

AMENDED IN SENATE MAY 15, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 604

Introduced by Senator Anderson

February 22, 2013

An act to amend Section 22520.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 604, as amended, Anderson. Vehicles: rules of the road.

Existing law prohibits a person from soliciting, displaying, selling, offering for sale, or otherwise vending or attempting to vend any merchandise or service while being wholly or partly within any of specified places, including, but not limited to, the right-of-way of any freeway, including any on ramp, off ramp, or roadway shoulder which lies within the right-of-way of the freeway, or any roadway or adjacent shoulder within 500 feet of a freeway off ramp or on ramp. A violation of these provisions constitutes an infraction. Existing law also permits a charity, as defined, to engage in a solicitation for charitable purposes that involves persons standing in a public roadway soliciting contributions from passing motorists, if the persons to be engaged in the solicitation are law enforcement personnel, firefighters, or other specified persons who are soliciting solely in an area that is within the service area of that local agency, and the charity files an application with the relevant jurisdiction, as specified.

This bill would *authorize a city or county to enact an ordinance to prohibit a person from soliciting, displaying, selling, offering for sale,*

or otherwise vending or attempting to vend any merchandise or service while being wholly or partly within any center median that is within 300 feet of an intersection controlled by a traffic control signal. This bill would exempt from the prohibition, a charity engaged in solicitation for charitable purposes if the persons soliciting are law enforcement personnel, firefighters, or other persons, as specified. *The bill would make technical and conforming changes.*

Because this bill expands the definition of an existing crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22520.5 of the Vehicle Code is amended
2 to read:

3 22520.5. (a) A person shall not solicit, display, sell, offer for
4 sale, or otherwise vend or attempt to vend any merchandise or
5 service while being wholly or partly within any of the following:

6 (1) The right-of-way of any freeway, including any on ramp,
7 off ramp, or roadway shoulder which lies within the right-of-way
8 of the freeway.

9 (2) Any roadway or adjacent shoulder within 500 feet of a
10 freeway off ramp or on ramp.

11 (3) Any sidewalk within 500 feet of a freeway off ramp or on
12 ramp, when vending or attempting to vend to vehicular traffic.

13 ~~(4) Except as provided in Section 17510.25 of the Business and~~
14 ~~Professions Code, any center median that is within 300 feet of an~~
15 ~~intersection controlled by a traffic control signal.~~

16 (b) *A city or county may enact an ordinance to prohibit a person*
17 *from soliciting, displaying, selling, offering for sale, or otherwise*
18 *vending or attempting to vend any merchandise or service while*
19 *being wholly or partly within any center median that is within 300*
20 *feet of an intersection controlled by a traffic control signal, except*

1 *as authorized by Section 17510.25 of the Business and Professions*
2 *Code.*

3 ~~(b) Subdivision~~

4 *(c) Subdivisions (a) does and (b) do not apply to a roadside rest*
5 *area or vista point located within a freeway right-of-way which*
6 *that is subject to Section 22520.6, to a tow truck or service vehicle*
7 *rendering assistance to a disabled vehicle, or to a person issued a*
8 *permit to vend upon the freeway pursuant to Section 670 of the*
9 *Streets and Highways Code.*

10 ~~(e)~~

11 *(d) A violation of this section subdivision (a) or (b) is an*
12 *infraction. A second or subsequent conviction of a violation of*
13 *this section subdivision (a) or (b) is a misdemeanor.*

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.