

AMENDED IN SENATE MARCH 26, 2015

SENATE BILL

No. 218

Introduced by Senator Huff

February 12, 2015

An act to amend ~~Section 1659~~ *Sections 21, 385, and 21455.5* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 218, as amended, Huff. ~~Vehicles~~. *Vehicles: Mountains Recreation and Conservation Authority: automated enforcement systems.*

Existing law declares the Vehicle Code to be applicable and uniform throughout the state and in all counties and municipalities within the state, and prohibits a local authority, as defined, from enacting or enforcing an ordinance on matters covered by the Vehicle Code, unless expressly authorized by that code. Under existing law, this statement does not impair the authority of the Mountains Recreation and Conservation Authority (MRCA) to enforce an ordinance or resolution relating to the management of public lands within its jurisdiction.

This bill would clarify that the MRCA may only enforce an ordinance or resolution relating to the management of public lands within its jurisdiction consistent with the prohibition described above. The bill would also expand the definition of a local authority to include the MRCA.

Existing law authorizes a local governmental agency to equip a limit line, intersection, or other place where a driver is required to stop with an automated enforcement system, as defined, if the system meets certain requirements.

This bill would prohibit a governmental agency or local authority from utilizing an automated traffic enforcement system at any place where traffic is regulated by a stop sign.

This bill would make legislative findings and declarations as to the necessity of a special statute for the MRCA.

~~Existing law establishes the Department of Motor Vehicles, tasked with issuance and renewal of licenses to drivers. Existing law authorizes the department to establish a program of motor vehicle driver education and training, with the cooperation of schools, courts, and other interested persons.~~

~~This bill would make technical, nonsubstantive changes to those 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 21 of the Vehicle Code is amended to*
2 *read:*

3 21. (a) Except as otherwise expressly provided, the provisions
4 of this code are applicable and uniform throughout the state and
5 in all counties and municipalities therein, and a local authority
6 shall not enact or enforce any ordinance or resolution on the matters
7 covered by this code, including ordinances or resolutions that
8 establish regulations or procedures for, or assess a fine, penalty,
9 assessment, or fee for a violation of, matters covered by this code,
10 unless expressly authorized by this code.

11 (b) To the extent permitted by current state law, this section
12 does not impair the current lawful authority of the Mountains
13 Recreation and Conservation Authority, a joint powers authority,
14 or any member agency constituted therein as of July 1, 2010, to
15 enforce an ordinance or resolution relating to the management of
16 public lands within its ~~jurisdiction~~. *jurisdiction, consistent with*
17 *the prohibition described in subdivision (a).*

18 *SEC. 2. Section 385 of the Vehicle Code is amended to read:*

19 385. “Local authorities” means the legislative body of every
20 county or municipality having authority to adopt local police
21 ~~regulations~~. *regulations, and the Mountains Recreation and*
22 *Conservation Authority.*

1 *SEC. 3. Section 21455.5 of the Vehicle Code is amended to*
2 *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
6 the governmental agency utilizing the system meets all of the
7 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 to issue citations. A governmental agency utilizing
13 such a system does not need to post signs visible to traffic
14 approaching the intersection from directions not subject to the
15 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 an automated traffic enforcement system shall
22 commence a program to issue only warning notices for 30 days.
23 The local jurisdiction shall also make a public announcement of
24 the automated traffic enforcement system at least 30 days prior to
25 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 procedures to ensure compliance with
33 those guidelines. For systems installed as of January 1, 2013, a
34 governmental agency that operates an automated traffic
35 enforcement system shall establish those guidelines by January 1,
36 2014.

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

39 (A) Establishing guidelines for the selection of a location. Prior
40 to installing an automated traffic enforcement system after January

1 1, 2013, the governmental agency shall make and adopt a finding
2 of fact establishing that the system is needed at a specific location
3 for reasons related to safety.

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

5 (C) Certifying that the equipment is properly installed and
6 calibrated, and is operating properly.

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

9 (E) Overseeing the establishment or change of signal phases
10 and the timing thereof.

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

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

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

26 (f) (1) Notwithstanding Section 6253 of the Government Code,
27 or any other law, photographic records made by an automated
28 traffic enforcement system shall be confidential, and shall be made
29 available only to governmental agencies and law enforcement
30 agencies and only for the purposes of this article.

31 (2) Confidential information obtained from the Department of
32 Motor Vehicles for the administration or enforcement of this article
33 shall be held confidential, and shall not be used for any other
34 purpose.

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

1 preserve the confidentiality of any person included in the record
2 or information.

3 (g) Notwithstanding subdivision (f), the registered owner or any
4 individual identified by the registered owner as the driver of the
5 vehicle at the time of the alleged violation shall be permitted to
6 review the photographic evidence of the alleged violation.

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

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

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

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

29 (1) The number of alleged violations captured by the systems
30 they operate.

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

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

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

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

4 (j) If a governmental agency utilizing an automated traffic
5 enforcement system has posted signs on or before January 1, 2013,
6 that met the requirements of paragraph (1) of subdivision (a) of
7 this section, as it read on January 1, 2012, the governmental agency
8 shall not remove those signs until signs are posted that meet the
9 requirements specified in this section, as it reads on January 1,
10 2013.

11 (k) *Notwithstanding any other law, a governmental agency or*
12 *local authority shall not utilize an automated traffic enforcement*
13 *system at any place where traffic is regulated by a stop sign.*

14 *SEC. 4. The Legislature finds and declares that a special law*
15 *is necessary and that a general law cannot be made applicable*
16 *within the meaning of Section 16 of Article IV of the California*
17 *Constitution because of the unique circumstances present within*
18 *the Mountains Recreation and Conservation Authority.*

19 ~~SECTION 1. Section 1659 of the Vehicle Code is amended to~~
20 ~~read:~~

21 ~~1659. The department may develop criteria, establish standards~~
22 ~~for, and coordinate a program of motor vehicle driver education~~
23 ~~and motor vehicle driver training for drivers whose licenses have~~
24 ~~been suspended or revoked. The purpose of the program shall be~~
25 ~~to promote safe driving. To carry out this purpose the department~~
26 ~~may seek the advice or cooperation of the schools, courts, and~~
27 ~~other interested persons.~~