

ASSEMBLY BILL

No. 1160

Introduced by Assembly Member Harper

February 27, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1160, as introduced, Harper. Vehicles: 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, as defined, 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, that include, among other things, establishing guidelines for selection of the location of the system.

This bill would, beginning January 1, 2016, prohibit a governmental agency from installing an automated traffic enforcement system. The bill would authorize a governmental agency that is operating an automatic traffic enforcement system on that date to continue to do so after that date only if the agency begins conducting a traffic safety study on or before February 28, 2016, at each intersection where a system is in use to determine whether the use of the system resulted in a reduction in the number of traffic accidents at that intersection. The bill would require the governmental agency to terminate the use of an automated traffic enforcement system at an intersection no later than January 1, 2018, if the traffic safety study shows that the use of the system did not reduce the number of traffic accidents that occurred at that intersection.

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~~ *Except or provided in subdivision (k), the*
4 *limit line, the intersection, or a place designated in Section 21455,*
5 *where a driver is required to stop, may be equipped with an*
6 *automated traffic enforcement system if the governmental agency*
7 ~~utilizing~~ *using* the system meets all of the following requirements:
8 (1) Identifies the system by signs posted within 200 feet of an
9 intersection where a system is operating that clearly indicate the
10 system’s presence and are visible to traffic approaching from all
11 directions in which the automated traffic enforcement system is
12 being ~~utilized~~ *used* to issue citations. A governmental agency
13 ~~utilizing such~~ *using* a system does not need to post signs visible
14 to traffic approaching the intersection from directions not subject
15 to the automated traffic enforcement system. Automated traffic
16 enforcement systems installed as of January 1, 2013, shall be
17 identified no later than January 1, 2014.
18 (2) Locates the system at an intersection and ensures that the
19 system meets the criteria specified in Section 21455.7.
20 (b) Prior to issuing citations under this section, a local
21 jurisdiction ~~utilizing~~ *using* an automated traffic enforcement system
22 shall commence a program to issue only warning notices for 30
23 days. The local jurisdiction shall also make a public announcement
24 of the automated traffic enforcement system at least 30 days prior
25 to the commencement of the enforcement program.
26 (c) Only a governmental agency, in cooperation with a law
27 enforcement agency, may operate an automated traffic enforcement
28 system. A governmental agency that operates an automated traffic
29 enforcement system shall do all of the following:
30 (1) Develop uniform guidelines for screening and issuing
31 violations and for the processing and storage of confidential
32 ~~information, and establish~~ *information. Establish* procedures to
33 ensure compliance with those guidelines. ~~For systems installed as~~
34 ~~of January 1, 2013, a~~ A governmental agency that operates an
35 automated traffic enforcement system *installed on or before*

1 *January 1, 2013* shall establish those guidelines by January 1,
2 2014.

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

5 (A) Establishing guidelines for the selection of a location. ~~Prior~~
6 ~~to~~ *Commencing January 1, 2013, before* installing an automated
7 traffic enforcement system ~~after January 1, 2013,~~ the governmental
8 agency shall make and adopt a finding of fact establishing that the
9 system is needed at a specific location for reasons related to safety.

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

11 (C) Certifying that the equipment is properly installed and
12 calibrated, and is operating properly.

13 (D) Regularly inspecting and maintaining warning signs placed
14 ~~under~~ *pursuant to* paragraph (1) of subdivision (a).

15 (E) ~~Overseeing the establishment or change of signal phases~~
16 ~~and the timing thereof~~ *establishment, change, and timing of signal*
17 *phases.*

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

21 (d) The activities listed in subdivision (c) that relate to the
22 operation of the system may be contracted out by the governmental
23 agency, if it maintains overall control and supervision of the
24 system. However, the activities listed in paragraph (1) of, and
25 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,
26 subdivision (c) shall not be contracted out to the manufacturer or
27 supplier of the automated traffic enforcement system.

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

33 (f) (1) Notwithstanding Section 6253 of the Government Code,
34 or any other law, photographic records made by an automated
35 traffic enforcement system shall be confidential, and shall be made
36 available only to governmental agencies and law enforcement
37 agencies and only for the purposes of this article.

38 (2) Confidential information obtained from the Department of
39 Motor Vehicles for the administration or enforcement of this article

1 shall be held confidential, and shall not be used for any other
2 purpose.

3 (3) Except for court records described in Section 68152 of the
4 Government Code, the confidential records and information
5 described in paragraphs (1) and (2) may be retained for up to six
6 months from the date the information was first obtained, or until
7 final disposition of the citation, whichever date is later, after which
8 time the information shall be destroyed in a manner that will
9 preserve the confidentiality of any person included in the record
10 or information.

11 (g) Notwithstanding subdivision (f), the registered owner or any
12 individual identified by the registered owner as the driver of the
13 vehicle at the time of the alleged violation shall be permitted to
14 review the photographic evidence of the alleged violation.

15 (h) (1) A contract between a governmental agency and a
16 manufacturer or supplier of automated traffic enforcement
17 equipment shall not include provision for the payment or
18 compensation to the manufacturer or supplier based on the number
19 of citations generated, or as a percentage of the revenue generated,
20 as a result of the use of the equipment authorized under this section.

21 (2) Paragraph (1) does not apply to a contract that was entered
22 into by a governmental agency and a manufacturer or supplier of
23 automated traffic enforcement equipment before January 1, 2004,
24 unless that contract is renewed, extended, or amended on or after
25 January 1, 2004.

26 (3) A governmental agency that proposes to install or operate
27 an automated traffic enforcement system shall not consider revenue
28 generation, beyond recovering its actual costs of operating the
29 system, as a factor when considering whether or not to install or
30 operate a system within its local jurisdiction.

31 (i) A manufacturer or supplier that operates an automated traffic
32 enforcement system pursuant to this section shall, in cooperation
33 with the governmental agency, submit an annual report to the
34 Judicial Council that includes, but is not limited to, all of the
35 following information if this information is in the possession of,
36 or readily available to, the manufacturer or supplier:

37 (1) The number of alleged violations captured by the systems
38 they operate.

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

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

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

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

12 (j) If a governmental agency ~~utilizing~~ *using* an automated traffic
13 enforcement system has posted signs on or before January 1, 2013,
14 that met the requirements of paragraph (1) of subdivision (a) of
15 this section; as it read on January 1, 2012, the governmental agency
16 shall not remove those signs until signs are posted that meet the
17 requirements specified in this section, as it reads on January 1,
18 2013.

19 (k) (1) *Commencing January 1, 2016, a governmental agency*
20 *shall not install an automated traffic enforcement system.*

21 (2) *A governmental agency that is operating an automated traffic*
22 *enforcement system on January 1, 2016, may continue to operate*
23 *the automated traffic enforcement system after that date only if*
24 *the agency begins conducting, on or before February 28, 2016, a*
25 *traffic safety study at each intersection where an automated traffic*
26 *enforcement system is in use to determine whether the use of the*
27 *system resulted in a reduction in the number of traffic accidents*
28 *at that intersection. The traffic safety study shall be conducted*
29 *according to standards consistent with the analysis of data*
30 *approved by the federal National Highway Traffic Safety*
31 *Administration for automated traffic enforcement systems.*

32 (3) *If the traffic safety study shows that the use of an automated*
33 *traffic enforcement system did not reduce the number of traffic*
34 *accidents that occurred at an intersection, the governmental agency*
35 *shall terminate the use of the system at that intersection no later*
36 *than January 1, 2018.*

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