

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 475**

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**Introduced by Assembly Member Butler**

February 15, 2011

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An act to amend Sections 22511 and 22511.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 475, as amended, Butler. Vehicles: offstreet parking: electric vehicles.

(1) Existing law authorizes a local authority, by ordinance or resolution, and a person in lawful possession of an offstreet parking facility, to designate stalls or spaces in an offstreet parking facility owned or operated by that local authority or person for the exclusive purpose of fueling and parking a vehicle that displays a valid zero emission vehicle (ZEV) decal identification posted on the driver's side rear window or bumper of the vehicle or, if the vehicle does not have a rear window or bumper, on the driver's side of the windshield, issued by the Department of Motor Vehicles pursuant to these provisions. Existing law, for purposes of those provisions, defines a "zero emission vehicle" to mean any car, truck, or other vehicle that produces no tailpipe or evaporative emissions.

This bill would instead make those provisions applicable to an electric vehicle, and would define "electric vehicle" to mean any car, truck, or other vehicle that does not produce tailpipe or evaporative emissions or is a plug-in hybrid electric vehicle (PHEV), as that term is used by

the State Air Resources Board. The bill would also authorize the removal of these vehicles from an offstreet parking facility if they are not plugged in for fueling purposes.

Existing law further prohibits a person from parking or leaving standing a vehicle in a stall or space so designated for a zero emission vehicle unless a valid zero emission vehicle decal identification is displayed on that vehicle. A violation of that law is a crime.

This bill would instead make that prohibition applicable to a vehicle in a stall or space designated pursuant to the above provisions unless a valid ~~electric vehicle~~ (EV) decal identification is displayed on that vehicle. The bill would also prohibit a person from parking or leaving standing a specified vehicle unless the vehicle is ~~plugged in for fueling purposes~~ *engaged in the process of charging*. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 22511 of the Vehicle Code is amended  
2 to read:  
3 22511. (a) A local authority, by ordinance or resolution, and  
4 a person in lawful possession of an offstreet parking facility may  
5 designate stalls or spaces in an offstreet parking facility owned or  
6 operated by that local authority or person for the exclusive purpose  
7 of fueling and parking a vehicle that displays a valid electric  
8 vehicle (EV) decal identification posted on the driver’s side rear  
9 window or bumper of the vehicle or, notwithstanding any other  
10 law, if the vehicle does not have a rear window or bumper, on the  
11 driver’s side of the windshield, issued by the Department of Motor  
12 Vehicles pursuant to this section, ~~while the vehicle is currently~~  
13 ~~plugged in for fueling purposes~~ *engaged in the process of charging*.  
14 The designation shall be made by posting a sign in compliance  
15 with subdivision (d) or (e).

1 (b) If posted in accordance with subdivision (d) or (e), the owner  
 2 or person in lawful possession of a privately owned or operated  
 3 offstreet parking facility, after notifying the police or sheriff’s  
 4 department, may cause the removal of a vehicle from a stall or  
 5 space designated pursuant to subdivision (a) in the facility to the  
 6 nearest public garage if a valid EV decal identification issued  
 7 pursuant to this section is not displayed on the vehicle and the  
 8 vehicle is not ~~currently plugged in for fueling purposes~~ *engaged*  
 9 *in the process of charging*.

10 (c) If posted in accordance with subdivision (d), the local  
 11 authority owning or operating an offstreet parking facility, after  
 12 notifying the police or sheriff’s department, may cause the removal  
 13 of a vehicle from a stall or space designated pursuant to subdivision  
 14 (a) in the facility to the nearest garage, as defined in Section 340,  
 15 that is owned, leased, or approved for use by a public agency if a  
 16 valid EV decal identification issued pursuant to this section is not  
 17 displayed on the vehicle and the vehicle is not ~~currently plugged~~  
 18 ~~in for fueling purposes~~ *engaged in the process of charging*.

