

AMENDED IN ASSEMBLY JUNE 29, 2016

AMENDED IN ASSEMBLY JUNE 14, 2016

AMENDED IN SENATE MAY 10, 2016

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, and to add Section 40240.5 to, 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 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. The bill would repeal the authority for the Alameda-Contra Costa Transit District to implement an automated enforcement system to enforce violations occurring in transit-only traffic lanes on January 1, 2022.

This bill would require, under designated circumstances, the district and the City and County of San Francisco to submit to the ~~transportation~~ *transportation, privacy*, and judiciary committees of the Legislature evaluations of the automated enforcement system's effectiveness, impact on privacy, cost to implement, and generation of revenue, no later than January 1, 2021.

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

1 of other drivers, vehicles, and pedestrians. The devices shall record
2 the date and time of the violation at the same time as the video
3 images are captured.

4 (b) Prior to issuing notices of parking violations pursuant to
5 subdivision (a) of Section 40241, the City and County of San
6 Francisco and the Alameda-Contra Costa Transit District shall
7 commence a program to issue only warning notices for 30 days.
8 The City and County of San Francisco and the Alameda-Contra
9 Costa Transit District shall also make a public announcement of
10 the program at least 30 days prior to commencement of issuing
11 notices of parking violations.

12 (c) A designated employee of the City and County of San
13 Francisco, or a contracted law enforcement agency for the
14 Alameda-Contra Costa Transit District, who is qualified by the
15 city and county or the district to issue parking citations, shall
16 review video image recordings for the purpose of determining
17 whether a parking violation occurred in a transit-only traffic lane.
18 A violation of a statute, regulation, or ordinance governing vehicle
19 parking under this code, under a federal or state statute or
20 regulation, or under an ordinance enacted by the City and County
21 of San Francisco or the Alameda-Contra Costa Transit District
22 occurring in a transit-only traffic lane observed by the designated
23 employee in the recordings is subject to a civil penalty.

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

27 (e) (1) Except as it may be included in court records described
28 in Section 68152 of the Government Code, or as provided in
29 paragraph (2), the video image evidence may be retained for up
30 to six months from the date the information was first obtained, or
31 60 days after final disposition of the citation, whichever date is
32 later, after which time the information shall be destroyed.

33 (2) Notwithstanding Section 26202.6 of the Government Code,
34 video image evidence from forward facing automated enforcement
35 devices that does not contain evidence of a parking violation
36 occurring in a transit-only traffic lane shall be destroyed within
37 15 days after the information was first obtained.

38 (f) Notwithstanding Section 6253 of the Government Code, or
39 any other law, the video image records are confidential. Public

1 agencies shall use and allow access to these records only for the
2 purposes authorized by this article.

3 (g) The authority for the Alameda-Contra Costa Transit District
4 to implement an automated enforcement system to enforce
5 violations occurring in transit-only traffic lanes exists only until
6 January 1, 2022.

7 (h) The following definitions shall apply for purposes of this
8 article:

9 (1) “Local agency” means the City and County of San Francisco
10 and the Alameda-Contra Costa Transit District.

11 (2) “Transit-only traffic lane” means any designated transit-only
12 lane on which use is restricted to mass transit vehicles, or other
13 designated vehicles including taxis and vanpools, during posted
14 times.

15 SEC. 2. Section 40240.5 is added to the Vehicle Code, to read:

16 40240.5. (a) If the Alameda-Contra Costa Transit District
17 implements an automated enforcement system to enforce violations
18 occurring in transit-only traffic lanes pursuant to this article, the
19 district shall provide to the ~~transportation~~ *transportation, privacy,*
20 and judiciary committees of the Legislature an evaluation *report*
21 of the enforcement system’s effectiveness, impact on privacy, cost
22 to implement, and generation of revenue, no later than January 1,
23 2021.

24 (b) (1) A report submitted pursuant to this section shall be
25 submitted notwithstanding Section 10231.5 of the Government
26 Code.

27 (2) A report submitted pursuant to this section shall be submitted
28 in compliance with Section 9795 of the Government Code.

29 SEC. 3. Section 40241 of the Vehicle Code is amended to read:

30 40241. (a) A designated employee of the local agency,
31 including a contracted law enforcement agency for the
32 Alameda-Contra Costa Transit District, shall issue a notice of a
33 parking violation to the registered owner of a vehicle within 15
34 calendar days of the date of the violation. The notice of violation
35 shall set forth the violation of a statute, regulation, or ordinance
36 governing vehicle parking under this code, under a federal or state
37 statute or regulation, or under an ordinance enacted by the City
38 and County of San Francisco or the Alameda-Contra Costa Transit
39 District occurring in a transit-only traffic ~~lane~~ *lane*, a statement
40 indicating that payment is required within 21 calendar days from

1 the date of citation issuance, and the procedure for the registered
2 owner, lessee, or rentee to deposit the parking penalty or contest
3 the citation pursuant to Section 40215. The notice of a parking
4 violation shall also set forth the date, time, and location of the
5 violation, the vehicle license number, registration expiration-~~date~~
6 *date*, if visible, the color of the vehicle, and, if possible, the make
7 of the vehicle. The notice of parking violation, or copy of the
8 notice, shall be considered a record kept in the ordinary course of
9 business of the City and County of San Francisco or the
10 Alameda-Contra Costa Transit District and shall be prima facie
11 evidence of the facts contained in the notice. The City and County
12 of San Francisco or the Alameda-Contra Costa Transit District
13 shall send information regarding the process for requesting review
14 of the video image evidence along with the notice of parking
15 violation.

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

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

33 (d) Following an initial review by the local agency, and an
34 administrative hearing, pursuant to Section 40215, a contestant
35 may seek court review by filing an appeal pursuant to Section
36 40230.

37 (e) The City and County of San Francisco or the contracted law
38 enforcement agency for the Alameda-Contra Costa Transit District
39 may contract with a private vendor for the processing of notices
40 of parking violations and notices of delinquent violations. The

1 City and County of San Francisco and the Alameda-Contra Costa
2 Transit District shall maintain overall control and supervision of
3 the program.

4 SEC. 4. The Legislature finds and declares that a special law
5 is necessary and that a general law cannot be made applicable
6 within the meaning of Section 16 of Article IV of the California
7 Constitution because of the unique circumstances relating to
8 enforcing parking violations in the Alameda-Contra Costa Transit
9 District.

10 SEC. 5. The Legislature finds and declares that Section 1 of
11 this act, which amends Section 40240 of the Vehicle Code, imposes
12 a limitation on the public’s right of access to the meetings of public
13 bodies or the writings of public officials and agencies within the
14 meaning of Section 3 of Article I of the California Constitution.
15 Pursuant to that constitutional provision, the Legislature makes
16 the following findings to demonstrate the interest protected by this
17 limitation and the need for protecting that interest:

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