

AMENDED IN SENATE JUNE 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1253

**Introduced by Assembly ~~Member~~ Members Blumenfield and
Nazarian**

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1253, as amended, Blumenfield. ~~Vehicle:~~ *Vehicles:* 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:

1 21100. Local authorities may adopt rules and regulations by
2 ordinance or resolution regarding all of the following matters:

3 (a) Regulating or prohibiting processions or assemblages on the
4 highways.

5 (b) Licensing and regulating the operation of vehicles for hire
6 and drivers of passenger vehicles for hire.

7 (c) Regulating traffic by means of traffic officers.

8 (d) Regulating traffic by means of official traffic control devices
9 meeting the requirements of Section 21400.

10 (e) (1) Regulating traffic by means of a person given temporary
11 or permanent appointment for that duty by the local authority when
12 official traffic control devices are disabled or otherwise inoperable,
13 at the scenes of accidents or disasters, or at locations as may require
14 traffic direction for orderly traffic flow.

15 (2) A person shall not be appointed pursuant to this subdivision
16 unless and until the local authority has submitted to the
17 commissioner or to the chief law enforcement officer exercising
18 jurisdiction in the enforcement of traffic laws within the area in
19 which the person is to perform the duty, for review, a proposed
20 program of instruction for the training of a person for that duty,
21 and unless and until the commissioner or other chief law
22 enforcement officer approves the proposed program. The
23 commissioner or other chief law enforcement officer shall approve
24 a proposed program if he or she reasonably determines that the
25 program will provide sufficient training for persons assigned to
26 perform the duty described in this subdivision.

27 (f) Regulating traffic at the site of road or street construction or
28 maintenance by persons authorized for that duty by the local
29 authority.

30 (g) (1) Licensing and regulating the operation of tow truck
31 service or tow truck drivers whose principal place of business or
32 employment is within the jurisdiction of the local authority,
33 excepting the operation and operators of any auto dismantlers' tow
34 vehicle licensed under Section 11505 or any tow truck operated
35 by a repossessing agency licensed under Chapter 11 (commencing
36 with Section 7500) of Division 3 of the Business and Professions
37 Code and its registered employees.

38 (2) The Legislature finds that the safety and welfare of the
39 general public is promoted by permitting local authorities to
40 regulate tow truck service companies and operators by requiring

1 licensure, insurance, and proper training in the safe operation of
2 towing equipment, thereby ensuring against towing mistakes that
3 may lead to violent confrontation, stranding motorists in dangerous
4 situations, impeding the expedited vehicle recovery, and wasting
5 state and local law enforcement's limited resources.

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

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

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

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

18 (k) (1) Regulating cruising.

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

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

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

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

37 (l) Regulating or authorizing the removal by peace officers of
38 vehicles unlawfully parked in a fire lane, as described in Section
39 22500.1, on private property. A removal pursuant to this
40 subdivision shall be consistent, to the extent possible, with the

1 procedures for removal and storage set forth in Chapter 10
2 (commencing with Section 22650).

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

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

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

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

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

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

1 violation involving the same or similar conduct is provided in this
2 code.

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

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

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

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

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

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

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

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

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

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