

AMENDED IN ASSEMBLY APRIL 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2381

**Introduced by Assembly Member Bonilla
(Coauthor: Assembly Member Skinner)**

February 21, 2014

An act to amend Section 21107.8 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2381, as amended, Bonilla. Private parking facilities.

Existing law authorizes a city or county, by ordinance or resolution, to find and declare that there are privately owned and maintained offstreet parking facilities within the city or county that are generally held open for use of the public for purposes of vehicular parking and requires, upon enactment of the ordinance or resolution, that specified traffic laws apply, including those related to basic speed law, reckless driving, and speed contests and exhibitions of speed, except as specified.

This bill would authorize a city or county to include in that ordinance or resolution authorization for the operator of privately owned and maintained offstreet parking facility to regulate unauthorized ~~parking~~ *parking in that facility. The bill would, if a city or county has exercised that authority and unauthorized parking is regulated in a privately owned and maintained offstreet parking facility, require the owner or operator of the facility to include in a notice of parking violation instructions that describe the manner in which to contest the notice of parking violation and prohibit the owner or operator from filing with, or transmitting to, the department a notice of parking violation, 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 21107.8 of the Vehicle Code is amended
2 to read:
3 21107.8. (a) (1) Any city or county may, by ordinance or
4 resolution, find and declare that there are privately owned and
5 maintained offstreet parking facilities as described in the ordinance
6 or resolution within the city or county that are generally held open
7 for use of the public for purposes of vehicular parking. Upon
8 enactment by a city or county of the ordinance or resolution,
9 Sections 22350, 23103, and 23109 and the provisions of Division
10 16.5 (commencing with Section 38000) shall apply to privately
11 owned and maintained offstreet parking facilities, except as
12 provided in subdivision (b).

13 (2) (A) If a city or county enacts an ordinance or resolution
14 authorized by paragraph (1), a city or county may include in that
15 ordinance or resolution authorization for the operator of a privately
16 owned and maintained offstreet parking facility to regulate
17 unauthorized parking. ~~parking.~~ *parking in that facility.*

18 (B) (i) *If a city or county has exercised its authority pursuant*
19 *to subparagraph (A) and unauthorized parking is regulated in a*
20 *privately owned and maintained offstreet parking facility, the*
21 *owner or operator of that facility shall include in a notice of*
22 *parking violation instructions that describe the manner in which*
23 *to contest the notice of parking violation.*

24 (ii) *If a city or county has exercised its authority pursuant to*
25 *subparagraph (A) and unauthorized parking is regulated in a*
26 *privately owned and maintained offstreet parking facility, the*
27 *owner or operator of that facility shall not file with, or transmit*
28 *to, the department a notice of parking violation for the purpose of*
29 *having the department attempt to collect unpaid parking penalties*
30 *by refusing to issue or renew a license pursuant to Section 12808.1*
31 *or refusing to renew the registration of a vehicle pursuant to*
32 *Section 4760.*

33 (b) Notwithstanding the provisions of subdivision (a), no
34 ordinance or resolution enacted thereunder shall apply to any
35 offstreet parking facility described therein unless the owner or

1 operator has caused to be posted in a conspicuous place at each
2 entrance to that offstreet parking facility a notice not less than 17
3 by 22 inches in size with lettering not less than one inch in height,
4 to the effect that the offstreet parking facility is subject to public
5 traffic regulations and control.

6 (c) No ordinance or resolution shall be enacted under subdivision
7 (a) without a public hearing thereon and 10 days prior written
8 notice to the owner and operator of the privately owned and
9 maintained offstreet parking facility involved.

10 (d) Section 22507.8 may be enforced without enactment of an
11 ordinance or resolution as required under subdivision (a) or the
12 posting of a notice at each entrance to the offstreet parking facility
13 as required under subdivision (b).

14 (e) The department shall not be required to provide patrol or
15 enforce any provisions of this code on any privately owned and
16 maintained offstreet parking facility subject to the provisions of
17 this code under this section except those provisions applicable to
18 private property other than by action under this section.

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