehicle was previously issued a warning citation for the same offense. The bill would authorize a city or county, in lieu of posting signs with respect to the ordinance, to provide notice, prior to removal of a vehicle, by issuing a warning citation advising the registered owner of the vehicle that he or she may be subject to penalties, including the removal of the vehicle, upon a subsequent violation of the ordinance. The bill would provide that a city or county is not required to provide any further notice for a subsequent violation prior to enforcing those penalties.

(2) This bill would incorporate changes to Section 21100 of the Vehicle Code proposed by both this bill and AB 2294, which would become operative only if both bills are enacted and become effective on or before January 1, 2011, and this bill is enacted last.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Communities across the state are experiencing a surge in
- 4 mobile billboards. These portable advertising signs on vehicles or
- 5 trailers are driven to a location where they are detached and parked
- 6 on city streets for hours, and often several days.
- 7 (b) Not only are mobile billboards a visual blight, but they pose
- 8 a significant safety hazard when motorists are forced to veer around
- 9 them into the next lane of traffic. Mobile billboards also reduce
- 10 available on-street parking and impair the visibility of pedestrians
- 11 and drivers.
- 12 (c) Local jurisdictions throughout the state have attempted to
- 13 regulate mobile billboards, but these efforts have become mired
- 14 in litigation and are difficult to enforce. Therefore, the Legislature

1 declares that it is necessary to empower local jurisdictions to
2 address this serious public nuisance and to protect public safety.

3 SEC. 2. Section 395.5 is added to the Vehicle Code, to read:

4 395.5. A “mobile billboard advertising display” means an
5 advertising display that is attached to a wheeled, mobile,
6 nonmotorized vehicle, that carries, pulls, or transports a sign or
7 billboard, and is for the primary purpose of advertising.

8 SEC. 3. Section 21100 of the Vehicle Code is amended to read:

9 21100. Local authorities may adopt rules and regulations by
10 ordinance or resolution regarding the following matters:

11 (a) Regulating or prohibiting processions or assemblages on the
12 highways.

13 (b) Licensing and regulating the operation of vehicles for hire
14 and drivers of passenger vehicles for hire.

15 (c) Regulating traffic by means of traffic officers.

16 (d) Regulating traffic by means of official traffic control devices
17 meeting the requirements of Section 21400.

18 (e) (1) Regulating traffic by means of a person given temporary
19 or permanent appointment for that duty by the local authority when
20 official traffic control devices are disabled or otherwise inoperable,
21 at the scenes of accidents or disasters, or at locations as may require
22 traffic direction for orderly traffic flow.

23 (2) A person shall not be appointed pursuant to this subdivision
24 unless and until the local authority has submitted to the
25 commissioner or to the chief law enforcement officer exercising
26 jurisdiction in the enforcement of traffic laws within the area in
27 which the person is to perform the duty, for review, a proposed
28 program of instruction for the training of a person for that duty,
29 and unless and until the commissioner or other chief law
30 enforcement officer approves the proposed program. The
31 commissioner or other chief law enforcement officer shall approve
32 a proposed program if he or she reasonably determines that the
33 program will provide sufficient training for persons assigned to
34 perform the duty described in this subdivision.

35 (f) Regulating traffic at the site of road or street construction or
36 maintenance by persons authorized for that duty by the local
37 authority.

38 (g) (1) Licensing and regulating the operation of tow truck
39 service or tow truck drivers whose principal place of business or
40 employment is within the jurisdiction of the local authority,

1 excepting the operation and operators of any auto dismantlers' tow
2 vehicle licensed under Section 11505 or any tow truck operated
3 by a repossessing agency licensed under Chapter 11 (commencing
4 with Section 7500) of Division 3 of the Business and Professions
5 Code and its registered employees.

6 (2) The Legislature finds that the safety and welfare of the
7 general public is promoted by permitting local authorities to
8 regulate tow truck service companies and operators by requiring
9 licensure, insurance, and proper training in the safe operation of
10 towing equipment, thereby ensuring against towing mistakes that
11 may lead to violent confrontation, stranding motorists in dangerous
12 situations, impeding the expedited vehicle recovery, and wasting
13 state and local law enforcement's limited resources.

