

**Introduced by Senator Oropeza**

February 4, 2010

An act to amend Sections 21 and 21100 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 949, as introduced, Oropeza. Vehicles: local authority: assessing penalties.

Existing law prohibits a local authority from enacting or enforcing an ordinance on matters covered by the Vehicle Code unless expressly authorized.

This bill would expressly prohibit a local authority from enacting or enforcing an ordinance that assesses a penalty for a violation of matters covered by the Vehicle Code that is different than the penalty expressly provided for in that code unless expressly authorized.

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 21 of the Vehicle Code is amended to
- 2 read:
- 3 21. ~~Except as otherwise expressly provided, the~~ (a) *The*
- 4 provisions of this code are applicable and uniform throughout the
- 5 ~~State and in all counties and municipalities therein~~ *state*, and ~~no~~
- 6 *a* local authority shall *not* enact or enforce ~~any~~ *an* ordinance on
- 7 the matters covered by this code unless expressly authorized ~~herein~~
- 8 *by this code*.

1 (b) A local authority shall not enact or enforce an ordinance  
2 that assesses a penalty for a violation of matters covered by this  
3 code that is different than the penalty expressly provided for in  
4 this code unless expressly authorized by this code.

5 SEC. 2. Section 21100 of the Vehicle Code is amended to read:

6 21100. Local authorities may adopt rules and regulations by  
7 ordinance or resolution regarding the following matters:

8 (a) Regulating or prohibiting processions or assemblages on the  
9 highways.

10 (b) Licensing and regulating the operation of vehicles for hire  
11 and drivers of passenger vehicles for hire.

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

13 (d) (1) Regulating traffic by means of official traffic control  
14 devices meeting the requirements of Section 21400.

15 (2) *This subdivision does not limit or supercede the requirements*  
16 *of Section 21.*

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

22 A

23 (2) 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) Nothing in this subdivision shall limit the authority of a city  
15 or city 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).