

ASSEMBLY BILL

No. 2586

Introduced by Assembly Member Gatto

February 19, 2016

An act to amend Section 22507.6 of, to add Sections 22508.6, 22508.7, 22527, and 22528 to, and to repeal and amend Section 22508.5 of, the Vehicle Code, relating to parking.

LEGISLATIVE COUNSEL'S DIGEST

AB 2586, as introduced, Gatto. Parking.

Existing law authorizes parking, for up to the posted time limit, in any parking space that is regulated by an inoperable parking meter or an inoperable parking payment center, as defined, until January 1, 2017. Existing law prohibits, until January 1, 2017, a local authority from enacting an ordinance or resolution prohibiting or restricting the parking of vehicles under the above circumstances.

This bill would delete the January 1, 2017 date of repeal for the above provisions, and thus extend those provisions indefinitely.

This bill would prohibit a person providing valet parking services in a business district from prohibiting a vehicle from parking in any otherwise available parking space regulated by a parking meter, or from stopping or standing for the purpose of loading or unloading passengers in any space or area that has been designated for that purpose.

This bill would prohibit a local authority that contracts with a private entity to enforce parking regulations from promoting designated incentives in connection with the issuance of violation notices. The bill also would exempt the owner of a motor vehicle from paying any fine or charge, including towing and impounding fees, whether public or

private, resulting from the illegal parking of the vehicle if the illegal parking was the result of third party criminal activity.

This bill would require a local authority to consider the feasibility of installing a technology capable of demand-based pricing when considering the installation of new parking technology within its jurisdiction, thereby imposing a state-mandated local program.

Because a violation of provisions relating to vehicles, with certain exceptions, is an infraction, the bill would impose a state-mandated local program by creating new infractions applicable to providers of valet parking and towing and impounding services.

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, with regard to certain mandates, no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 22507.6 of the Vehicle Code is amended
2 to read:
3 22507.6. (a) Local authorities may, by ordinance or resolution,
4 prohibit or restrict the parking or standing of vehicles on designated
5 streets or highways, or portions thereof, for the purpose of street
6 sweeping. ~~No~~ An ordinance or resolution relating to the parking
7 or standing of commercial vehicles in a residential district shall
8 *not* be effective with respect to any commercial vehicle making
9 pickups or deliveries of goods, wares, or merchandise from or to
10 any building or structure located on the restricted street or highway,
11 or for the purpose of delivering materials to be used in the repair,
12 alteration, remodeling, or reconstruction of any building or
13 structure for which a building permit has previously been obtained.
14 ~~No such~~ The ordinance or resolution shall *not* be effective until
15 the street or highway, or portion thereof, has been sign-posted in
16 accordance with the uniform standards and specifications of the

Department of Transportation, or local authorities have caused to be posted in a conspicuous place at each entrance to the street a notice not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, setting forth the day or days and hours parking is prohibited. As used in this section, “entrance” means the intersection of any street or streets comprising an area of restricted parking for street-sweeping purposes on the same day or days and hours with another street or highway not subject to ~~such a~~ *that* parking restriction, or subject to parking restrictions on different days and hours.

(b) Notwithstanding subdivision (a), it is the intent of the Legislature that if a local authority prohibits or restricts the parking or standing of vehicles on designated streets or highways, or portions thereof, for the purpose of street sweeping, the local authority, as soon as the street sweeping has concluded, shall ensure that the designated streets, highways, or portions thereof are promptly made available to motorists, regardless of the posted hours.

SEC. 2. Section 22508.5 of the Vehicle Code, as amended by Section 1 of Chapter 71 of the Statutes of 2013, is repealed.

~~22508.5. (a) Except as provided in subdivision (b), a vehicle may park, for up to the posted time limit, in any parking space that is regulated by an inoperable parking meter or an inoperable parking payment center.~~

~~(b) A local authority may, by ordinance or resolution, prohibit or restrict the parking of vehicles in a parking space regulated by an inoperable parking meter or inoperable parking payment center. An ordinance or resolution adopted by a local authority pursuant to this section shall not become effective until signs or markings giving adequate notice of the restriction or prohibition on parking have been placed at parking locations, parking meters, or parking payment centers.~~

~~(c) For purposes of this section:~~

~~(1) “Inoperable parking meter” means a meter located next to and designated for an individual parking space, which has become inoperable and cannot accept payment in any form or cannot register that a payment in any form has been made.~~

~~(2) “Inoperable parking payment center” means an electronic parking meter or pay station serving one or more parking spaces that is closest to the space where a person has parked and that~~

1 cannot accept payment in any form, cannot register that a payment
2 in any form has been made, or cannot issue a receipt that is required
3 to be displayed in a conspicuous location on or in the vehicle.