14 (3) This subdivision shall not limit the authority of a city or city
15 and county pursuant to Section 12111.

16 (h) Operation of bicycles, and, as specified in Section 21114.5,
17 electric carts by physically disabled persons, or persons 50 years
18 of age or older, on the public sidewalks.

19 (i) Providing for the appointment of nonstudent school crossing
20 guards for the protection of persons who are crossing a street or
21 highway in the vicinity of a school or while returning thereafter
22 to a place of safety.

23 (j) Regulating the methods of deposit of garbage and refuse in
24 streets and highways for collection by the local authority or by
25 any person authorized by the local authority.

26 (k) (1) Regulating cruising.

27 (2) The ordinance or resolution adopted pursuant to this
28 subdivision shall regulate cruising, which is the repetitive driving
29 of a motor vehicle past a traffic control point in traffic that is
30 congested at or near the traffic control point, as determined by the
31 ranking peace officer on duty within the affected area, within a
32 specified time period and after the vehicle operator has been given
33 an adequate written notice that further driving past the control
34 point will be a violation of the ordinance or resolution.

35 (3) A person is not in violation of an ordinance or resolution
36 adopted pursuant to this subdivision unless both of the following
37 apply:

38 (A) That person has been given the written notice on a previous
39 driving trip past the control point and then again passes the control
40 point in that same time interval.

1 (B) The beginning and end of the portion of the street subject
2 to cruising controls are clearly identified by signs that briefly and
3 clearly state the appropriate provisions of this subdivision and the
4 local ordinance or resolution on cruising.

5 (l) Regulating or authorizing the removal by peace officers of
6 vehicles unlawfully parked in a fire lane, as described in Section
7 22500.1, on private property. A removal pursuant to this
8 subdivision shall be consistent, to the extent possible, with the
9 procedures for removal and storage set forth in Chapter 10
10 (commencing with Section 22650).

11 (m) Regulating mobile billboard advertising displays, as defined
12 in Section 395.5, including the establishment of penalties, which
13 may include, but is not limited to, removal of the mobile billboard
14 advertising display and misdemeanor criminal penalties, for a
15 violation of the ordinance or resolution.

16 *SEC. 3.5. Section 21100 of the Vehicle Code is amended to*
17 *read:*

18 21100. Local authorities may adopt rules and regulations by
19 ordinance or resolution regarding the following matters:

20 (a) Regulating or prohibiting processions or assemblages on the
21 highways.

22 (b) Licensing and regulating the operation of vehicles for hire
23 and drivers of passenger vehicles for hire.

24 (c) Regulating traffic by means of traffic officers.

25 (d) Regulating traffic by means of official traffic control devices
26 meeting the requirements of Section 21400.

27 (e) (1) Regulating traffic by means of a person given temporary
28 or permanent appointment for that duty by the local authority
29 ~~whenever~~ *when* official traffic control devices are disabled or
30 otherwise inoperable, at the scenes of accidents or disasters, or at
31 locations as may require traffic direction for orderly traffic flow.

32 **A**

33 (2) A person shall not be appointed pursuant to this subdivision
34 unless and until the local authority has submitted to the
35 commissioner or to the chief law enforcement officer exercising
36 jurisdiction in the enforcement of traffic laws within the area in
37 which the person is to perform the duty, for review, a proposed
38 program of instruction for the training of a person for that duty,
39 and unless and until the commissioner or other chief law
40 enforcement officer approves the proposed program. The

1 commissioner or other chief law enforcement officer shall approve
 2 a proposed program if he or she reasonably determines that the
 3 program will provide sufficient training for persons assigned to
 4 perform the duty described in this subdivision.

5 (f) Regulating traffic at the site of road or street construction or
 6 maintenance by persons authorized for that duty by the local
 7 authority.

8 (g) (1) Licensing and regulating the operation of tow truck
 9 service or tow truck drivers whose principal place of business or
 10 employment is within the jurisdiction of the local authority,
 11 excepting the operation and operators of any auto dismantlers' tow
 12 vehicle licensed under Section 11505 or any tow truck operated
 13 by a repossessing agency licensed under Chapter 11 (commencing
 14 with Section 7500) of Division 3 of the Business and Professions
 15 Code and its registered employees.

