

ASSEMBLY BILL

No. 1253

Introduced by Assembly Member Blumenfield

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1253, as introduced, Blumenfield. Vehicle: mobile advertising displays.

Existing law authorizes local authorities to adopt rules and regulations by ordinance or resolution regarding specified matters, including, among other things, regulating mobile billboard advertising displays, as defined, including the establishment of penalties, which may include, but are not limited to, removal of the mobile billboard advertising display and misdemeanor criminal penalties.

This bill would additionally authorize the local authorities to adopt civil penalties for a violation of an ordinance or resolution regulating mobile billboard advertising displays.

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:

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

1 may lead to violent confrontation, stranding motorists in dangerous
2 situations, impeding the expedited vehicle recovery, and wasting
3 state and local law enforcement's limited resources.

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

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

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

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

16 (k) (1) Regulating cruising.

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

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

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

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

35 (l) Regulating or authorizing the removal by peace officers of
36 vehicles unlawfully parked in a fire lane, as described in Section
37 22500.1, on private property. A removal pursuant to this
38 subdivision shall be consistent, to the extent possible, with the
39 procedures for removal and storage set forth in Chapter 10
40 (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, *civil penalties*, and misdemeanor criminal
 5 penalties, for a violation of the ordinance or resolution. The
 6 ordinance or resolution may establish a minimum distance that a
 7 mobile billboard advertising display shall be moved after a
 8 specified time period.

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

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

33 (o) (1) This section does not authorize a local authority to enact
 34 or enforce an ordinance or resolution that establishes a violation
 35 if a violation for the same or similar conduct is provided in this
 36 code, nor does it authorize a local authority to enact or enforce an
 37 ordinance or resolution that assesses a fine, penalty, assessment,
 38 or fee for a violation if a fine, penalty, assessment, or fee for a
 39 violation involving the same or similar conduct is provided in this
 40 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.