19 (d) The posting required for an offstreet parking facility owned  
 20 or operated either privately or by a local authority shall consist of  
 21 a sign not less than 17 by 22 inches in size with lettering not less  
 22 than one inch in height that clearly and conspicuously states the  
 23 following: “Unauthorized vehicles not displaying valid electric  
 24 vehicle decal identifications and that are not ~~plugged in for fueling~~  
 25 ~~purposes~~ *engaged in the process of charging* will be towed away  
 26 at owner’s expense. Towed vehicles may be reclaimed at

27 \_\_\_\_\_ or by telephoning  
 28 \_\_\_\_\_  
 29 (Address)  
 30 \_\_\_\_\_.”  
 31 (Telephone number of local law enforcement agency)  
 32

33 The sign shall be posted in either of the following locations:

- 34 (1) Immediately adjacent to, and visible from, the stall or space.
- 35 (2) In a conspicuous place at each entrance to the offstreet  
 36 parking facility.

37 (e) If the parking facility is privately owned and public parking  
 38 is prohibited by the posting of a sign meeting the requirements of  
 39 paragraph (1) of subdivision (a) of Section 22658, the requirements  
 40 of subdivision (b) may be met by the posting of a sign immediately

1 adjacent to, and visible from, each stall or space indicating that a  
2 vehicle not meeting the requirements of subdivision (a) will be  
3 removed at the owner's expense and containing the telephone  
4 number of the local traffic law enforcement agency.

5 (f) (1) For purposes of implementing this section, the  
6 Department of Motor Vehicles shall make available for issuance,  
7 for a fee determined by the Department of Motor Vehicles to be  
8 sufficient to reimburse it for actual costs incurred pursuant to this  
9 section, distinctive decals for electric vehicles.

10 (2) The department shall design the decal, which shall be two  
11 inches by two inches, and be placed on the driver's side rear  
12 window or bumper of the vehicle, or, notwithstanding any other  
13 law, if the vehicle does not have a rear window or bumper, on the  
14 driver's side of the windshield. Each decal shall display a unique  
15 number. The decal may be provided to car dealers who sell electric  
16 vehicles for distribution to EV purchasers.

17 (g) For purposes of this section, "electric vehicle" means any  
18 car, truck, or other vehicle that does not produce tailpipe or  
19 evaporative emissions or is a plug-in hybrid electric vehicle  
20 (PHEV), as that term is used by the State Air Resources Board.

21 (h) ~~This~~ For purposes of this section, an "EV decal" means a  
22 decal produced either pursuant to the provisions of this section,  
23 or pursuant to this section as it read prior to January 1, 2012.

24 (i) This section does not interfere with existing law governing  
25 the ability of local authorities to adopt ordinances related to parking  
26 programs within their jurisdiction, such as programs that provide  
27 free parking in metered areas or municipal garages for electric  
28 vehicles.

29 SEC. 2. Section 22511.1 of the Vehicle Code is amended to  
30 read:

31 22511.1. (a) A person shall not park or leave standing a vehicle  
32 in a stall or space designated pursuant to Section 22511 unless a  
33 valid electric vehicle (EV) decal identification issued pursuant to  
34 Section 22511 is displayed on that vehicle and the vehicle is  
35 ~~currently plugged in for fueling purposes~~ engaged in the process  
36 of charging.

37 (b) A person shall not obstruct, block, or otherwise bar access  
38 to parking stalls or spaces described in subdivision (a) except as  
39 provided in subdivision (a).

1 (c) A person shall not display a decal issued pursuant to Section  
2 22511 on a vehicle that does not use electricity as the motive  
3 power.

4 SEC. 3. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 the only costs that may be incurred by a local agency or school  
7 district will be incurred because this act creates a new crime or  
8 infraction, eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section 17556 of  
10 the Government Code, or changes the definition of a crime within  
11 the meaning of Section 6 of Article XIII B of the California  
12 Constitution.

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