

AMENDED IN ASSEMBLY MAY 4, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1228

Introduced by Assembly Member Martinez

February 23, 1995

An act to amend Sections 22651, 22651.7, 40200.3, 40200.4, 40200.6, 40202, 40203, 40203.5, 40207, 40209, 40210, 40211, 40220, 40224, ~~40225~~, and 40230 of, to repeal Section 40200.7 of, and to repeal and add Section 40215 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1228, as amended, Martinez. Vehicles: parking and standing violations.

(1) Existing law generally provides that the enforcement of penalties for violations regarding the unlawful standing or parking of vehicles shall be governed by a civil procedure that includes a processing procedure, an administrative investigation and review procedure, and an administrative and judicial appeal process.

This bill would revise the existing civil procedure governing the enforcement of penalties for violations regarding the unlawful standing or parking of vehicles. Because these revisions would place increased and new duties on local government, the bill would impose a state-mandated local program.

(2) Existing law authorizes any peace officer to remove a vehicle located within the territorial limits in which the

officer may act, under specified circumstances, including when the peace officer issues the driver of a vehicle a notice to appear for a violation of specified provisions of law relating to driving a vehicle when the privilege to drive has been suspended or revoked.

This bill would add violations of other provisions to the circumstances under which any officer may act, and authorize the vehicle to be removed from private property after having been on a highway or public lands under the circumstances described above.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 22651 of the Vehicle Code is
2 amended to read:
3 22651. Any peace officer, as defined in Chapter 4.5
4 (commencing with Section 830) of Title 3 of Part 2 of the
5 Penal Code; or any regularly employed and salaried
6 employee, who is engaged in directing traffic or
7 enforcing parking laws and regulations, of a city or a
8 county in which a vehicle is located, may remove a
9 vehicle located within the territorial limits in which the
10 officer or employee may act, under any of the following
11 circumstances:



1 (a) When any vehicle is left unattended upon any
2 bridge, viaduct, or causeway or in any tube or tunnel
3 where the vehicle constitutes an obstruction to traffic.

4 (b) When any vehicle is parked or left standing upon
5 a highway in a position so as to obstruct the normal
6 movement of traffic or in a condition so as to create a
7 hazard to other traffic upon the highway.

8 (c) When any vehicle is found upon a highway or any
9 public lands and a report has previously been made that
10 the vehicle has been stolen or a complaint has been filed
11 and a warrant thereon issued charging that the vehicle
12 has been embezzled.

13 (d) When any vehicle is illegally parked so as to block
14 the entrance to a private driveway and it is impractical to
15 move the vehicle from in front of the driveway to another
16 point on the highway.

17 (e) When any vehicle is illegally parked so as to
18 prevent access by firefighting equipment to a fire
19 hydrant and it is impracticable to move the vehicle from
20 in front of the fire hydrant to another point on the
21 highway.

22 (f) When any vehicle, except any highway
23 maintenance or construction equipment, is stopped,
24 parked, or left standing for more than four hours upon the
25 right-of-way of any freeway which has full control of
26 access and no crossings at grade and the driver, if present,
27 cannot move the vehicle under its own power.

28 (g) When the person or persons in charge of a vehicle
29 upon a highway or any public lands are, by reason of
30 physical injuries or illness, incapacitated to an extent so as
31 to be unable to provide for its custody or removal.

32 (h) (1) When an officer arrests any person driving or
33 in control of a vehicle for an alleged offense and the
34 officer is, by this code or other law, required or permitted
35 to take, and does take, the person into custody.

36 (2) *When an officer serves a notice of an order of*
37 *suspension or revocation pursuant to Section 23137.*

38 (i) (1) When any vehicle, other than a rented vehicle,
39 is found upon a highway or any public lands, or is removed
40 pursuant to this code, and it is known to have been issued



1 five or more notices of parking violation, to which the
 2 owner or person in control of the vehicle has not
 3 responded within 21 ~~calendar~~ *calendar* days of notice of
 4 citation issuance or citation issuance or 14 ~~calendar~~
 5 *calendar* days of a notice of delinquent parking violation
 6 to the agency responsible for processing notices of
 7 parking violation or the registered owner of the vehicle
 8 is known to have been issued five or more notices for
 9 failure to pay or failure to appear in court for traffic
 10 violations for which no certificate has been issued by the
 11 magistrate or clerk of the court hearing the case showing
 12 that the case has been adjudicated or concerning which
 13 the registered owner's record has not been cleared
 14 pursuant to Chapter 6 (commencing with Section 41500)
 15 of Division 17, the vehicle may be impounded until that
 16 person furnishes to the impounding law enforcement
 17 agency all of the following:

- 18 (A) Evidence of his or her identity.
- 19 (B) An address within this state at which he or she can
 20 be located.
- 21 (C) Satisfactory evidence that all parking penalties
 22 due for the vehicle and any other vehicle registered to the
 23 registered owner of the impounded vehicle, and all traffic
 24 violations of the registered owner, have been cleared.

25 (2) The requirements in subparagraph (C) of
 26 paragraph (1) shall be fully enforced by the impounding
 27 law enforcement agency on and after the time that the
 28 Department of Motor Vehicles is able to provide access
 29 to the necessary records.

