

AMENDED IN SENATE JULY 12, 2011

AMENDED IN SENATE JUNE 10, 2011

AMENDED IN ASSEMBLY APRIL 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1041

Introduced by Assembly Member Ma

February 18, 2011

An act to amend Sections 40207, 40240, 40242, and 40243 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1041, as amended, Ma. Vehicles: delinquent parking violations: video imaging: transit-only lanes.

Existing law authorizes the City and County of San Francisco (San Francisco), until January 1, 2012, to enforce parking violations in specified transit-only traffic lanes through the use of video imaging evidence and authorizes San Francisco to install automated forward-facing parking control devices on city-owned public transit vehicles for the purpose of video imaging of parking violations occurring in transit-only traffic lanes. Existing law requires a designated employee, who is qualified by San Francisco, to review the video image for determining whether these parking violations have occurred and to issue a notice of a parking violation to the registered owner within 15 days of the violation. Existing law requires that the video image records be confidential and available only to public agencies to enforce parking violations and that the City and County of San Francisco provide to the transportation committees of the Legislature an evaluation of the pilot

program’s effectiveness no later than March 1, 2011, if it implements a pilot program pursuant to these provisions.

This bill would extend the above-described provisions to January 1, 2016, and would redefine “transit-only traffic lane” as any designated transit-only lane on which use is restricted to mass transit vehicles, or other designated vehicles including taxis and vanpools, during posted times. The bill would also delete the prohibition that video images captured pursuant to these provisions shall not be transmitted wirelessly and would require that the devices record the date and time of the violation at the same time as the video images are captured. The bill would extend to January 1, 2016, those provisions governing the content of a delinquent parking violation that are applicable to notices of parking violations in specified transit-only lanes issued by the City and County of San Francisco.

The bill would also require instead the City and County of San Francisco to provide to the transportation *and judiciary* committees of the Legislature an evaluation of the pilot program’s effectiveness *and impact on privacy* no later than March 1, 2015, if it implements the pilot program pursuant to these provisions.

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 40207 of the Vehicle Code, as amended
 2 by Section 1 of Chapter 471 of the Statutes of 2010, is amended
 3 to read:
 4 40207. (a) The notice of delinquent parking violation shall
 5 contain the information specified in subdivision (a) of Section
 6 40202, subdivision (a) of Section 40241, or subdivision (a) of
 7 Section 40248, as applicable, and Section 40203, and, additionally
 8 shall contain a notice to the registered owner that, unless the
 9 registered owner pays the parking penalty or contests the citation
 10 within 21 calendar days from the date of issuance of the citation
 11 or 14 calendar days after the mailing of the notice of delinquent
 12 parking violation or completes and files an affidavit of nonliability
 13 that complies with Section 40208 or 40209, the renewal of the
 14 vehicle registration shall be contingent upon compliance with the
 15 notice of delinquent parking violation. If the registered owner, by
 16 appearance or by mail, makes payment to the processing agency

1 within 21 calendar days from the date of issuance of the citation
2 or 14 calendar days after the mailing of the notice of delinquent
3 parking violation, the parking penalty shall consist solely of the
4 amount of the original penalty. Additional fees, assessments, or
5 other charges shall not be added.

6 (b) This section shall remain in effect only until January 1, 2016,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2016, deletes or extends that date.

9 SEC. 2. Section 40207 of the Vehicle Code, as amended by
10 Section 2 of Chapter 471 of the Statutes of 2010, is amended to
11 read:

12 40207. (a) The notice of delinquent parking violation shall
13 contain the information specified in subdivision (a) of Section
14 40202 or subdivision (a) of Section 40248, as applicable, and
15 Section 40203, and, additionally shall contain a notice to the
16 registered owner that, unless the registered owner pays the parking
17 penalty or contests the citation within 21 calendar days from the
18 date of issuance of the citation or 14 calendar days after the mailing
19 of the notice of delinquent parking violation or completes and files
20 an affidavit of nonliability that complies with Section 40208 or
21 40209, the renewal of the vehicle registration shall be contingent
22 upon compliance with the notice of delinquent parking violation.
23 If the registered owner, by appearance or by mail, makes payment
24 to the processing agency within 21 calendar days from the date of
25 issuance of the citation or 14 calendar days after the mailing of
26 the notice of delinquent parking violation, the parking penalty shall
27 consist solely of the amount of the original penalty. Additional
28 fees, assessments, or other charges shall not be added.

