

Assembly Bill No. 475

CHAPTER 274

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

[Approved by Governor September 7, 2011. Filed with Secretary of State September 7, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 475, 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 allow only a vehicle that is connected for electric charging purposes to park in these designated stalls or spaces, 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 connected for electric charging purposes. The bill would delete the requirement for the display of decal identification from this provision.

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 apply that prohibition to a vehicle in a stall or space designated pursuant to the above provisions unless the vehicle is connected for electric charging purposes. The bill would also prohibit a person from parking or leaving standing a specified vehicle unless the vehicle is connected for electric charging purposes. The bill would delete the requirement for the display of decal identification from this provision. 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.

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

SECTION 1. Section 22511 of the Vehicle Code is amended to read:

22511. (a) A local authority, by ordinance or resolution, and a person in lawful possession of an offstreet parking facility may designate stalls or spaces in an offstreet parking facility owned or operated by that local authority or person for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes.

(b) If posted in accordance with subdivision (d) or (e), the owner or person in lawful possession of a privately owned or operated offstreet parking facility, after notifying the police or sheriff’s department, may cause the removal of a vehicle from a stall or space designated pursuant to subdivision (a) in the facility to the nearest public garage if the vehicle is not connected for electric charging purposes.

(c) If posted in accordance with subdivision (d), the local authority owning or operating an offstreet parking facility, after notifying the police or sheriff’s department, may cause the removal of a vehicle from a stall or space designated pursuant to subdivision (a) in the facility to the nearest garage, as defined in Section 340, that is owned, leased, or approved for use by a public agency if the vehicle is not connected for electric charging purposes.

(d) The posting required for an offstreet parking facility owned or operated either privately or by a local authority shall consist of a sign not less than 17 by 22 inches in size with lettering not less than one inch in height that clearly and conspicuously states the following: “Unauthorized vehicles not connected for electric charging purposes will be towed away at owner’s expense. Towed vehicles may be reclaimed at

_____ or by telephoning
(Address) _____.”
_____.”
(Telephone number of local law enforcement agency)

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

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

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

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

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

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

22511.1. (a) A person shall not park or leave standing a vehicle in a stall or space designated pursuant to Section 22511 unless the vehicle is connected for electric charging purposes.

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

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