4 ~~(d) This section shall become inoperative on January 1, 2014,~~
5 ~~and shall remain inoperative until January 1, 2017.~~

6 SEC. 3. Section 22508.5 of the Vehicle Code, as added by
7 Section 2 of Chapter 71 of the Statutes of 2013, is amended to
8 read:

9 22508.5. (a) A vehicle may park, for up to the posted time
10 limit, in any parking space that is regulated by an inoperable
11 parking meter or an inoperable parking payment center.

12 (b) A local authority shall not, by ordinance or resolution,
13 prohibit or restrict the parking of vehicles in a space that is
14 regulated by an inoperable parking meter or inoperable parking
15 payment center.

16 (c) For purposes of this section:

17 (1) "Inoperable parking meter" means a meter located next to
18 and designated for an individual parking space, which has become
19 inoperable and cannot accept payment in any form or cannot
20 register that a payment in any form has been made.

21 (2) "Inoperable parking payment center" means an electronic
22 parking meter or pay station serving one or more parking spaces
23 that is closest to the space where a person has parked and that
24 cannot accept payment in any form, cannot register that a payment
25 in any form has been made, or cannot issue a receipt that is required
26 to be displayed in a conspicuous location on or in the vehicle.

27 ~~(d) This section shall remain in effect only until January 1, 2017,~~
28 ~~and as of that date is repealed, unless a later enacted statute, that~~
29 ~~is enacted before January 1, 2017, deletes or extends that date.~~

30 SEC. 4. Section 22508.6 is added to the Vehicle Code, to read:

31 22508.6. A person providing valet parking services in a
32 business district is prohibited from doing either of the following:

33 (a) Prohibiting a vehicle from parking in an otherwise available
34 parking space regulated by a parking meter.

35 (b) Prohibiting a vehicle from stopping or standing for the
36 purpose of loading or unloading passengers in any space or area
37 that has been designated for that purpose.

38 SEC. 5. Section 22508.7 is added to the Vehicle Code, to read:

39 22508.7. A local authority, when contracting with a private
40 entity to enforce parking regulations, shall not promote any of the

1 following activities in connection with the issuance of violation
2 notices:

3 (a) Provide any monetary or other incentive, such as the promise
4 of a future contract for the issuance of a specified or higher number
5 of violation notices.

6 (b) Increase any violation fine in order to cover the cost of the
7 contracted enforcement service.

8 SEC. 6. Section 22527 is added to the Vehicle Code, to read:

9 22527. (a) When considering the installation within its
10 jurisdiction of new parking technology, a local authority shall
11 consider the feasibility of technology that is capable of
12 demand-based pricing, and shall identify appropriate locations
13 within the local authority's jurisdiction for technology with that
14 capability.

15 (b) The local authority shall include a written finding regarding
16 subdivision (a) before installing any new parking technology within
17 its jurisdiction and shall retain a copy of that finding and post the
18 finding on the local authority's Internet Web site, if any.

19 SEC. 7. Section 22528 is added to the Vehicle Code, to read:

20 22528. The owner of a motor vehicle is not required to pay
21 any fine or charge, including towing and impounding fees, whether
22 public or private, resulting from the illegal parking of the vehicle
23 if the illegal parking was the result of third party criminal activity
24 and no fault of the owner of the vehicle.

25 SEC. 8. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution for certain
27 costs that may be incurred by a local agency or school district
28 because, in that regard, this act creates a new crime or infraction,
29 eliminates a crime or infraction, or changes the penalty for a crime
30 or infraction, within the meaning of Section 17556 of the
31 Government Code, or changes the definition of a crime within the
32 meaning of Section 6 of Article XIII B of the California
33 Constitution.

34 However, if the Commission on State Mandates determines that
35 this act contains other costs mandated by the state, reimbursement
36 to local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

O