30 (3) A notice of parking violation issued for an
 31 unlawfully parked vehicle shall be accompanied by a
 32 warning that repeated violations may result in the
 33 impounding of the vehicle. In lieu of furnishing
 34 satisfactory evidence that the full amount of parking
 35 penalties or bail has been deposited, that person may
 36 demand to be taken without unnecessary delay before a
 37 magistrate, for traffic offenses, or a hearing examiner, for
 38 parking offenses, within the county in which the offenses
 39 charged are alleged to have been committed and who has
 40 jurisdiction of the offenses and is nearest or most



1 accessible with reference to the place where the vehicle
2 is impounded. Evidence of current registration shall be
3 produced after a vehicle has been impounded, or, at the
4 discretion of the impounding law enforcement agency, a
5 notice to appear for violation of subdivision (a) of Section
6 4000 shall be issued to that person.

7 (4) A vehicle shall be released to the legal owner, as
8 defined in Section 370, if the legal owner does all of the
9 following:

10 (A) Pays the cost of towing and storing the vehicle.

11 (B) Submits evidence of payment of fees as provided
12 in Section 9561.

13 (C) Completes an affidavit in a form acceptable to the
14 impounding law enforcement agency stating that the
15 vehicle was not in possession of the legal owner at the
16 time of occurrence of the offenses relating to standing or
17 parking. A vehicle released to a legal owner under this
18 subdivision is a repossessed vehicle for purposes of
19 disposition or sale. The impounding agency shall have a
20 lien on any surplus that remains upon sale of the vehicle
21 to which the registered owner is or may be entitled, as
22 security for the full amount of the parking penalties for
23 all notices of parking violations issued for the vehicle and
24 for any local administrative charges imposed pursuant to
25 Section 22850.5. The legal owner shall promptly remit to,
26 and deposit with, the agency responsible for processing
27 notices of parking violations from that surplus, on receipt
28 thereof, full amount of the parking penalties for all
29 notices of parking violations issued for the vehicle and for
30 any local administrative charges imposed pursuant to
31 Section 22850.5.

32 (5) The impounding agency that has a lien on the
33 surplus that remains upon the sale of a vehicle to which
34 a registered owner is entitled pursuant to paragraph (4)
35 has a deficiency claim against the registered owner for
36 the full amount of the parking penalties for all notices of
37 parking violations issued for the vehicle and for any local
38 administrative charges imposed pursuant to Section
39 22850.5, less the amount received from the sale of the
40 vehicle.



1 (j) When any vehicle is found illegally parked and
2 there are no license plates or other evidence of
3 registration displayed, the vehicle may be impounded
4 until the owner or person in control of the vehicle
5 furnishes the impounding law enforcement agency
6 evidence of his or her identity and an address within this
7 state at which he or she can be located.

8 (k) When any vehicle is parked or left standing upon
9 a highway for 72 or more consecutive hours in violation
10 of a local ordinance authorizing removal.

11 (l) When any vehicle is illegally parked on a highway
12 in violation of any local ordinance forbidding standing or
13 parking and the use of a highway, or a portion thereof, is
14 necessary for the cleaning, repair, or construction of the
15 highway, or for the installation of underground utilities,
16 and signs giving notice that the vehicle may be removed
17 are erected or placed at least 24 hours prior to the
18 removal by local authorities pursuant to the ordinance.

19 (m) Wherever the use of the highway, or any portion
20 thereof, is authorized by local authorities for a purpose
21 other than the normal flow of traffic or for the movement
22 of equipment, articles, or structures of unusual size, and
23 the parking of any vehicle would prohibit or interfere
24 with that use or movement, and signs giving notice that
25 the vehicle may be removed are erected or placed at least
26 24 hours prior to the removal by local authorities pursuant
27 to the ordinance.

28 (n) Whenever any vehicle is parked or left standing
29 where local authorities, by resolution or ordinance, have
30 prohibited parking and have authorized the removal of
31 vehicles. No vehicle may be removed unless signs are
32 posted giving notice of the removal.

33 (o) (1) When any vehicle is found upon a highway,
34 any public lands, or an offstreet parking facility with a
35 registration expiration date in excess of one year before
36 the date it is found on the highway, public lands, or the
37 offstreet parking facility. However, if the vehicle is
38 occupied, only a peace officer, as defined in Chapter 4.5
39 (commencing with Section 830) of Title 3 of Part 2 of the
40 Penal Code, may remove the vehicle. For purposes of this



1 subdivision, the vehicle shall be released to the owner or
2 person in control of the vehicle only after the owner or
3 person furnishes the storing law enforcement agency
4 with proof of current registration and a currently valid
5 driver's license to operate the vehicle.

6 (2) As used in this subdivision, "offstreet parking
7 facility" means any offstreet facility held open for use by
8 the public for parking vehicles and includes any publicly
9 owned facilities for offstreet parking, and privately
10 owned facilities for offstreet parking where no fee is
11 charged for the privilege to park and which are held open
12 for the common public use of retail customers.

13 (p) When the peace officer issues the driver of a
14 vehicle a notice to appear for a violation of Section 12500,
15 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5 and
16 there is no passenger in the vehicle who has a valid
17 driver's license and authorization to operate the vehicle.
18 Any vehicle so removed from the highway or any public
19 lands, or from private property after having been on a
20 highway or public lands, shall not be released to the
21 registered owner or his or her agent, except upon
22 presentation of the registered owner's or his or her
23 agent's currently valid driver's license to operate the
24 vehicle and proof of current vehicle registration, or upon
25 order of a court.

