

ASSEMBLY BILL

No. 481

Introduced by Assembly Member Harper

February 23, 2015

An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 481, as introduced, Harper. Automated traffic enforcement systems.

Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated traffic enforcement system if the system meets certain requirements. Existing law authorizes a governmental agency to contract out the operation of the system under certain circumstances, except for specified activities.

This bill would make technical, nonsubstantive changes to these provisions.

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 21455.5 of the Vehicle Code is amended
- 2 to read:
- 3 21455.5. (a) The limit line, the intersection, or a place
- 4 designated in Section 21455, where a driver is required to stop,
- 5 may be equipped with an automated traffic enforcement system if

1 the governmental agency utilizing the system meets all of the
2 following requirements:

3 (1) Identifies the system by signs posted within 200 feet of an
4 intersection where a system is operating that clearly indicate the
5 system's presence and are visible to traffic approaching from all
6 directions in which the automated traffic enforcement system is
7 being utilized to issue citations. A governmental agency utilizing
8 such a system does not need to post signs visible to traffic
9 approaching the intersection from directions not subject to the
10 automated traffic enforcement system. Automated traffic
11 enforcement systems installed as of January 1, 2013, shall be
12 identified no later than January 1, 2014.

13 (2) Locates the system at an intersection and ensures that the
14 system meets the criteria specified in Section 21455.7.

15 (b) Prior to issuing citations under this section, a local
16 jurisdiction utilizing an automated traffic enforcement system shall
17 commence a program to issue only warning notices for 30 days.
18 The local jurisdiction shall ~~also~~ make a public announcement of
19 the automated traffic enforcement system at least 30 days prior to
20 the commencement of the enforcement program.

21 (c) Only a governmental agency, in cooperation with a law
22 enforcement agency, may operate an automated traffic enforcement
23 system. A governmental agency that operates an automated traffic
24 enforcement system shall do all of the following:

25 (1) Develop uniform guidelines for screening and issuing
26 violations and for the processing and storage of confidential
27 information, and establish procedures to ensure compliance with
28 those guidelines. For systems installed as of January 1, 2013, a
29 governmental agency that operates an automated traffic
30 enforcement system shall establish those guidelines by January 1,
31 2014.

32 (2) Perform administrative functions and day-to-day functions,
33 including, but not limited to, all of the following:

34 (A) Establishing guidelines for the selection of a location. Prior
35 to installing an automated traffic enforcement system after January
36 1, 2013, the governmental agency shall make and adopt a finding
37 of fact establishing that the system is needed at a specific location
38 for reasons related to safety.

39 (B) Ensuring that the equipment is regularly inspected.

1 (C) Certifying that the equipment is properly installed and
2 calibrated, and is operating properly.

3 (D) Regularly inspecting and maintaining warning signs placed
4 under paragraph (1) of subdivision (a).

5 (E) Overseeing the establishment or change of signal phases
6 and the timing thereof.

7 (F) Maintaining controls necessary to ensure that only those
8 citations that have been reviewed and approved by law enforcement
9 are delivered to violators.

10 (d) The activities listed in subdivision (c) that relate to the
11 operation of the system may be contracted out by the governmental
12 agency, if it maintains overall control and supervision of the
13 system. However, the activities listed in paragraph (1) of, and
14 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,
15 subdivision (c) shall not be contracted out to the manufacturer or
16 supplier of the automated traffic enforcement system.

17 (e) The printed representation of computer-generated
18 information, video, or photographic images stored by an automated
19 traffic enforcement system does not constitute an out-of-court
20 hearsay statement by a declarant under Division 10 (commencing
21 with Section 1200) of the Evidence Code.

22 (f) (1) Notwithstanding Section 6253 of the Government Code,
23 or any other law, photographic records made by an automated
24 traffic enforcement system ~~shall be~~ *are* confidential, and shall be
25 made available only to governmental agencies and law enforcement
26 agencies and only for the purposes of this article.

27 (2) Confidential information obtained from the Department of
28 Motor Vehicles for the administration or enforcement of this article
29 shall be held confidential, and shall not be used for any other
30 purpose.

31 (3) Except for court records described in Section 68152 of the
32 Government Code, the confidential records and information
33 described in paragraphs (1) and (2) may be retained for up to six
34 months from the date the information was first obtained, or until
35 final disposition of the citation, whichever date is later, after which
36 time the information shall be destroyed in a manner that will
37 preserve the confidentiality of any person included in the record
38 or information.

39 (g) Notwithstanding subdivision (f), the registered owner or any
40 individual identified by the registered owner as the driver of the

1 vehicle at the time of the alleged violation shall be permitted to
2 review the photographic evidence of the alleged violation.

3 (h) (1) A contract between a governmental agency and a
4 manufacturer or supplier of automated traffic enforcement
5 equipment shall not include provision for the payment or
6 compensation to the manufacturer or supplier based on the number
7 of citations generated, or as a percentage of the revenue generated,
8 as a result of the use of the equipment authorized under this section.

9 (2) Paragraph (1) does not apply to a contract that was entered
10 into by a governmental agency and a manufacturer or supplier of
11 automated traffic enforcement equipment before January 1, 2004,
12 unless that contract is renewed, extended, or amended on or after
13 January 1, 2004.

14 (3) A governmental agency that proposes to install or operate
15 an automated traffic enforcement system shall not consider revenue
16 generation, beyond recovering its actual costs of operating the
17 system, as a factor when considering whether or not to install or
18 operate a system within its ~~local~~ jurisdiction.

19 (i) A manufacturer or supplier that operates an automated traffic
20 enforcement system pursuant to this section shall, in cooperation
21 with the governmental agency, submit an annual report to the
22 Judicial Council that includes, but is not limited to, all of the
23 following information if this information is in the possession of,
24 or readily available to, the manufacturer or supplier:

25 (1) The number of alleged violations captured by the systems
26 ~~they operate.~~ *the manufacturer or supplier operates.*

27 (2) The number of citations issued by a law enforcement agency
28 based on information collected from the automated traffic
29 enforcement system.

30 (3) For citations identified in paragraph (2), the number of
31 violations that involved traveling straight through the intersection,
32 turning right, and turning left.

33 (4) The number and percentage of citations that are dismissed
34 by the court.

35 (5) The number of traffic collisions at each intersection that
36 occurred prior to, and after the installation of, the automated traffic
37 enforcement system.

38 (j) If a governmental agency utilizing an automated traffic
39 enforcement system has posted signs on or before January 1, 2013,
40 that met the requirements of paragraph (1) of subdivision (a) of

1 this section, as it read on January 1, 2012, the governmental agency
2 shall not remove those signs until signs are posted that meet the
3 requirements specified in this section, as it reads on January 1,
4 2013.

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