

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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~~ and 22527 to, and to repeal and amend Section 22508.5 of, the Vehicle Code, relating to parking.

LEGISLATIVE COUNSEL’S DIGEST

AB 2586, as amended, 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~~ 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 ~~a new infraction~~ *infraction* 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. An ordinance or resolution relating to the parking or
7 standing of commercial vehicles in a residential district shall not
8 be effective with respect to any commercial vehicle making pickups
9 or deliveries of goods, wares, or merchandise from or to any
10 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 The ordinance or resolution shall not be effective until the street
15 or highway, or portion thereof, has been sign-posted in accordance
16 with the uniform standards and specifications of the Department

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

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

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20 Section 1 of Chapter 71 of the Statutes of 2013, is repealed.

21 SEC. 3. Section 22508.5 of the Vehicle Code, as added by
22 Section 2 of Chapter 71 of the Statutes of 2013, is amended to
23 read:

24 22508.5. (a) A vehicle may park, for up to the posted time
25 limit, in any parking space that is regulated by an inoperable
26 parking meter or an inoperable parking payment center.

27 (b) A local authority shall not, by ordinance or resolution,
28 prohibit or restrict the parking of vehicles in a space that is
29 regulated by an inoperable parking meter or inoperable parking
30 payment center.

31 (c) For purposes of this section:

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

36 (2) “Inoperable parking payment center” means an electronic
37 parking meter or pay station serving one or more parking spaces
38 that is closest to the space where a person has parked and that
39 cannot accept payment in any form, cannot register that a payment

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

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

4 22508.6. A person providing valet parking services in a
5 business district is prohibited from doing either of the following:

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

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

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

12 22508.7. A local authority, when contracting with a private
13 entity to enforce parking regulations, shall not promote any of the
14 following activities in connection with the issuance of violation
15 notices:

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

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

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

22 22527. (a) When considering the installation within its
23 jurisdiction of new parking technology, a local authority shall
24 consider the feasibility of technology that is capable of
25 demand-based pricing, and shall identify appropriate locations
26 within the local authority's jurisdiction for technology with that
27 capability.

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

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

33 ~~22528. The owner of a motor vehicle is not required to pay~~
34 ~~any fine or charge, including towing and impounding fees, whether~~
35 ~~public or private, resulting from the illegal parking of the vehicle~~
36 ~~if the illegal parking was the result of third party criminal activity~~
37 ~~and no fault of the owner of the vehicle.~~

38 ~~SEC. 8:~~

39 ~~SEC. 7.~~ No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution for certain

1 costs that may be incurred by a local agency or school district
2 because, in that regard, this act creates a new crime or infraction,
3 eliminates a crime or infraction, or changes the penalty for a crime
4 or infraction, within the meaning of Section 17556 of the
5 Government Code, or changes the definition of a crime within the
6 meaning of Section 6 of Article XIII B of the California
7 Constitution.

8 However, if the Commission on State Mandates determines that
9 this act contains other costs mandated by the state, reimbursement
10 to local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.