26 (q) Whenever any vehicle is parked for more than 24
27 hours on a portion of highway which is located within the
28 boundaries of a common interest development, as
29 defined in subdivision (c) of Section 1351 of the Civil
30 Code, and signs, as required by Section 22658.2, have been
31 posted on that portion of highway providing notice to
32 drivers that vehicles parked thereon for more than 24
33 hours will be removed at the owner's expense, pursuant
34 to a resolution or ordinance adopted by the local
35 authority.

36 (r) When any vehicle is illegally parked and blocks the
37 movement of a legally parked vehicle.

38 (s) (1) When any vehicle, except highway
39 maintenance or construction equipment, an authorized
40 emergency vehicle, or a vehicle which is properly



1 permitted or otherwise authorized by the Department of
2 Transportation, is stopped, parked, or left standing for
3 more than eight hours within a roadside rest area or
4 viewpoint.

5 (2) For purposes of this subdivision, a roadside rest
6 area or viewpoint is a publicly maintained vehicle
7 parking area, adjacent to a highway, utilized for the
8 convenient, safe stopping of a vehicle to enable motorists
9 to rest or to view the scenery. If two or more roadside rest
10 areas are located on opposite sides of the highway, or
11 upon the center divider, within seven miles of each other,
12 then that combination of rest areas is considered to be the
13 same rest area.

14 SEC. 2. Section 22651.7 of the Vehicle Code is
15 amended to read:

16 22651.7. In addition to, or as an alternative to,
17 removal, any peace officer, as defined in Chapter 4.5
18 (commencing with Section 830) of Title 3 of Part 2 of the
19 Penal Code, or any regularly employed and salaried
20 employee who is engaged in directing traffic or enforcing
21 parking laws and regulations, of a jurisdiction in which a
22 vehicle is located may immobilize the vehicle with a
23 device designed and manufactured for the
24 immobilization of vehicles, on a highway or any public
25 lands located within the territorial limits in which the
26 officer or employee may act if the vehicle is found upon
27 a highway or any public lands and is known to have been
28 issued five or more notices of parking violation which are
29 delinquent because the owner or person in control of the
30 vehicle has not responded to the agency responsible for
31 processing notices of parking violation within 21 calendar
32 days of notice of citation issuance or citation issuance or
33 14 calendar days of a notice of delinquent parking
34 violation, or the registered owner of the vehicle is known
35 to have been issued five or more notices for failure to pay
36 or failure to appear in court for traffic violations for which
37 no certificate has been issued by the magistrate or clerk
38 of the court hearing the case showing that the case has
39 been adjudicated or concerning which the registered
40 owner's record has not been cleared pursuant to Chapter



1 6 (commencing with Section 41500) of Division 17. The
2 vehicle may be immobilized until that person furnishes to
3 the immobilizing law enforcement agency all of the
4 following:

5 (a) Evidence of his or her identity.

6 (b) An address within this state at which he or she can
7 be located.

8 (c) Satisfactory evidence that the full amount of
9 parking penalties has been deposited for all notices of
10 parking violation issued for the vehicle and any vehicles
11 registered to the registered owner of the immobilized
12 vehicle and that bail has been deposited for all traffic
13 violations of the registered owner that have not been
14 cleared. The requirements in subdivision (c) shall be fully
15 enforced by the immobilizing law enforcement agency
16 on and after the time that the Department of Motor
17 Vehicles is able to provide access to the necessary records.
18 A notice of parking violation issued to the vehicle shall be
19 accompanied by a warning that repeated violations may
20 result in the impounding or immobilization of the
21 vehicle. In lieu of furnishing satisfactory evidence that
22 the full amount of parking penalties or bail, or both, have
23 been deposited that person may demand to be taken
24 without unnecessary delay before a magistrate, for traffic
25 offenses, or a hearing examiner, for parking offenses,
26 within the county in which the offenses charged are
27 alleged to have been committed and who has jurisdiction
28 of the offenses and is nearest or most accessible with
29 reference to the place where the vehicle is immobilized.
30 Evidence of current registration shall be produced after
31 a vehicle has been immobilized or, at the discretion of the
32 immobilizing law enforcement agency, a notice to appear
33 for violation of subdivision (a) of Section 4000 shall be
34 issued to that person.

35 SEC. 3. Section 40200.3 of the Vehicle Code is
36 amended to read:

37 40200.3. (a) All parking penalties collected by the
38 processing agency, which may be the issuing agency,
39 including process service fees and fees and collection
40 costs related to civil debt collection, shall be deposited to



1 the account of the issuing agency, except that those sums
2 attributable to the issuance of a notice of parking violation
3 by a member of the California Highway Patrol, the
4 California State Police, or any other state law
5 enforcement agency shall be deposited in the *Highway*
6 *Patrol or the California State Police shall be deposited in*
7 *the* account in the jurisdiction where the violation
8 occurred, and except those sums payable to a county
9 pursuant to Chapter 12 (commencing with Section
10 76000) of Title 8 of the Government Code and that
11 portion of any parking penalty which is attributable to an
12 increase in the parking bail amount effective between
13 September 16, 1988, and July 1, 1992, inclusive, pursuant
14 to Section 1463.28 of the Penal Code. Those funds
15 attributable to this increase in bail shall be transferred to
16 the county treasurer and deposited in the general fund.
17 Any increase in parking penalties effective after July 1,
18 1992, shall accrue to the benefit of the issuing agency.

