

AMENDED IN SENATE APRIL 6, 2015

AMENDED IN SENATE MARCH 26, 2015

SENATE BILL

No. 218

Introduced by Senator Huff

February 12, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

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

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.

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, consistent with the ~~prohibition~~
17 *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, and the Mountains Recreation and Conservation
22 Authority.

23 SEC. 3. Section 21455.5 of the Vehicle Code is amended to
24 read:

25 21455.5. (a) The limit line, the intersection, or a place
26 designated in Section 21455, where a driver is required to stop,
27 may be equipped with an automated traffic enforcement system if
28 the governmental agency utilizing the system meets all of the
29 following requirements:

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

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

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

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

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

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

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

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

38 (C) Certifying that the equipment is properly installed and
39 calibrated, and is operating properly.

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

3 (E) Overseeing the establishment or change of signal phases
4 and the timing thereof.

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

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

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

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

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

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

37 (g) Notwithstanding subdivision (f), the registered owner or any
38 individual identified by the registered owner as the driver of the
39 vehicle at the time of the alleged violation shall be permitted to
40 review the photographic evidence of the alleged violation.

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

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

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

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

23 (1) The number of alleged violations captured by the systems
24 they operate.

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

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

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

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

36 (j) If a governmental agency utilizing an automated traffic
37 enforcement system has posted signs on or before January 1, 2013,
38 that met the requirements of paragraph (1) of subdivision (a) of
39 this section, as it read on January 1, 2012, the governmental agency
40 shall not remove those signs until signs are posted that meet the

1 requirements specified in this section, as it reads on January 1,
2 2013.

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

6 SEC. 4. The Legislature finds and declares that a special law
7 is necessary and that a general law cannot be made applicable
8 within the meaning of Section 16 of Article IV of the California
9 Constitution because of the unique circumstances present within
10 the Mountains Recreation and Conservation Authority.