

ASSEMBLY BILL

No. 1158

Introduced by Assembly Member Waldron

February 22, 2013

An act to amend Section 21100 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1158, as introduced, Waldron. Vehicles: on-street parking for electric vehicles.

Existing law authorizes local authorities to adopt rules and regulations by ordinance or resolution regarding specified matters, including, among other things, regulating or authorizing the removal by peace officers of vehicles unlawfully parked in a fire lane or on private property.

This bill would expressly authorize local authorities to adopt rules and regulations by ordinance or resolution regarding designating and enforcing on-street parking spaces for electric vehicles.

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 21100 of the Vehicle Code is amended
- 2 to read:
- 3 21100. Local authorities may adopt rules and regulations by
- 4 ordinance or resolution regarding all of the following matters:
- 5 (a) Regulating or prohibiting processions or assemblages on the
- 6 highways.

- 1 (b) Licensing and regulating the operation of vehicles for hire
2 and drivers of passenger vehicles for hire.
- 3 (c) Regulating traffic by means of traffic officers.
- 4 (d) Regulating traffic by means of official traffic control devices
5 meeting the requirements of Section 21400.
- 6 (e) (1) Regulating traffic by means of a person given temporary
7 or permanent appointment for that duty by the local authority when
8 official traffic control devices are disabled or otherwise inoperable,
9 at the scenes of accidents or disasters, or at locations as may require
10 traffic direction for orderly traffic flow.
- 11 (2) A person shall not be appointed pursuant to this subdivision
12 unless and until the local authority has submitted to the
13 commissioner or to the chief law enforcement officer exercising
14 jurisdiction in the enforcement of traffic laws within the area in
15 which the person is to perform the duty, for review, a proposed
16 program of instruction for the training of a person for that duty,
17 and unless and until the commissioner or other chief law
18 enforcement officer approves the proposed program. The
19 commissioner or other chief law enforcement officer shall approve
20 a proposed program if he or she reasonably determines that the
21 program will provide sufficient training for persons assigned to
22 perform the duty described in this subdivision.
- 23 (f) Regulating traffic at the site of road or street construction or
24 maintenance by persons authorized for that duty by the local
25 authority.
- 26 (g) (1) Licensing and regulating the operation of tow truck
27 service or tow truck drivers whose principal place of business or
28 employment is within the jurisdiction of the local authority,
29 excepting the operation and operators of any auto dismantlers' tow
30 vehicle licensed under Section 11505 or any tow truck operated
31 by a repossessing agency licensed under Chapter 11 (commencing
32 with Section 7500) of Division 3 of the Business and Professions
33 Code and its registered employees.
- 34 (2) The Legislature finds that the safety and welfare of the
35 general public is promoted by permitting local authorities to
36 regulate tow truck service companies and operators by requiring
37 licensure, insurance, and proper training in the safe operation of
38 towing equipment, thereby ensuring against towing mistakes that
39 may lead to violent confrontation, stranding motorists in dangerous

1 situations, impeding the expedited vehicle recovery, and wasting
2 state and local law enforcement's limited resources.

3 (3) This subdivision does not limit the authority of a city or city
4 and county pursuant to Section 12111.

5 (h) Operation of bicycles, and, as specified in Section 21114.5,
6 electric carts by physically disabled persons, or persons 50 years
7 of age or older, on the public sidewalks.

8 (i) Providing for the appointment of nonstudent school crossing
9 guards for the protection of persons who are crossing a street or
10 highway in the vicinity of a school or while returning thereafter
11 to a place of safety.

12 (j) Regulating the methods of deposit of garbage and refuse in
13 streets and highways for collection by the local authority or by
14 any person authorized by the local authority.

15 (k) (1) Regulating cruising.

16 (2) The ordinance or resolution adopted pursuant to this
17 subdivision shall regulate cruising, which is the repetitive driving
18 of a motor vehicle past a traffic control point in traffic that is
19 congested at or near the traffic control point, as determined by the
20 ranking peace officer on duty within the affected area, within a
21 specified time period and after the vehicle operator has been given
22 an adequate written notice that further driving past the control
23 point will be a violation of the ordinance or resolution.