19 (b) The processing agency shall prepare ~~an audited a~~
20 report at the end of each fiscal year setting forth the
21 number of cases processed, and all sums received and
22 distributed, together with any other information that
23 may be ~~specified~~ *required* by the issuing agency or the
24 Controller. This report is a public record and shall be
25 delivered to each issuing agency. Copies shall be made
26 available, upon request, to the county auditor, the
27 Controller, and the grand jury.

28 SEC. 4. Section 40200.4 of the Vehicle Code is
29 amended to read:

30 40200.4. (a) The processing agency shall deposit with
31 the county treasurer all sums due the county as the result
32 of processing a parking violation not later than 45
33 ~~calendar~~ *calendar* days after the last day of the month in
34 which the parking penalty was received.

35 (b) Except as provided in subdivisions (c) and (d), if
36 a court within a county has been processing notices of
37 parking violations and notices of delinquent parking
38 violations for a city, a district, or any other issuing agency,
39 the issuing agency and the county shall provide in an
40 agreement for the orderly transfer of the processing



1 activity as soon as possible but not later than January 1,
2 1994. The agreement shall permit the court to phase out,
3 and the issuing agency to phase in, or transfer, personnel,
4 equipment, and facilities that may have been acquired or
5 need to be acquired in contemplation of a long-term
6 commitment to processing of notices of parking violations
7 and notices of delinquent parking violations for the
8 issuing agency under this article. The court shall transfer
9 the processing function for parking citations issued by the
10 ~~Department of the California Highway Patrol, the~~
11 ~~California State Police, or any other state law~~
12 ~~enforcement agency to the processing agency in the city~~
13 *Department of the California Highway Patrol or the*
14 *California State Police to the processing agency in the city*
15 or county where the violation occurred.

16 (c) If Contra Costa County or San Mateo County, or a
17 court in either county, had a contract in effect on January
18 1, 1992, to process notices of parking violations and notices
19 of delinquent parking violations for a city, district, or
20 other issuing agency within the particular county or
21 counties, the county may continue to provide those
22 services to the issuing agencies pursuant to the terms of
23 the contract and any amendments thereto, to and
24 including June 30, 1996, after which Section 40200.5 shall
25 govern any contracts entered into for these services.

26 (d) San Francisco Municipal Court employees
27 engaged in processing notices of parking violations and
28 the positions of those employees shall be transferred to
29 equivalent civil service positions in the City and County
30 of San Francisco.

31 (e) No court employee shall be terminated or
32 otherwise released from employment as a result of the
33 transfer of processing notices of parking violations and
34 notices of delinquent parking violations from the courts
35 to the issuing agencies.

36 (f) As used in this article, "parking penalty" includes
37 the fine authorized by law, including assessments
38 authorized by this article, any late payment penalty, and
39 costs of collection as provided by law.



1 SEC. 5. Section 40200.6 of the Vehicle Code is
2 amended to read:

3 40200.6. (a) If a contract is entered into pursuant to
4 Section 40200.5, for the purposes of this article,
5 “processing agency” means the contracting party
6 responsible for the processing of the notices of parking
7 violations and notices of delinquent parking violations.

8 (b) The governing body of the issuing agency shall
9 establish written policies and procedures pursuant to
10 which the contracting party shall provide services.

11 (c) The issuing agency shall be responsible for all
12 actions taken by contracting parties and shall exercise
13 effective oversight over the parties. “Effective oversight”
14 includes, at a minimum, an annual ~~audit~~ review of the
15 services of the processing agency and a review of
16 complaints made by ~~motorist~~ motorists using the services
17 of the processing agency. The issuing agency shall
18 establish procedures to investigate and resolve
19 complaints by motorists about any processing agency.

20 (d) Subdivision (c) does not apply to an issuing agency
21 that is a law enforcement agency if the issuing agency
22 does not also act as the processing agency.

23 SEC. 6. Section 40200.7 of the Vehicle Code is
24 repealed.

25 SEC. 7. Section 40202 of the Vehicle Code is amended
26 to read:

27 40202. (a) If a vehicle is unattended during the time
28 of the violation, the peace officer or person authorized to
29 enforce parking laws and regulations shall securely attach
30 to the vehicle a notice of parking violation setting forth
31 the violation, including reference to the section of this
32 code or of the Public Resources Code, the local ordinance,
33 or the federal statute or regulation so violated; the date;
34 the approximate time thereof; the location where the
35 violation occurred; a date for payment that is 21 ~~calendar~~
36 *calendar* days from the date of the violation; and the
37 procedure for the registered owner, lessee, or rentee to
38 deposit the parking penalty or, pursuant to Section 40215,
39 contest the citation. The notice of parking violation shall
40 also set forth the vehicle license number and registration



1 expiration date if they are visible, the last four digits of the
2 vehicle identification number, if that number is readable
3 through the windshield, the color of the vehicle, and, if
4 possible, the make of the vehicle. The notice of parking
5 violation, or copy thereof, shall be considered a record
6 kept in the ordinary course of business of the issuing
7 agency and the processing agency and shall be prima
8 facie evidence of the facts contained therein.

9 (b) The notice of parking violation shall be served by
10 attaching it to the vehicle either under the windshield
11 wiper or in another conspicuous place upon the vehicle
12 so as to be easily observed by the person in charge of the
13 vehicle upon the return of that person.

