

AMENDED IN SENATE APRIL 6, 2016

SENATE BILL

No. 1051

Introduced by Senator Hancock

February 16, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1051, as amended, 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 *violations occurring at bus stops, as specified*. The bill additionally would extend the provisions to the Alameda-Contra Costa Transit District, thereby authorizing the district to enforce parking violations in specified transit-only traffic lanes 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 *City and County of San Francisco and 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~~. *lanes or*
9 *at bus stops*. Citations shall be issued only for violations captured
10 during the posted hours of operation for a transit-only traffic ~~lane~~.
11 *lane or at a bus stop*. The devices shall be angled and focused so
12 as to capture video images of parking violations and not
13 unnecessarily capture identifying images of other drivers, vehicles,
14 and pedestrians. The devices shall record the date and time of the
15 violation at the same time as the video 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.

1 (c) A designated employee of the City and County of San
2 Francisco, or *a contracted law enforcement agency for the*
3 Alameda-Contra Costa Transit District, who is qualified by the
4 city and county or the district to issue parking citations, shall
5 review video image recordings for the purpose of determining
6 whether a parking violation occurred in a transit-only traffic ~~lane.~~
7 *lane or at a bus stop.* A violation of a statute, regulation, or
8 ordinance governing vehicle parking under this code, under a
9 federal or state statute or regulation, or under an ordinance enacted
10 by the City and County of San Francisco or the Alameda-Contra
11 Costa Transit District occurring in a transit-only traffic lane *or at*
12 *a bus stop* observed by the designated employee in the recordings
13 is subject to a civil penalty.

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

17 (e) (1) Except as it may be included in court records described
18 in Section 68152 of the Government Code, or as provided in
19 paragraph (2), the video image evidence may be retained for up
20 to six months from the date the information was first obtained, or
21 60 days after final disposition of the citation, whichever date is
22 later, after which time the information shall be destroyed.

23 (2) Notwithstanding Section 26202.6 of the Government Code,
24 video image evidence from forward facing automated enforcement
25 devices that does not contain evidence of a parking violation
26 occurring in a transit-only traffic lane *or at a bus stop* shall be
27 destroyed within 15 days after the information was first obtained.

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

32 (g) *For purposes of this article, “bus stop” means a curb space*
33 *authorized for the loading and unloading of passengers of a bus*
34 *engaged as a common carrier in local transportation when*
35 *indicated by a sign or red paint on the curb erected or painted by*
36 *local authorities pursuant to an ordinance.*

37 ~~(g)~~

38 (h) For purposes of this article, “local agency” means the City
39 and County of San Francisco and the Alameda-Contra Costa
40 Transit District.

1 ~~(h)~~

2 (i) For purposes of this article, “transit-only traffic lane” means
3 any designated transit-only lane on which use is restricted to mass
4 transit vehicles, or other designated vehicles including taxis and
5 vanpools, during posted times.

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

7 40241. (a) A designated employee of the local ~~agency~~ agency,
8 *including a contracted law enforcement agency for the*
9 *Alameda-Contra Costa Transit District*, shall issue a notice of a
10 parking violation to the registered owner of a vehicle within 15
11 calendar days of the date of the violation. The notice of violation
12 shall set forth the violation of a statute, regulation, or ordinance
13 governing vehicle parking under this code, under a federal or state
14 statute or regulation, or under an ordinance enacted by the City
15 and County of San Francisco or the Alameda-Contra Costa Transit
16 District occurring in a transit-only traffic ~~lane~~, *lane or at a bus*
17 *stop*, a statement indicating that payment is required within 21
18 calendar days from the date of citation issuance, and the procedure
19 for the registered owner, lessee, or rentee to deposit the parking
20 penalty or contest the citation pursuant to Section 40215. The
21 notice of a parking violation shall also set forth the date, time, and
22 location of the violation, the vehicle license number, registration
23 expiration date if visible, the color of the vehicle, and, if possible,
24 the make of the vehicle. The notice of parking violation, or copy
25 of the notice, shall be considered a record kept in the ordinary
26 course of business of the City and County of San Francisco or the
27 Alameda-Contra Costa Transit District and shall be prima facie
28 evidence of the facts contained in the notice. The City and County
29 of San Francisco or the Alameda-Contra Costa Transit District
30 shall send information regarding the process for requesting review
31 of the video image evidence along with the notice of parking
32 violation.

33 (b) The notice of parking violation shall be served by depositing
34 the notice in the United States mail to the registered owner’s last
35 known address listed with the Department of Motor Vehicles.
36 Proof of mailing demonstrating that the notice of parking violation
37 was mailed to that address shall be maintained by the local agency.
38 If the registered owner, by appearance or by mail, makes payment
39 to the processing agency or contests the violation within either 21
40 calendar days from the date of mailing of the citation, or 14

1 calendar days after the mailing of the notice of delinquent parking
2 violation, the parking penalty shall consist solely of the amount
3 of the original penalty.

4 (c) If, within 21 days after the notice of parking violation is
5 issued, the local agency determines that, in the interest of justice,
6 the notice of parking violation should be canceled, the local agency
7 shall cancel the notice of parking violation pursuant to subdivision
8 (a) of Section 40215. The reason for the cancellation shall be set
9 forth in writing.

10 (d) Following an initial review by the local agency, and an
11 administrative hearing, pursuant to Section 40215, a contestant
12 may seek court review by filing an appeal pursuant to Section
13 40230.

14 (e) The City and County of San Francisco or the *contracted law*
15 *enforcement agency for the Alameda-Contra Costa Transit District*
16 may contract with a private vendor for the processing of notices
17 of parking violations and notices of delinquent violations. The
18 City and County of San Francisco and the Alameda-Contra Costa
19 Transit District shall maintain overall control and supervision of
20 the program.

21 SEC. 3. The Legislature finds and declares that a special law
22 is necessary and that a general law cannot be made applicable
23 within the meaning of Section 16 of Article IV of the California
24 Constitution because of the unique circumstances relating to
25 enforcing parking violations ~~in transit-only traffic lanes~~ in the *City*
26 *and County of San Francisco and the Alameda-Contra Costa*
27 *Transit District*.

28 SEC. 4. The Legislature finds and declares that Section 1 of
29 this act, which amends Section 40240 of the Vehicle Code, imposes
30 a limitation on the public's right of access to the meetings of public
31 bodies or the writings of public officials and agencies within the
32 meaning of Section 3 of Article I of the California Constitution.
33 Pursuant to that constitutional provision, the Legislature makes
34 the following findings to demonstrate the interest protected by this
35 limitation and the need for protecting that interest:

36 In order to protect the individual privacy rights of those
37 individuals depicted in video camera footage relating to parking
38 violations, it is necessary that this act limit the public's right of
39 access to the images captured by an automated parking control
40 device installed on *City and County of San Francisco and*

- 1 Alameda-Contra Costa Transit District-owned public transit
- 2 vehicles.

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