16 (2) The Legislature finds that the safety and welfare of the
 17 general public is promoted by permitting local authorities to
 18 regulate tow truck service companies and operators by requiring
 19 licensure, insurance, and proper training in the safe operation of
 20 towing equipment, thereby ensuring against towing mistakes that
 21 may lead to violent confrontation, stranding motorists in dangerous
 22 situations, impeding the expedited vehicle recovery, and wasting
 23 state and local law enforcement's limited resources.

24 (3) ~~Nothing in this~~ *This* subdivision ~~shall~~ *does not* limit the
 25 authority of a city or city and county pursuant to Section 12111.

26 (h) Operation of bicycles, and, as specified in Section 21114.5,
 27 electric carts by physically disabled persons, or persons 50 years
 28 of age or older, on the public sidewalks.

29 (i) Providing for the appointment of nonstudent school crossing
 30 guards for the protection of persons who are crossing a street or
 31 highway in the vicinity of a school or while returning thereafter
 32 to a place of safety.

33 (j) Regulating the methods of deposit of garbage and refuse in
 34 streets and highways for collection by the local authority or by
 35 any person authorized by the local authority.

36 (k) (1) Regulating cruising.

37 (2) The ordinance or resolution adopted pursuant to this
 38 subdivision shall regulate cruising, which is the repetitive driving
 39 of a motor vehicle past a traffic control point in traffic that is
 40 congested at or near the traffic control point, as determined by the

1 ranking peace officer on duty within the affected area, within a
2 specified time period and after the vehicle operator has been given
3 an adequate written notice that further driving past the control
4 point will be a violation of the ordinance or resolution.

5 (3) A person is not in violation of an ordinance or resolution
6 adopted pursuant to this subdivision unless both of the following
7 apply:

8 (A) That person has been given the written notice on a previous
9 driving trip past the control point and then again passes the control
10 point in that same time interval.

11 (B) The beginning and end of the portion of the street subject
12 to cruising controls are clearly identified by signs that briefly and
13 clearly state the appropriate provisions of this subdivision and the
14 local ordinance or resolution on cruising.

15 (l) Regulating or authorizing the removal by peace officers of
16 vehicles unlawfully parked in a fire lane, as described in Section
17 22500.1, on private property. A removal pursuant to this
18 subdivision shall be consistent, to the extent possible, with the
19 procedures for removal and storage set forth in Chapter 10
20 (commencing with Section 22650).

21 (m) *Regulating mobile billboard advertising displays, as defined*
22 *in Section 395.5, including the establishment of penalties, which*
23 *may include, but is not limited to, removal of the mobile billboard*
24 *advertising display and misdemeanor criminal penalties, for a*
25 *violation of the ordinance or resolution.*

26 (n) *Licensing and regulating the operation of pedicabs for hire,*
27 *as defined in Section 467.5, and operators of pedicabs for hire,*
28 *including requiring one or more of the following documents:*

29 (1) *A valid California driver's license.*

30 (2) *Proof of successful completion of a bicycle safety training*
31 *course certified by the League of American Bicyclists or an*
32 *equivalent organization as determined by the local authority.*

33 (3) *A valid California identification card and proof of successful*
34 *completion of the written portion of the California driver's license*
35 *examination administered by the department. The department shall*
36 *administer, without charging a fee, the original driver's license*
37 *written examination on traffic laws and signs to a person who*
38 *states that he or she is, or intends to become, a pedicab operator,*
39 *and who holds a valid California identification card or has*
40 *successfully completed an application for a California*

1 *identification card. If the person achieves a passing score on the*
2 *examination, the department shall issue a certificate of successful*
3 *completion of the examination, bearing the person's name and*
4 *identification card number. The certificate shall not serve in lieu*
5 *of successful completion of the required examination administered*
6 *as part of any subsequent application for a driver's license. The*
7 *department is not required to enter the results of the examination*
8 *into the computerized record of the person's identification card*
9 *or otherwise retain a record of the examination or results.*

10 SEC. 4. Section 22651 of the Vehicle Code is amended to read:

11 22651. A peace officer, as defined in Chapter 4.5 (commencing
12 with Section 830) of Title 3 of Part 2 of the Penal Code, or a
13 regularly employed and salaried employee, who is engaged in
14 directing traffic or enforcing parking laws and regulations, of a
15 city, county, or jurisdiction of a state agency in which a vehicle is
16 located, may remove a vehicle located within the territorial limits
17 in which the officer or employee may act, under the following
18 circumstances:

19 (a) When a vehicle is left unattended upon a bridge, viaduct, or
20 causeway or in a tube or tunnel where the vehicle constitutes an
21 obstruction to traffic.