14 (c) Once the issuing officer has prepared the notice of
15 parking violation and has attached it to the vehicle as
16 provided in subdivisions (a) and (b), the officer shall file
17 the notice with the processing agency. Any person,
18 including the issuing officer and any member of the
19 officer's department or agency, or any peace officer who
20 alters, conceals, modifies, nullifies, or destroys, or causes
21 to be altered, concealed, modified, nullified, or destroyed
22 the face of the remaining original or any copy of a citation
23 that was retained by the officer, for any reason, before it
24 is filed with the processing agency or with a person
25 authorized to receive the deposit of the parking penalty,
26 is guilty of a misdemeanor.

27 (d) If, during the issuance of a notice of parking
28 violation, without regard to whether the vehicle was
29 initially attended or unattended, the vehicle is driven
30 away prior to attaching the notice to the vehicle, the
31 issuing officer shall file the notice with the processing
32 agency. The processing agency shall mail, within 15
33 ~~calendar~~ *calendar* days of issuance of the notice of
34 parking violation, a copy of the notice of parking violation
35 to the registered owner.

36 (e) If, after a copy of the notice of parking violation is
37 attached to the vehicle, the issuing officer determines
38 that, in the interest of justice, the notice of parking
39 violation should be canceled, the issuing agency ,
40 pursuant to subdivision (a) of Section 40215, shall cancel



1 the notice of parking violation or, if the issuing agency has
2 contracted with a processing agency, shall notify the
3 processing agency to cancel the notice of parking
4 violation pursuant to subdivision (a) of Section 40215. The
5 reason for the cancellation shall be set forth in writing.

6 If, after a copy of the notice of parking violation is
7 attached to the vehicle, the issuing officer determines
8 that there is incorrect data on the notice, including, but
9 not limited to, the date or time, the issuing officer may
10 indicate in writing, on a form attached to the original
11 notice, the necessary correction to allow for the timely
12 entry of the notice on the processing agency's data
13 system. A copy of the correction shall be mailed to the
14 person receiving the notice of parking violation.

15 (f) Under no circumstances shall a personal
16 relationship with any officer, public official, or law
17 enforcement agency be grounds for cancellation.

18 SEC. 8. Section 40203 of the Vehicle Code is amended
19 to read:

20 40203. The notice of parking violation shall be
21 accompanied by a written notice of the amount of the
22 parking penalty due for that violation, the address of the
23 person authorized to receive a deposit of the parking
24 penalty, a statement in bold print that payments of the
25 parking penalty for the parking violation may be sent
26 through the mail, and instructions on obtaining
27 information on the procedures to contest the notice of
28 parking violation.

29 SEC. 9. Section 40203.5 of the Vehicle Code is
30 amended to read:

31 40203.5. (a) The schedule of parking penalties for
32 parking violations and late payment penalties shall be
33 established by the governing body of the jurisdiction
34 where the notice of violation is issued. To the extent
35 possible, issuing agencies within the same county shall
36 standardize parking penalties.

37 (b) Parking penalties under this article shall be
38 collected as civil penalties.

39 SEC. 10. Section 40207 of the Vehicle Code is
40 amended to read:



1 40207. The notice of delinquent parking violation
2 shall contain the information specified in subdivision (a)
3 of Section 40202 and Section 40203, and, additionally shall
4 contain a notice to the registered owner that, unless the
5 registered owner pays the parking penalty or contests the
6 citation within 21 ~~calendar~~ *calendar* days after mailing of
7 the notice of delinquent parking violation or completes
8 and files an affidavit of nonliability which complies with
9 Section 40208 or 40209, the renewal of the vehicle
10 registration shall be contingent upon compliance with
11 the notice of delinquent parking violation. If the
12 registered owner, by appearance or by mail, makes
13 payment to the processing agency within 21 ~~calendar~~
14 *calendar* days of the mailing of the notice of delinquent
15 parking violation, the parking penalty shall consist solely
16 of the amount of the original penalty . No additional fees,
17 assessments, or other charges shall be added.

18 SEC. 11. Section 40209 of the Vehicle Code is
19 amended to read:

20 40209. If the affidavit of nonliability is returned to the
21 processing agency within 21 ~~calendar~~ *calendar* days of the
22 mailing of the notice of delinquent parking violation
23 together with the proof of a written lease or rental
24 agreement between a bona fide rental or leasing
25 company, and its customer which identifies the rentee or
26 lessee and provides the driver's license number, name,
27 and address of the rentee or lessee, the processing agency
28 shall serve or mail to the rentee or lessee identified in the
29 affidavit of nonliability a notice of delinquent parking
30 violation. If payment is not received within 21 ~~calendar~~
31 *calendar* days of the mailing of the notice of delinquent
32 parking violation, the processing agency may proceed
33 against the rentee or lessee pursuant to Section 40220.

34 SEC. 12. Section 40210 of the Vehicle Code is
35 amended to read:

36 40210. (a) If the affidavit of nonliability is returned
37 with evidence that the registered owner served has made
38 a bona fide sale or transfer of the vehicle and has
39 delivered possession thereof to the purchaser prior to the
40 date of the alleged violation, the processing agency shall



1 obtain verification from the department that the
2 registered owner has complied with Section 5602.

3 (b) If the registered owner has complied with Section
4 5602, the processing agency shall cancel the notice of
5 delinquent parking violation with respect to the
6 registered owner.