29 (b) This section shall become operative on January 1, 2016.

30 SEC. 3. Section 40240 of the Vehicle Code is amended to read:

31 40240. (a) The City and County of San Francisco may install
32 automated forward facing parking control devices on city-owned
33 public transit vehicles, as defined by Section 99211 of the Public
34 Utilities Code, for the purpose of video imaging of parking
35 violations occurring in transit-only traffic lanes. Citations shall be
36 issued only for violations captured during the posted hours of
37 operation for a transit-only traffic lane. The devices shall be angled
38 and focused so as to capture video images of parking violations
39 and not unnecessarily capture identifying images of other drivers,
40 vehicles, and pedestrians. The devices shall record the date and

1 time of the violation at the same time as the video images are
2 captured.

3 (b) Prior to issuing notices of parking violations pursuant to
4 subdivision (a) of Section 40241, the City and County of San
5 Francisco shall commence a program to issue only warning notices
6 for 30 days. The City and County of San Francisco shall also make
7 a public announcement of the program at least 30 days prior to
8 commencement of issuing notices of parking violations.

9 (c) A designated employee of the City and County of San
10 Francisco, who is qualified by the city and county to issue parking
11 citations, shall review video image recordings for the purpose of
12 determining whether a parking violation occurred in a transit-only
13 traffic lane. A violation of a statute, regulation, or ordinance
14 governing vehicle parking under this code, under a federal or state
15 statute or regulation, or under an ordinance enacted by the City
16 and County of San Francisco occurring in a transit-only traffic
17 lane observed by the designated employee in the recordings is
18 subject to a civil penalty.

19 (d) The registered owner shall be permitted to review the video
20 image evidence of the alleged violation during normal business
21 hours at no cost.

22 (e) (1) Except as it may be included in court records described
23 in Section 68152 of the Government Code, or as provided in
24 paragraph (2), the video image evidence may be retained for up
25 to six months from the date the information was first obtained, or
26 60 days after final disposition of the citation, whichever date is
27 later, after which time the information shall be destroyed.

28 (2) Notwithstanding Section 26202.6 of the Government Code,
29 video image evidence from forward facing automated enforcement
30 devices that does not contain evidence of a parking violation
31 occurring in a transit-only traffic lane shall be destroyed within
32 15 days after the information was first obtained.

33 (f) Notwithstanding Section 6253 of the Government Code, or
34 any other provision of law, the video image records are
35 confidential. Public agencies shall use and allow access to these
36 records only for the purposes authorized by this article.

37 (g) For purposes of this article, “local agency” means the City
38 and County of San Francisco.

39 (h) For purposes of this article, “transit-only traffic lane” means
40 any designated transit-only lanes on which use is restricted to mass

1 transit vehicles, or other designated vehicles including taxis and
2 vanpools, during posted times.

3 SEC. 4. Section 40242 of the Vehicle Code is amended to read:

4 40242. If the City and County of San Francisco implements a
5 parking enforcement pilot program pursuant to this article, no later
6 than March 1, 2015, the City and County of San Francisco shall
7 provide to the transportation *and judiciary* committees of the
8 Legislature an evaluation of the pilot program's effectiveness *and*
9 *impact on privacy* in compliance with Section 9795 of the
10 Government Code.

11 SEC. 5. Section 40243 of the Vehicle Code is amended to read:

12 40243. This article shall remain in effect only until January 1,
13 2016, and as of that date is repealed, unless a later enacted statute,
14 that is enacted before January 1, 2016, deletes or extends that date.