

## Assembly Bill No. 451

### CHAPTER 168

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

[Approved by Governor August 11, 2015. Filed with  
Secretary of State August 11, 2015.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 451, 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.

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

SECTION 1. Section 21107.8 of the Vehicle Code is amended to read:  
21107.8. (a) (1) Any city or county may, by ordinance or resolution, find and declare that there are privately owned and maintained offstreet parking facilities as described in the ordinance or resolution within the city or county that are generally held open for use of the public for purposes of vehicular parking. Upon enactment by a city or county of the ordinance or resolution, Sections 22350, 23103, and 23109 and the provisions of Division 16.5 (commencing with Section 38000) shall apply to privately owned and

maintained offstreet parking facilities, except as provided in subdivision (b).

(2) (A) If a city or county enacts an ordinance or resolution authorized by paragraph (1), a city or county may 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.

(B) (i) If a city or county has exercised its authority pursuant to subparagraph (A) and unauthorized parking is regulated in a privately owned and maintained offstreet parking facility, the owner or operator of that facility shall include in a parking fee invoice instructions that describe the manner in which to contest the parking fee invoice.

(ii) If a city or county has exercised its authority pursuant to subparagraph (A) and unauthorized parking is regulated in a privately owned and maintained offstreet parking facility, the owner or operator of that facility shall not file with, or transmit to, the Department of Motor Vehicles a parking fee invoice for the purpose of having the Department of Motor Vehicles attempt to collect unpaid parking fees by refusing to issue or renew a license pursuant to Section 12808.1 or refusing to renew the registration of a vehicle pursuant to Section 4760.

(b) (1) Notwithstanding subdivision (a), an ordinance or resolution enacted thereunder does not apply to any offstreet parking facility described in that subdivision unless the owner or operator has caused to be posted in a conspicuous place at each entrance to that offstreet parking facility a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that the offstreet parking facility is subject to public moving vehicle laws and violators may be subject to a parking invoice fee.

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

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

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

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

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

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

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

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

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

(ii) Administrative review.

(iii) A hearing by a third-party examiner who has been adequately trained and who provides an independent, objective, fair, and impartial review.

(iv) Personal delivery or delivery by first-class mail of an examiner's decision.

(v) Authority for the examiner to allow payment of the parking charge in installments for persons showing evidence of inability to pay the parking charge in full.

(2) A prohibition against incentives based on the number of invoices issued or the number or percent of disputed invoices adjudicated that uphold parking charges.

(3) A cap on a parking invoice fee that is commensurate with the most nearly equivalent municipal parking fine.

(4) Measures to prevent a private parking regulator from representing itself as a government enforcement agency, including a prohibition against use of terminology in ordinances or resolutions, and in parking fee invoices, which are restricted to governmental law enforcement, and a requirement for a conspicuous statement on parking fee invoices to the effect that "This parking charge notice is not issued by the [local government]."