7 (c) If the registered owner has not complied with
8 Section 5602, the processing agency shall inform the
9 registered owner that the citation shall be paid in full or
10 contested pursuant to Section 40215. If the registered
11 owner does not comply, the processing agency shall
12 proceed pursuant to Section 40220.

13 SEC. 13. Section 40211 of the Vehicle Code is
14 amended to read:

15 40211. (a) If the registered owner, or an agent of the
16 registered owner, or a rentee or lessee who was served
17 with the notice of delinquent parking violation pursuant
18 to Section 40206 or Section 40209, or any other person who
19 presents the notice of parking violation or notice of
20 delinquent parking violation after the notice of
21 delinquent parking violation has been issued for delivery
22 under Section 40206, deposits the parking penalty with a
23 person authorized to receive it, the processing agency
24 shall do both of the following:

25 (1) Deliver a copy of one of the following: the notice
26 of delinquent parking violation issued under Section
27 40206; a true and correct abstract containing the
28 information set forth in the notice of parking violation if
29 the citation was issued electronically; or an electronically
30 reproduced listing of the citation information presented
31 in a notice of delinquent parking violation to the person
32 and record the name, address, and driver's license
33 number of the person actually given the copy in the
34 records of the issuing agency.

35 For the purposes of this paragraph, a copy of the notice
36 of delinquent parking violation may be a photostatic
37 copy.

38 (2) Determine whether the notice of delinquent
39 parking violation has been filed with the department



1 pursuant to subdivision (b) of Section 40220 or a civil
2 judgment has been entered pursuant to Section 40220.

3 (b) If the notice of delinquent parking violation has
4 not been filed with the department or judgment entered
5 and payment of the parking penalty , including any
6 applicable assessments, is received, the proceedings
7 under this article shall terminate.

8 (c) If the notice of delinquent parking violation has
9 been filed with the department, has been returned under
10 subdivision (b) or (c) of Section 4760 or Section 4764, and
11 payment of the parking penalty together with the
12 administrative service fee of the processing agency for
13 costs of service and any applicable assessments is
14 received, the proceedings under this article shall
15 terminate.

16 (d) If the notice of delinquent parking violation has
17 been filed with the department and has not been
18 returned under Section 4760, 4762, and 4764, and
19 payment of the parking penalty for, and any applicable
20 costs of, service in connection with civil debt collection,
21 is received by the processing agency, the processing
22 agency shall do all of the following:

23 (1) Deliver a certificate of payment to the registered
24 owner, the agent, the lessee, or the rentee or other person
25 making the payment.

26 (2) Immediately transmit the payment information to
27 the department in the manner prescribed by the
28 department.

29 (3) Terminate proceedings on the notice of
30 delinquent parking violation.

31 (4) Transmit for deposit all parking penalties and
32 assessments in accordance with law.

33 SEC. 14. Section 40215 of the Vehicle Code is
34 repealed.

35 SEC. 15. Section 40215 is added to the Vehicle Code,
36 to read:

37 40215. (a) For a period of 21 calendar days from the
38 issuance of a notice of parking violation or 14 calendar
39 days from the mailing of a notice of delinquent parking
40 violation, a person may request an initial review of the



1 notice by the issuing agency. The request may be made
2 by telephone, in writing, or in person. There shall be no
3 charge for this review. If, following the initial review, the
4 issuing agency is satisfied that the violation did not occur,
5 that the registered owner was not responsible for the
6 violation, or that extenuating circumstances make
7 dismissal of the citation appropriate in the interest of
8 justice, the issuing agency shall cancel the notice of
9 parking violation or notice of delinquent parking
10 violation. The issuing agency shall advise the processing
11 agency, if any, of the cancellation. The issuing agency or
12 the processing agency shall mail the results of the initial
13 review to the person contesting the notice.

14 (b) If the person is dissatisfied with the results of the
15 initial review, the person may request an administrative
16 hearing of the violation no later than 21 calendar days
17 following the mailing of the results of the issuing agency's
18 initial review. The request may be made by telephone, in
19 writing, or in person. The person requesting an
20 administrative hearing shall deposit the amount of the
21 parking penalty with the processing agency. The issuing
22 agency shall provide a written procedure to allow a
23 person to request an administrative hearing without
24 payment of the parking penalty upon satisfactory proof
25 of an inability to pay the amount due. Notice of this
26 procedure shall be provided to all persons requesting an
27 administrative hearing. After January 1, 1996, an
28 administrative hearing shall be held within 90 calendar
29 days following the receipt of a request for an
30 administrative hearing, excluding time tolled pursuant to
31 this article. The person requesting the hearing may
32 request one continuance, not to exceed 21 calendar days.

33 (c) The administrative hearing process shall include
34 the following:

35 (1) The person requesting a hearing shall have the
36 choice of a hearing by mail or in person. An in-person
37 hearing shall be conducted within the jurisdiction of the
38 issuing agency. If an issuing agency contracts with an
39 administrative provider, hearings shall be held within the



1 jurisdiction of the issuing agency or no more than 21 miles
2 outside the county.

3 (2) If the person requesting a hearing is a minor, that
4 person shall be permitted to appear at a hearing or admit
5 responsibility for the parking violation without the
6 necessity of the appointment of a guardian. The
7 processing agency may proceed against the minor in the
8 same manner as against an adult.

9 (3) The administrative hearing shall be conducted in
10 accordance with written procedures established by the
11 issuing agency and approved by the governing body or
12 chief executive officer of the issuing agency. The hearing
13 shall provide an independent, objective, fair, and
14 impartial review of contested parking violations.

