

AMENDED IN SENATE JUNE 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 451

Introduced by Assembly Member Bonilla

February 23, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 451, 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 a privately owned and maintained offstreet parking facility to regulate unauthorized 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 *post language, as specified, stating that violators may be subject to a parking invoice fee, and include in a parking fee invoice instructions that describe the manner in which to contest the parking fee invoice and prohibit the owner or operator from filing with, or transmitting to, the Department of Motor Vehicles a parking fee invoice, as specified.* The bill would also require a city or county that authorizes

private parking regulation to include, in its ordinance or resolution, specified provisions, including those related to dispute resolution.

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 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 parking fee
22 invoice instructions that describe the manner in which to contest
23 the parking fee invoice.

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 to,
28 the Department of Motor Vehicles a parking fee invoice for the
29 purpose of having the Department of Motor Vehicles attempt to
30 collect unpaid parking fees by refusing to issue or renew a license
31 pursuant to Section 12808.1 or refusing to renew the registration
32 of a vehicle pursuant to Section 4760.

1 (b) (1) Notwithstanding ~~the provisions of subdivision (a), no~~
2 *an ordinance or resolution enacted thereunder shall does not apply*
3 *to any offstreet parking facility described therein in that subdivision*
4 *unless the owner or operator has caused to be posted in a*
5 *conspicuous place at each entrance to that offstreet parking facility*
6 *a notice not less than 17 by 22 inches in size with lettering not less*
7 *than one inch in height, to the effect that the offstreet parking*
8 *facility is subject to public moving vehicle laws: laws and violators*
9 *may be subject to a parking invoice fee.*

10 (2) *If applicable, a parking receipt distributed to drivers shall*
11 *include language explicitly stating that violators may be subject*
12 *to a parking invoice fee.*

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

17 (d) Section 22507.8 may be enforced without enactment of an
18 ordinance or resolution as required under subdivision (a) or the
19 posting of a notice at each entrance to the offstreet parking facility
20 as required under *paragraph (1) of subdivision (b).*

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

26 (f) A city or county that authorizes private parking regulation
27 pursuant to this section shall, in its ordinance or resolution, include
28 provisions that include all of the following:

29 (1) Procedures of dispute resolution in accordance with those
30 procedures set forth in Section 40215, which shall include all of
31 the following:

32 (A) A written and publicly available dispute resolution policy
33 that includes specified time periods for notifications, review, and
34 appeal.

35 (B) An administrative hearing process that includes all of the
36 following:

37 (i) Options for a hearing in person or by mail.

38 (ii) Administrative review.

- 1 (iii) A hearing by a third-party examiner who has been
2 adequately trained and who provides an independent, objective,
3 ~~fair~~ *fair*, and impartial review.
- 4 (iv) Personal delivery or delivery by first-class mail of an
5 examiner’s decision.
- 6 (v) Authority for the examiner to allow payment of the parking
7 charge in installments for persons showing evidence of inability
8 to pay the parking charge in full.
- 9 (2) A prohibition against incentives based on the number of
10 invoices issued or the number or percent of disputed invoices
11 adjudicated that uphold parking charges.
- 12 (3) A cap on a parking invoice fee that is commensurate with
13 the most nearly equivalent municipal parking fine.
- 14 (4) Measures to prevent a private parking regulator from
15 representing itself as a government enforcement agency, including
16 a prohibition against use of terminology in ordinances or
17 resolutions, and in parking fee invoices, which are restricted to
18 governmental law enforcement, and a requirement for a
19 conspicuous statement on parking fee invoices to the effect that
20 “This parking charge notice is not issued by the [local
21 government].”