

Senate Bill No. 1051

Passed the Senate August 24, 2016

Secretary of the Senate

Passed the Assembly August 18, 2016

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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 parking 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, 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.

The people of the State of California do enact as follows:

SECTION 1. Section 40240 of the Vehicle Code is amended to read:

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

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

(c) A designated employee of the City and County of San Francisco, or a contracted law enforcement agency for the Alameda-Contra Costa Transit District, who is qualified by the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 5. The Legislature finds and declares that Section 1 of this act, which amends Section 40240 of the Vehicle Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes

the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

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

Approved _____, 2016

Governor