15 (4) (A) The issuing agency's governing body or chief
16 executive officer shall appoint or contract with qualified
17 examiners or administrative hearing providers that
18 employ qualified examiners to conduct the
19 administrative hearings. Examiners shall demonstrate
20 those qualifications, training, and objectivity necessary to
21 conduct a fair and impartial review. An examiner shall
22 not be employed, managed, or controlled by a person
23 whose primary duties are parking enforcement, parking
24 citation, processing, collection, or issuance. The examiner
25 shall be separate and independent from the citation
26 collection or processing function. An examiner's
27 continued employment, performance evaluation,
28 compensation, and benefits shall not, directly or
29 indirectly, be linked to the amount of fines collected by
30 the examiner.

31 (B) Examiners shall have a minimum of 20 hours of
32 training. The examiner is responsible for the costs of the
33 training. The issuing agency may reimburse the examiner
34 for those costs. Training may be provided through (i) an
35 accredited college or university, (ii) a program
36 conducted by the Commission on Peace Officer
37 Standards and Training, (iii) American Arbitration
38 Association or a similar established organization, or (iv)
39 through any program approved by the governing board
40 of the issuing agency, including a program developed and



1 provided by, or for, the agency. Training programs may
2 include topics relevant to the administrative hearing,
3 including, but not limited to, applicable laws and
4 regulations, parking enforcement procedures, due
5 process, evaluation of evidence, hearing procedures, and
6 effective oral and written communication. Upon the
7 approval of the governing board of the issuing agency, up
8 to 12 hours of relevant experience may be substituted for
9 up to 12 hours of training. In addition, up to eight hours
10 of the training requirements described in this
11 subparagraph may be credited to an individual, at the
12 discretion of the governing board of the issuing agency,
13 based upon training programs or courses described in (i)
14 to (iv), inclusive, that the individual attended within the
15 last five years.

16 (5) The officer or person who issues a notice of parking
17 violation shall not be required to participate in an
18 administrative hearing. The issuing agency shall not be
19 required to produce any evidence other than the notice
20 of parking violation or copy thereof and information
21 received from the Department of Motor Vehicles
22 identifying the registered owner of the vehicle. The
23 documentation in proper form shall be prima facie
24 evidence of the violation.

25 (6) The examiner's decision following the
26 administrative hearing may be personally delivered to
27 the person by the examiner or sent by first-class mail.

28 (7) Following a determination by the examiner that a
29 person has committed the violation, the examiner may
30 allow payment of the parking penalty in installments, or
31 an issuing agency may allow for deferred payment or
32 allow for payments in installments, if the person provides
33 evidence satisfactory to the examiner or the issuing
34 agency, as the case may be, of an inability to pay the
35 parking penalty in full. If authorized by the governing
36 board of the issuing agency, the examiner may permit the
37 performance of community service in lieu of payment of
38 a parking penalty.

39 (d) The provisions of this section relating to the
40 administrative appeal process do not apply to an issuing



1 agency that is a law enforcement agency if the issuing
2 agency does not also act as the processing agency.

3 SEC. 16. Section 40220 of the Vehicle Code is
4 amended to read:

5 40220. Except as otherwise provided in Sections 40221
6 and 40222, the processing agency shall proceed under
7 only one of the following options in order to collect an
8 unpaid parking penalty:

9 (a) File an itemization of unpaid parking penalties and
10 service fees with the department for collection with the
11 registration of the vehicle pursuant to Section 4760.

12 (b) If more than four hundred dollars (\$400) in unpaid
13 penalties and fees have been accrued by any person or
14 registered owner, proof thereof may be filed with the
15 court with the same effect as a civil judgment. Execution
16 may be levied and other measures may be taken for the
17 collection of the judgment as are authorized for the
18 collection of an unpaid civil judgment entered against a
19 defendant in an action on a debtor. The court may assess
20 costs against a judgment debtor to be paid upon
21 satisfaction of the judgment. The processing agency shall
22 send a notice by first-class mail to the person or registered
23 owner indicating that a judgment shall be entered for the
24 unpaid penalties, fees, and costs and that, after 21
25 ~~calendar~~ *calendar* days from the date of the mailing of the
26 notice, the judgment shall have the same effect as an
27 entry of judgment against a judgment debtor. The person
28 or registered owner shall also be notified at that time that
29 execution may be levied against his or her assets, liens
30 may be placed against his or her property, his or her
31 wages may be garnisheed, and other steps may be taken
32 to satisfy the judgment. If a judgment is rendered for the
33 processing agency, that agency may contract with a
34 collection agency to collect the amount of that judgment.

35 Notwithstanding any other provision of law, the
36 processing agency shall pay the established first paper
37 civil filing fee at the time an entry of civil judgment is
38 requested.

39 (c) If the registration of the vehicle has not been
40 renewed for 60 days beyond the renewal date, and the



1 citation has not been collected by the department
2 pursuant to Section 4760, file proof of unpaid penalties
3 and fees with the court with the same effect as a civil
4 judgment as provided in subdivision (b).

5 SEC. 17. Section 40224 of the Vehicle Code is
6 amended to read:

7 40224. The time limitation provided by law for
8 commencement of a civil action for a violation specified
9 in Section 40200 shall be tolled from and after the date a
10 notice of delinquent parking violation is filed with the
11 department pursuant to subdivision (b) of Section 40220
12 until the notice is returned to the processing agency
13 under subdivision (b) of Section 4760 or Section 4762 or
14 4764 or is recalled by the processing agency pursuant to
15 subdivision (d) of Section 40211.