22 (b) When a vehicle is parked or left standing upon a highway
23 in a position so as to obstruct the normal movement of traffic or
24 in a condition so as to create a hazard to other traffic upon the
25 highway.

26 (c) When a vehicle is found upon a highway or public land and
27 a report has previously been made that the vehicle is stolen or a
28 complaint has been filed and a warrant thereon is issued charging
29 that the vehicle was embezzled.

30 (d) When a vehicle is illegally parked so as to block the entrance
31 to a private driveway and it is impractical to move the vehicle from
32 in front of the driveway to another point on the highway.

33 (e) When a vehicle is illegally parked so as to prevent access
34 by firefighting equipment to a fire hydrant and it is impracticable
35 to move the vehicle from in front of the fire hydrant to another
36 point on the highway.

37 (f) When a vehicle, except highway maintenance or construction
38 equipment, is stopped, parked, or left standing for more than four
39 hours upon the right-of-way of a freeway that has full control of

1 access and no crossings at grade and the driver, if present, cannot
2 move the vehicle under its own power.

3 (g) When the person in charge of a vehicle upon a highway or
4 public land is, by reason of physical injuries or illness,
5 incapacitated to an extent so as to be unable to provide for its
6 custody or removal.

7 (h) (1) When an officer arrests a person driving or in control
8 of a vehicle for an alleged offense and the officer is, by this code
9 or other law, required or permitted to take, and does take, the
10 person into custody.

11 (2) When an officer serves a notice of an order of suspension
12 or revocation pursuant to Section 13388 or 13389.

13 (i) (1) When a vehicle, other than a rented vehicle, is found
14 upon a highway or public land, or is removed pursuant to this code,
15 and it is known that the vehicle has been issued five or more notices
16 of parking violations to which the owner or person in control of
17 the vehicle has not responded within 21 calendar days of notice
18 of citation issuance or citation issuance or 14 calendar days of the
19 mailing of a notice of delinquent parking violation to the agency
20 responsible for processing notices of parking violations, or the
21 registered owner of the vehicle is known to have been issued five
22 or more notices for failure to pay or failure to appear in court for
23 traffic violations for which a certificate has not been issued by the
24 magistrate or clerk of the court hearing the case showing that the
25 case has been adjudicated or concerning which the registered
26 owner's record has not been cleared pursuant to Chapter 6
27 (commencing with Section 41500) of Division 17, the vehicle may
28 be impounded until that person furnishes to the impounding law
29 enforcement agency all of the following:

30 (A) Evidence of his or her identity.

31 (B) An address within this state at which he or she can be
32 located.

33 (C) Satisfactory evidence that all parking penalties due for the
34 vehicle and all other vehicles registered to the registered owner of
35 the impounded vehicle, and all traffic violations of the registered
36 owner, have been cleared.

37 (2) The requirements in subparagraph (C) of paragraph (1) shall
38 be fully enforced by the impounding law enforcement agency on
39 and after the time that the Department of Motor Vehicles is able
40 to provide access to the necessary records.

1 (3) A notice of parking violation issued for an unlawfully parked
2 vehicle shall be accompanied by a warning that repeated violations
3 may result in the impounding of the vehicle. In lieu of furnishing
4 satisfactory evidence that the full amount of parking penalties or
5 bail has been deposited, that person may demand to be taken
6 without unnecessary delay before a magistrate, for traffic offenses,
7 or a hearing examiner, for parking offenses, within the county in
8 which the offenses charged are alleged to have been committed
9 and who has jurisdiction of the offenses and is nearest or most
10 accessible with reference to the place where the vehicle is
11 impounded. Evidence of current registration shall be produced
12 after a vehicle has been impounded, or, at the discretion of the
13 impounding law enforcement agency, a notice to appear for
14 violation of subdivision (a) of Section 4000 shall be issued to that
15 person.

