

Introduced by Senator HancockFebruary 16, 2016

An act to amend Sections 40240 and 40241 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1051, as introduced, Hancock. Vehicles: parking enforcement: video image evidence.

Existing law authorizes the City and County of San Francisco (San Francisco) to enforce parking violations in specified transit-only traffic lanes through the use of video imaging, and authorizes San Francisco to install automated forward facing parking control devices on city-owned public transit vehicles for the purpose of video imaging parking violations occurring in transit-only traffic lanes. Existing law requires a designated employee, who is qualified by San Francisco, to review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane, and to issue a notice of parking violation to a registered owner of a vehicle within 15 calendar days of the date of the violation. Existing laws makes these video image records confidential, and provides that these records are available only to public agencies to enforce parking violations. Existing law establishes the Alameda-Contra Costa Transit District.

This bill would extend these provisions to the Alameda-Contra Costa Transit District, thereby authorizing the district to enforce parking violations in specified transit-only traffic through the use of video imaging evidence and to install automated forward facing parking control devices on district-owned public transit vehicles.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Alameda-Contra Costa Transit District.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 40240 of the Vehicle Code is amended
2 to read:

3 40240. (a) The City and County of San Francisco *and the*
4 *Alameda-Contra Costa Transit District* may install automated
5 forward facing parking control devices on city-owned *or*
6 *district-owned* public transit vehicles, as defined by Section 99211
7 of the Public Utilities Code, for the purpose of video imaging of
8 parking violations occurring in transit-only traffic lanes. Citations
9 shall be issued only for violations captured during the posted hours
10 of operation for a transit-only traffic lane. The devices shall be
11 angled and focused so as to capture video images of parking
12 violations and not unnecessarily capture identifying images of
13 other drivers, vehicles, and pedestrians. The devices shall record
14 the date and time of the violation at the same time as the video
15 images are captured.

16 (b) Prior to issuing notices of parking violations pursuant to
17 subdivision (a) of Section 40241, the City and County of San
18 Francisco *and the Alameda-Contra Costa Transit District* shall
19 commence a program to issue only warning notices for 30 days.
20 The City and County of San Francisco *and the Alameda-Contra*
21 *Costa Transit District* shall also make a public announcement of
22 the program at least 30 days prior to commencement of issuing
23 notices of parking violations.

24 (c) A designated employee of the City and County of San
25 ~~Francisco~~, *Francisco, or the Alameda-Contra Costa Transit*
26 *District*, who is qualified by the city and county *or the district* to

1 issue parking citations, shall review video image recordings for
2 the purpose of determining whether a parking violation occurred
3 in a transit-only traffic lane. A violation of a statute, regulation,
4 or ordinance governing vehicle parking under this code, under a
5 federal or state statute or regulation, or under an ordinance enacted
6 by the City and County of San Francisco *or the Alameda-Contra*
7 *Costa Transit District* occurring in a transit-only traffic lane
8 observed by the designated employee in the recordings is subject
9 to a civil penalty.

10 (d) The registered owner shall be permitted to review the video
11 image evidence of the alleged violation during normal business
12 hours at no cost.

13 (e) (1) Except as it may be included in court records described
14 in Section 68152 of the Government Code, or as provided in
15 paragraph (2), the video image evidence may be retained for up
16 to six months from the date the information was first obtained, or
17 60 days after final disposition of the citation, whichever date is
18 later, after which time the information shall be destroyed.

19 (2) Notwithstanding Section 26202.6 of the Government Code,
20 video image evidence from forward facing automated enforcement
21 devices that does not contain evidence of a parking violation
22 occurring in a transit-only traffic lane shall be destroyed within
23 15 days after the information was first obtained.

24 (f) Notwithstanding Section 6253 of the Government Code, or
25 any other provision of law, the video image records are
26 confidential. Public agencies shall use and allow access to these
27 records only for the purposes authorized by this article.

28 (g) For purposes of this article, “local agency” means the City
29 and County of San Francisco ~~San Francisco~~ *Francisco and the Alameda-Contra*
30 *Costa Transit District*.