16 ~~SEC. 18. Section 40225 of the Vehicle Code is~~
17 ~~amended to read:~~

18 ~~40225. (a) An equipment violation entered on the~~
19 ~~notice of parking violation attached to the vehicle under~~
20 ~~Section 40203 shall be processed in accordance with this~~
21 ~~article. All of the violations entered on the notice of~~
22 ~~parking violation shall be noticed in the notice of~~
23 ~~delinquent parking violation delivered pursuant to~~
24 ~~Section 40206, together with the amount of civil penalty.~~

25 ~~(b) Whether or not a vehicle is in violation of any~~
26 ~~regulation governing the standing or parking of a vehicle~~
27 ~~but is in violation of subdivision (a) of Section 5204, a~~
28 ~~person authorized to enforce parking laws and~~
29 ~~regulations shall issue a written notice of parking~~
30 ~~violation, setting forth the alleged violation. The violation~~
31 ~~shall be processed pursuant to this section.~~

32 ~~(c) The civil penalty for each equipment violation is~~
33 ~~the amount established as the total penalty for the~~
34 ~~violation in the Uniform Bail and Penalty Schedule, as~~
35 ~~adopted by the Judicial Council, except that upon proof~~
36 ~~of the correction to the processing agency, the processing~~
37 ~~agency shall collect a transaction fee of a maximum of ten~~
38 ~~dollars (\$10), to be deposited by the clerk in accordance~~
39 ~~with Section 68084 of the Government Code and~~
40 ~~allocated pursuant to Section 40611 of this code. The civil~~



1 ~~penalty for each violation of Section 5204 is the amount~~
2 ~~established as the total penalty for the violation in the~~
3 ~~Uniform Bail and Penalty Schedule, as adopted by the~~
4 ~~Judicial Council, except that upon proof of the correction~~
5 ~~to the processing agency, in lieu of collecting a penalty,~~
6 ~~the processing agency shall collect a transaction fee of a~~
7 ~~maximum of ten dollars (\$10) to be deposited by the clerk~~
8 ~~in accordance with Section 68084 of the Government~~
9 ~~Code and allocated pursuant to Section 40611. No other~~
10 ~~fees, including administrative fees, or surcharges may be~~
11 ~~added.~~

12 ~~SEC. 19.—~~

13 *SEC. 18.* Section 40230 of the Vehicle Code is
14 amended to read:

15 40230. (a) Within 30 ~~calendar~~ *calendar* days after the
16 mailing or personal delivery of the final decision
17 described in subdivision (b) of Section 40215, the
18 contestant may seek review by filing an appeal to be
19 heard by the justice or municipal court, where the same
20 shall be heard de novo, except that the contents of the
21 processing agency's file in the case shall be received in
22 evidence. A copy of the notice of parking violation or, if
23 the citation was issued electronically, a true and correct
24 abstract containing the information set forth in the notice
25 of parking violation shall be admitted into evidence as
26 prima facie evidence of the facts stated therein. A copy
27 of the notice of appeal shall be served in person or by
28 first-class mail upon the processing agency by the
29 contestant. For purposes of computing the 30
30 ~~calendar-day~~ *calendar-day* period, Section 1013 of the
31 Code of Civil Procedure shall be applicable.

32 (b) The fee for filing the notice of appeal is twenty-five
33 dollars (\$25). The court shall request that the processing
34 agency's file on the case be forwarded to the court, to be
35 received within 15 ~~calendar~~ *calendar* days of the request.
36 The court shall notify the contestant of the appearance
37 date by mail or personal delivery. The court shall retain
38 the twenty-five dollar (\$25) fee regardless of the outcome
39 of the appeal. If the court finds in favor of the contestant,
40 the amount of the fee shall be reimbursed to the



1 contestant by the processing agency. Any deposit of
2 parking penalty shall be refunded by the processing
3 agency in accordance with the judgment of the court.

4 (c) The conduct of the appeal under this section is a
5 subordinate judicial duty that may be performed by
6 traffic trial commissioners and other subordinate judicial
7 officials at the direction of the presiding judge of the
8 court.

9 (d) If no notice of appeal of the processing agency's
10 decision is filed within the period set forth in subdivision
11 (a), the decision shall be deemed final.

12 (e) If the parking penalty has not been deposited and
13 the decision is against the contestant, the processing
14 agency shall, after the decision becomes final, proceed to
15 collect the penalty pursuant to Section 40220.

16 ~~SEC. 20.~~

17 *SEC. 19.* Notwithstanding Section 17610 of the
18 Government Code, if the Commission on State Mandates
19 determines that this act contains costs mandated by the
20 state, reimbursement to local agencies and school
21 districts for those costs shall be made pursuant to Part 7
22 (commencing with Section 17500) of Division 4 of Title
23 2 of the Government Code. If the statewide cost of the
24 claim for reimbursement does not exceed one million
25 dollars (\$1,000,000), reimbursement shall be made from
26 the State Mandates Claims Fund.

27 Notwithstanding Section 17580 of the Government
28 Code, unless otherwise specified, the provisions of this act
29 shall become operative on the same date that the act
30 takes effect pursuant to the California Constitution.