16 (4) A vehicle shall be released to the legal owner, as defined in
17 Section 370, if the legal owner does all of the following:

18 (A) Pays the cost of towing and storing the vehicle.

19 (B) Submits evidence of payment of fees as provided in Section
20 9561.

21 (C) Completes an affidavit in a form acceptable to the
22 impounding law enforcement agency stating that the vehicle was
23 not in possession of the legal owner at the time of occurrence of
24 the offenses relating to standing or parking. A vehicle released to
25 a legal owner under this subdivision is a repossessed vehicle for
26 purposes of disposition or sale. The impounding agency shall have
27 a lien on any surplus that remains upon sale of the vehicle to which
28 the registered owner is or may be entitled, as security for the full
29 amount of the parking penalties for all notices of parking violations
30 issued for the vehicle and for all local administrative charges
31 imposed pursuant to Section 22850.5. The legal owner shall
32 promptly remit to, and deposit with, the agency responsible for
33 processing notices of parking violations from that surplus, on
34 receipt of that surplus, the full amount of the parking penalties for
35 all notices of parking violations issued for the vehicle and for all
36 local administrative charges imposed pursuant to Section 22850.5.

37 (5) The impounding agency that has a lien on the surplus that
38 remains upon the sale of a vehicle to which a registered owner is
39 entitled pursuant to paragraph (4) has a deficiency claim against
40 the registered owner for the full amount of the parking penalties

1 for all notices of parking violations issued for the vehicle and for
2 all local administrative charges imposed pursuant to Section
3 22850.5, less the amount received from the sale of the vehicle.

4 (j) When a vehicle is found illegally parked and there are no
5 license plates or other evidence of registration displayed, the
6 vehicle may be impounded until the owner or person in control of
7 the vehicle furnishes the impounding law enforcement agency
8 evidence of his or her identity and an address within this state at
9 which he or she can be located.

10 (k) When a vehicle is parked or left standing upon a highway
11 for 72 or more consecutive hours in violation of a local ordinance
12 authorizing removal.

13 (l) When a vehicle is illegally parked on a highway in violation
14 of a local ordinance forbidding standing or parking and the use of
15 a highway, or a portion thereof, is necessary for the cleaning,
16 repair, or construction of the highway, or for the installation of
17 underground utilities, and signs giving notice that the vehicle may
18 be removed are erected or placed at least 24 hours prior to the
19 removal by a local authority pursuant to the ordinance.

20 (m) When the use of the highway, or a portion of the highway,
21 is authorized by a local authority for a purpose other than the
22 normal flow of traffic or for the movement of equipment, articles,
23 or structures of unusual size, and the parking of a vehicle would
24 prohibit or interfere with that use or movement, and signs giving
25 notice that the vehicle may be removed are erected or placed at
26 least 24 hours prior to the removal by a local authority pursuant
27 to the ordinance.

28 (n) Whenever a vehicle is parked or left standing where local
29 authorities, by resolution or ordinance, have prohibited parking
30 and have authorized the removal of vehicles. Except as provided
31 in subdivision (v), a vehicle shall not be removed unless signs are
32 posted giving notice of the removal.

33 (o) (1) When a vehicle is found or operated upon a highway,
34 public land, or an offstreet parking facility under the following
35 circumstances:

36 (A) With a registration expiration date in excess of six months
37 before the date it is found or operated on the highway, public lands,
38 or the offstreet parking facility.

39 (B) Displaying in, or upon, the vehicle, a registration card,
40 identification card, temporary receipt, license plate, special plate,

1 registration sticker, device issued pursuant to Section 4853, or
2 permit that was not issued for that vehicle, or is not otherwise
3 lawfully used on that vehicle under this code.

4 (C) Displaying in, or upon, the vehicle, an altered, forged,
5 counterfeit, or falsified registration card, identification card,
6 temporary receipt, license plate, special plate, registration sticker,
7 device issued pursuant to Section 4853, or permit.

8 (2) When a vehicle described in paragraph (1) is occupied, only
9 a peace officer, as defined in Chapter 4.5 (commencing with
10 Section 830) of Title 3 of Part 2 of the Penal Code, may remove
11 the vehicle.