31 (h) For purposes of this article, “transit-only traffic lane” means
32 any designated transit-only lane on which use is restricted to mass
33 transit vehicles, or other designated vehicles including taxis and
34 vanpools, during posted times.

35 SEC. 2. Section 40241 of the Vehicle Code is amended to read:

36 40241. (a) A designated employee of the local agency shall
37 issue a notice of a parking violation to the registered owner of a
38 vehicle within 15 calendar days of the date of the violation. The
39 notice of violation shall set forth the violation of a statute,
40 regulation, or ordinance governing vehicle parking under this code,

1 under a federal or state statute or regulation, or under an ordinance
2 enacted by the City and County of San Francisco *or the*
3 *Alameda-Contra Costa Transit District* occurring in a transit-only
4 traffic lane, a statement indicating that payment is required within
5 21 calendar days from the date of citation issuance, and the
6 procedure for the registered owner, lessee, or rentee to deposit the
7 parking penalty or contest the citation pursuant to Section 40215.
8 The notice of a parking violation shall also set forth the date, time,
9 and location of the violation, the vehicle license number,
10 registration expiration date if visible, the color of the vehicle, and,
11 if possible, the make of the vehicle. The notice of parking violation,
12 or copy of the notice, shall be considered a record kept in the
13 ordinary course of business of the City and County of San
14 Francisco *or the Alameda-Contra Costa Transit District* and shall
15 be prima facie evidence of the facts contained in the notice. The
16 City and County of San Francisco *or the Alameda-Contra Costa*
17 *Transit District* shall send information regarding the process for
18 requesting review of the video image evidence along with the
19 notice of parking violation.

20 (b) The notice of parking violation shall be served by depositing
21 the notice in the United States mail to the registered owner's last
22 known address listed with the Department of Motor Vehicles.
23 Proof of mailing demonstrating that the notice of parking violation
24 was mailed to that address shall be maintained by the local agency.
25 If the registered owner, by appearance or by mail, makes payment
26 to the processing agency or contests the violation within either 21
27 calendar days from the date of mailing of the citation, or 14
28 calendar days after the mailing of the notice of delinquent parking
29 violation, the parking penalty shall consist solely of the amount
30 of the original penalty.

31 (c) If, within 21 days after the notice of parking violation is
32 issued, the local agency determines that, in the interest of justice,
33 the notice of parking violation should be canceled, the local agency
34 shall cancel the notice of parking violation pursuant to subdivision
35 (a) of Section 40215. The reason for the cancellation shall be set
36 forth in writing.

37 (d) Following an initial review by the local agency, and an
38 administrative hearing, pursuant to Section 40215, a contestant
39 may seek court review by filing an appeal pursuant to Section
40 40230.

1 (e) The City and County of San Francisco *or the*
2 *Alameda-Contra Costa Transit District* may contract with a private
3 vendor for the processing of notices of parking violations and
4 notices of delinquent violations. The City and County of San
5 Francisco *and the Alameda-Contra Costa Transit District* shall
6 maintain overall control and supervision of the program.

7 SEC. 3. The Legislature finds and declares that a special law
8 is necessary and that a general law cannot be made applicable
9 within the meaning of Section 16 of Article IV of the California
10 Constitution because of the unique circumstances relating to
11 enforcing parking violations in transit-only traffic lanes in the
12 Alameda-Contra Costa Transit District .

13 SEC. 4. The Legislature finds and declares that Section 1 of
14 this act, which amends Section 40240 of the Vehicle Code, imposes
15 a limitation on the public’s right of access to the meetings of public
16 bodies or the writings of public officials and agencies within the
17 meaning of Section 3 of Article I of the California Constitution.
18 Pursuant to that constitutional provision, the Legislature makes
19 the following findings to demonstrate the interest protected by this
20 limitation and the need for protecting that interest:

21 In order to protect the individual privacy rights of those
22 individuals depicted in video camera footage relating to parking
23 violations, it is necessary that this act limit the public’s right of
24 access to the images captured by an automated parking control
25 device installed on Alameda-Contra Costa Transit District-owned
26 public transit vehicles.