24 (3) A person is not in violation of an ordinance or resolution
25 adopted pursuant to this subdivision unless both of the following
26 apply:

27 (A) That person has been given the written notice on a previous
28 driving trip past the control point and then again passes the control
29 point in that same time interval.

30 (B) The beginning and end of the portion of the street subject
31 to cruising controls are clearly identified by signs that briefly and
32 clearly state the appropriate provisions of this subdivision and the
33 local ordinance or resolution on cruising.

34 (l) Regulating or authorizing the removal by peace officers of
35 vehicles unlawfully parked in a fire lane, as described in Section
36 22500.1, on private property. A removal pursuant to this
37 subdivision shall be consistent, to the extent possible, with the
38 procedures for removal and storage set forth in Chapter 10
39 (commencing with Section 22650).

1 (m) Regulating mobile billboard advertising displays, as defined
2 in Section 395.5, including the establishment of penalties, which
3 may include, but are not limited to, removal of the mobile billboard
4 advertising display and misdemeanor criminal penalties, for a
5 violation of the ordinance or resolution. The ordinance or resolution
6 may establish a minimum distance that a mobile billboard
7 advertising display shall be moved after a specified time period.

8 (n) Licensing and regulating the operation of pedicabs for hire,
9 as defined in Section 467.5, and operators of pedicabs for hire,
10 including requiring one or more of the following documents:

11 (1) A valid California driver's license.

12 (2) Proof of successful completion of a bicycle safety training
13 course certified by the League of American Bicyclists or an
14 equivalent organization as determined by the local authority.

15 (3) A valid California identification card and proof of successful
16 completion of the written portion of the California driver's license
17 examination administered by the department. The department shall
18 administer, without charging a fee, the original driver's license
19 written examination on traffic laws and signs to a person who
20 states that he or she is, or intends to become, a pedicab operator,
21 and who holds a valid California identification card or has
22 successfully completed an application for a California identification
23 card. If the person achieves a passing score on the examination,
24 the department shall issue a certificate of successful completion
25 of the examination, bearing the person's name and identification
26 card number. The certificate shall not serve in lieu of successful
27 completion of the required examination administered as part of
28 any subsequent application for a driver's license. The department
29 is not required to enter the results of the examination into the
30 computerized record of the person's identification card or otherwise
31 retain a record of the examination or results.

32 (o) (1) This section does not authorize a local authority to enact
33 or enforce an ordinance or resolution that establishes a violation
34 if a violation for the same or similar conduct is provided in this
35 code, nor does it authorize a local authority to enact or enforce an
36 ordinance or resolution that assesses a fine, penalty, assessment,
37 or fee for a violation if a fine, penalty, assessment, or fee for a
38 violation involving the same or similar conduct is provided in this
39 code.

1 (2) This section does not preclude a local authority from enacting
2 parking ordinances pursuant to existing authority in Chapter 9
3 (commencing with Section 22500) of Division 11.

4 (p) (1) Regulating advertising signs on motor vehicles parked
5 or left standing upon a public street. The ordinance or resolution
6 may establish a minimum distance that the advertising sign shall
7 be moved after a specified time period.

8 (2) Paragraph (1) does not apply to any of the following:

9 (A) Advertising signs that are permanently affixed to the body
10 of, an integral part of, or a fixture of a motor vehicle for permanent
11 decoration, identification, or display and that do not extend beyond
12 the overall length, width, or height of the vehicle.

13 (B) If the license plate frame is installed in compliance with
14 Section 5201, paper advertisements issued by a dealer contained
15 within that license plate frame or any advertisements on that license
16 plate frame.

17 (3) As used in paragraph (2), “permanently affixed” means any
18 of the following:

19 (A) Painted directly on the body of a motor vehicle.

20 (B) Applied as a decal on the body of a motor vehicle.

21 (C) Placed in a location on the body of a motor vehicle that was
22 specifically designed by a vehicle manufacturer as defined in
23 Section 672 and licensed pursuant to Section 11701, in compliance
24 with both state and federal law or guidelines, for the express
25 purpose of containing an advertising sign.

26 (q) *Designating and enforcing on-street parking spaces for*
27 *electric vehicles.*