12 (3) For the purposes of this subdivision, the vehicle shall be
13 released to the owner or person in control of the vehicle only after
14 the owner or person furnishes the storing law enforcement agency
15 with proof of current registration and a currently valid driver's
16 license to operate the vehicle.

17 (4) As used in this subdivision, "offstreet parking facility" means
18 an offstreet facility held open for use by the public for parking
19 vehicles and includes a publicly owned facility for offstreet
20 parking, and a privately owned facility for offstreet parking if a
21 fee is not charged for the privilege to park and it is held open for
22 the common public use of retail customers.

23 (p) When the peace officer issues the driver of a vehicle a notice
24 to appear for a violation of Section 12500, 14601, 14601.1,
25 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle is
26 not impounded pursuant to Section 22655.5. A vehicle so removed
27 from the highway or public land, or from private property after
28 having been on a highway or public land, shall not be released to
29 the registered owner or his or her agent, except upon presentation
30 of the registered owner's or his or her agent's currently valid
31 driver's license to operate the vehicle and proof of current vehicle
32 registration, or upon order of a court.

33 (q) When a vehicle is parked for more than 24 hours on a portion
34 of highway that is located within the boundaries of a common
35 interest development, as defined in subdivision (c) of Section 1351
36 of the Civil Code, and signs, as required by paragraph (1) of
37 subdivision (a) of Section 22658 of this code, have been posted
38 on that portion of highway providing notice to drivers that vehicles
39 parked thereon for more than 24 hours will be removed at the

1 owner's expense, pursuant to a resolution or ordinance adopted
2 by the local authority.

3 (r) When a vehicle is illegally parked and blocks the movement
4 of a legally parked vehicle.

5 (s) (1) When a vehicle, except highway maintenance or
6 construction equipment, an authorized emergency vehicle, or a
7 vehicle that is properly permitted or otherwise authorized by the
8 Department of Transportation, is stopped, parked, or left standing
9 for more than eight hours within a roadside rest area or viewpoint.

10 (2) Notwithstanding paragraph (1), when a commercial motor
11 vehicle, as defined in paragraph (1) of subdivision (b) of Section
12 15210, is stopped, parked, or left standing for more than 10 hours
13 within a roadside rest area or viewpoint.

14 (3) For purposes of this subdivision, a roadside rest area or
15 viewpoint is a publicly maintained vehicle parking area, adjacent
16 to a highway, utilized for the convenient, safe stopping of a vehicle
17 to enable motorists to rest or to view the scenery. If two or more
18 roadside rest areas are located on opposite sides of the highway,
19 or upon the center divider, within seven miles of each other, then
20 that combination of rest areas is considered to be the same rest
21 area.

22 (t) When a peace officer issues a notice to appear for a violation
23 of Section 25279.

24 (u) When a peace officer issues a citation for a violation of
25 Section 11700 and the vehicle is being offered for sale.

26 (v) (1) When a vehicle is a mobile billboard advertising display,
27 as defined in Section 395.5, and is parked or left standing in
28 violation of a local resolution or ordinance adopted pursuant to
29 subdivision (m) of Section 21100, if the registered owner of the
30 vehicle was previously issued a warning citation for the same
31 offense, pursuant to paragraph (2).

32 (2) Notwithstanding subdivision (a) of Section 22507, a city or
33 county, in lieu of posting signs noticing a local ordinance
34 prohibiting mobile billboard advertising displays adopted pursuant
35 to subdivision (m) of Section 21100, may provide notice by issuing
36 a warning citation advising the registered owner of the vehicle that
37 he or she may be subject to penalties upon a subsequent violation
38 of the ordinance, that may include the removal of the vehicle as
39 provided in paragraph (1). A city or county is not required to

1 provide further notice for a subsequent violation prior to the
2 enforcement of penalties for a violation of the ordinance.

3 *SEC. 5. Section 3.5 of this bill incorporates amendments to*
4 *Section 21100 of the Vehicle Code proposed by both this bill and*
5 *AB 2294. It shall only become operative if (1) both bills are enacted*
6 *and become effective on or before January 1, 2011, (2) each bill*
7 *amends Section 21100 of the Vehicle Code, and (3) this bill is*
8 *enacted after AB 2294, in which case Section 3 of this bill shall*
9 *not become operative.*

O