

AMENDED IN SENATE JUNE 14, 2011

AMENDED IN ASSEMBLY MAY 19, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 911

Introduced by Assembly Member Ma

February 17, 2011

An act to amend ~~Sections 20070 and 20081~~ *Section 20070* of, and to add Sections 20070.4, 20070.5, and 20082 *20070.6, and 20071.1* to, the Health and Safety Code, relating to police protection districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 911, as amended, Ma. Police protection districts.

Existing law provided, until October 1, 1959, for the formation and administration of police protection districts in unincorporated towns, and provides for the continuation of police protection districts formed prior to that date. Existing law provides that a police protection district is to be governed by a district board consisting of 3 elected commissioners. Existing law further provides that a police protection district's police department, its chief of police, and its employees shall have all the rights, duties, privileges, immunities, obligations, and powers of a municipal police department.

This bill would grant police protection districts additional powers, including, but not limited to, the ability to adopt *rules, regulations, and ordinances* ~~and resolutions~~, as specified. This bill would specify that a violation of any rule, regulation, or ordinance adopted by a board of police commissioners would be a misdemeanor. *The bill would authorize a district to charge a fee to cover the cost of any service that the district*

provides or the cost of enforcing any regulation for which the fee is charged, as specified.

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 20070 of the Health and Safety Code is
 2 amended to read:
 3 ~~20070. A district formed under this division shall have, and it~~
 4 ~~may exercise, all the rights and powers, expressed and implied by~~
 5 ~~law, necessary to carry out the purposes and intent of this division,~~
 6 ~~including, but not limited to, the following powers:~~
 7 ~~(a) To adopt, by ordinance or resolution, and enforce rules and~~
 8 ~~regulations necessary for the administration, operation, use, and~~
 9 ~~maintenance of the facilities and services of the district, except~~
 10 ~~where preempted by state or federal law. Ordinances shall be~~
 11 ~~adopted pursuant to the procedures set forth in Article 7~~
 12 ~~(commencing with Section 25120) of Chapter 1 of Part 2 of~~
 13 ~~Division 2 of Title 3 of the Government Code. Ordinances adopted~~
 14 ~~by the district shall be limited to those authorized under this~~
 15 ~~division or related to the following:~~
 16 ~~(1) The setting of all fees and charges for services provided by~~
 17 ~~the district.~~
 18 ~~(2) Regulation of tow trucks and towing firms operating in the~~
 19 ~~district.~~
 20 ~~(3) Regulation and administrative oversight of vehicles for hire,~~
 21 ~~including taxicabs.~~
 22 *20070. Except when preempted by state or federal law, a*
 23 *district may:*
 24 *(a) Adopt all rules and regulations necessary for the*
 25 *administration, operation, and maintenance of the district.*
 26 *(b) Adopt ordinances pursuant to the procedures of Article 7*
 27 *(commencing with Section 25120) of Chapter 1 of Part 2 of*
 28 *Division 2 of Title 3 of the Government Code. Ordinances shall*
 29 *be limited to those related to the following:*
 30 *(1) The setting of fees pursuant to Section 20071.1.*
 31 *(2) The regulation of tow trucks and towing firms that operate*
 32 *in the district.*

1 (3) *The regulation and oversight of vehicles for hire, including*
2 *taxicabs.*

3 (4) *The regulation of vehicles for hire, as provided in Section*
4 *53075.5 of the Government Code, except for vehicles for hire that*
5 *are licensed or permitted by, and under the jurisdiction of, the*
6 *Public Utilities Commission.*

7 (5) *The regulation of vehicle traffic and parking on any property*
8 *within the possession or control of the district.*

9 ~~(b)~~

10 (c) To adopt a seal and alter it.

11 ~~(e)~~

12 (d) To provide insurance pursuant to Part 6 (commencing with
13 Section 989) of Division 3.6 of Title 1 of the Government Code.

14 ~~(d) To regulate vehicles for hire, as provided in Section 53075.5~~
15 ~~of the Government Code, except vehicles for hire that are licensed~~
16 ~~or permitted by, and under the jurisdiction of, the Public Utilities~~
17 ~~Commission.~~

18 SEC. 2. Section 20070.4 is added to the Health and Safety
19 Code, to read:

20 20070.4. A district may destroy a record pursuant to Chapter
21 7 (commencing with Section 60200) of Division 1 of Title 6 of
22 the Government Code.

23 SEC. 3. Section ~~20070.5~~; 20070.6. is added to the Health and
24 Safety Code, to read:

25 ~~20070.5.~~

26 20070.6. (a) Violation of any rule, regulation, or ordinance
27 adopted by a district board is a misdemeanor punishable pursuant
28 to Section 19 of the Penal Code.

29 (b) Any citation issued by a district employee for violation of
30 a rule, regulation, or ordinance adopted by a district board may be
31 processed as an infraction pursuant to subdivision (d) of Section
32 17 of the Penal Code.

33 (c) To protect property and to preserve the peace at facilities
34 owned, managed, or operated by, or under the control of, a district,
35 a district board may, by ordinance ~~or resolution~~, confer upon
36 designated uniformed district employees the power to issue
37 citations for misdemeanor and infraction violations of state law,
38 city or county ordinances, or district rules, regulations, or
39 ordinances when the violation is committed within or upon a
40 district facility and in the presence of the employee issuing the

1 citation. District employees shall issue citations pursuant to Chapter
2 5C (commencing with Section 853.5) of Title 3 of Part 2 of the
3 Penal Code and Chapter 2 (commencing with Section 40300) of
4 Division 17 of the Vehicle Code.

5 ~~SEC. 4. Section 20081 of the Health and Safety Code is~~
6 ~~amended to read:~~

7 ~~20081. In addition to the duties specified in this chapter, the~~
8 ~~district board shall have the power to take any and all actions~~
9 ~~necessary for, or incidental to, the powers expressed or implied~~
10 ~~by this division.~~

11 ~~SEC. 5. Section 20082 is added to the Health and Safety Code,~~
12 ~~to read:~~

13 ~~20082. This article shall be liberally construed to effectuate its~~
14 ~~purposes.~~

15 *SEC. 4. Section 20071.1 is added to the Health and Safety*
16 *Code, to read:*

17 *20071.1. (a) A district may charge a fee to cover the cost of*
18 *any service that the district provides or the cost of enforcing any*
19 *regulation for which the fee is charged. No fee shall exceed the*
20 *reasonable costs of the district in providing the service or enforcing*
21 *the regulation for which the fee is charged.*

22 *(b) Before imposing or increasing any fee for property-related*
23 *services, a district shall follow the procedures in Section 6 of*
24 *Article XIII D of the California Constitution.*

25 *(c) A district may charge residents or taxpayers of the district*
26 *a fee authorized by this section that is less than the fee that it*
27 *charges nonresidents or nontaxpayers.*

28 *(d) A district board may authorize district employees to waive*
29 *the payment, in whole or in part, of a fee authorized by this section*
30 *if the district board determines that payment would not be in the*
31 *public interest. Before authorizing any waiver, a district board*
32 *shall adopt a resolution that specifies the policies and procedures*
33 *governing waivers.*