

AMENDED IN SENATE AUGUST 10, 1998

AMENDED IN SENATE JULY 27, 1998

AMENDED IN SENATE JUNE 1, 1998

AMENDED IN ASSEMBLY APRIL 14, 1998

AMENDED IN ASSEMBLY MARCH 23, 1998

AMENDED IN ASSEMBLY MARCH 9, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1730**

**Introduced by Assembly Member Wright**

February 2, 1998

---

---

An act to amend Section 830.7 of the Penal Code, and to amend Sections 40202 and 40225 of, and to add and repeal Section 1808.25 of, the Vehicle Code, relating to the vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1730, as amended, R. Wright. Vehicles: residence addresses: confidentiality: penalties.

(1) Under existing law, the residence address in any record of the Department of Motor Vehicles is confidential, with specified exceptions.

This bill would add to those exceptions an independent institution of higher education that operates pursuant to a memorandum of understanding that permits a security officer of that institution to have arrest powers, as described in a specified provision of the Penal Code, if the institution

requests the address for the purpose of enforcing parking restrictions.

In addition, the bill, until January 1, 2002, would ~~authorize~~ *require* the department to implement a pilot program to provide residence address information to ~~an~~ independent ~~institution~~ *institutions* of higher education that ~~operates~~ *operate* pursuant to that memorandum of understanding, if the ~~institution~~ *institutions request* the address solely for the purpose of enforcing parking restrictions. For these purposes, the bill, among other things, would require ~~the a~~ *a participating* institution to enter into a contractual agreement with the department that, at a minimum, requires the institution to establish and maintain procedures for persons to contest parking violation notices issued by the institution and to remit a fee, as determined by the department, to cover the department's costs of providing each address to the institution. The bill would require the department to submit a report to the Legislature containing its evaluation of the pilot program on or before January 1, 2001.

(2) Under existing law, a processing agency is required to mail, within 15 calendar days of the issuance of a parking violation, a copy of the notice of parking violation to the registered owner.

This bill would allow for the transmission of an electronic facsimile of the notice as an alternative to the mailing.

(3) Existing law provides that the civil penalty for each equipment violation is the amount established for that violation in the Uniform Bail and Penalty Schedule except upon proof of correction, the penalty shall be reduced to \$10.

This bill would specify that an equipment violation includes failure to properly display a license plate and would allow for the \$10 reduced penalty upon proof of correction under specified conditions.

(4) The bill also would make technical changes to existing law, including the correction of an obsolete cross-reference.

~~(5) (a) The bill would incorporate additional changes in Section 830.7 of the Penal Code proposed by AB 2541, to be operative only if both bills are enacted and become operative on or before January 1, 1999, and this bill is enacted last.~~



~~(b) The bill would incorporate additional changes in Section 40225 of the Vehicle Code proposed by AB 1824, to be operative only if both bills are enacted and become operative on or before January 1, 1999, and this bill is enacted last.~~

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

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

1 SECTION 1. Section 830.7 of the Penal Code is  
2 amended to read:

3 830.7. The following persons are not peace officers  
4 but may exercise the powers of arrest of a peace officer  
5 as specified in Section 836 during the course and within  
6 the scope of their employment, if they successfully  
7 complete a course in the exercise of those powers  
8 pursuant to Section 832:

9 (a) Persons designated by a cemetery authority  
10 pursuant to Section 8325 of the Health and Safety Code.

11 (b) Persons regularly employed as security officers for  
12 independent institutions of higher education, recognized  
13 under subdivision (b) of Section 66010 of the Education  
14 Code, if the institution has concluded a memorandum of  
15 understanding, permitting the exercise of that authority,  
16 with the sheriff or the chief of police within whose  
17 jurisdiction the institution lies.

18 (c) Persons regularly employed as security officers for  
19 health facilities, as defined in Section 1250 of the Health  
20 and Safety Code, that are owned and operated by cities,  
21 counties, and cities and counties, if the facility has  
22 concluded a memorandum of understanding, permitting  
23 the exercise of that authority, with the sheriff or the chief  
24 of police within whose jurisdiction the facility lies.

25 (d) Employees or classes of employees of the  
26 California Department of Forestry and Fire Protection  
27 designated by the Director of Forestry and Fire  
28 Protection, provided that the primary duty of the  
29 employee shall be the enforcement of the law as that duty  
30 is set forth in Section 4156 of the Public Resources Code.



1 (e) Persons regularly employed as inspectors,  
2 supervisors, or security officers for transit districts, as  
3 defined in Section 99213 of the Public Utilities Code, if the  
4 district has concluded a memorandum of understanding  
5 permitting the exercise of that authority, with, as  
6 applicable, the sheriff, the chief of police, or the  
7 Department of the California Highway Patrol within  
8 whose jurisdiction the district lies. For the purposes of this  
9 subdivision, the exercise of peace officer authority may  
10 include the authority to remove a vehicle from a railroad  
11 right-of-way as set forth in Section 22656 of the Vehicle  
12 Code.

13 (f) Nonpeace officers regularly employed as county  
14 parole officers pursuant to Section 3089.

15 (g) Persons appointed by the Executive Director of  
16 the California Science Center pursuant to Section 4108 of  
17 the Food and Agricultural Code.

18 ~~SEC. 1.5. Section 830.7 of the Penal Code is amended~~  
19 ~~to read:~~

20 ~~830.7. The following persons are not peace officers~~  
21 ~~but may exercise the powers of arrest of a peace officer~~  
22 ~~as specified in Section 836 during the course and within~~  
23 ~~the scope of their employment, if they successfully~~  
24 ~~complete a course in the exercise of those powers~~  
25 ~~pursuant to Section 832:~~

26 ~~(a) Persons designated by a cemetery authority~~  
27 ~~pursuant to Section 8325 of the Health and Safety Code.~~

28 ~~(b) Persons regularly employed as security officers for~~  
29 ~~independent institutions of higher education, recognized~~  
30 ~~under subdivision (b) of Section 66010 of the Education~~  
31 ~~Code, if the institution has concluded a memorandum of~~  
32 ~~understanding, permitting the exercise of that authority,~~  
33 ~~with the sheriff or the chief of police within whose~~  
34 ~~jurisdiction the institution lies.~~

35 ~~(c) Persons regularly employed as security officers for~~  
36 ~~health facilities, as defined in Section 1250 of the Health~~  
37 ~~and Safety Code, that are owned and operated by cities,~~  
38 ~~counties, and cities and counties, if the facility has~~  
39 ~~concluded a memorandum of understanding, permitting~~



1 ~~the exercise of that authority, with the sheriff or the chief~~  
2 ~~of police within whose jurisdiction the facility lies.~~

3 ~~(d) Employees or classes of employees of the~~  
4 ~~California Department of Forestry and Fire Protection~~  
5 ~~designated by the Director of Forestry and Fire~~  
6 ~~Protection, provided that the primary duty of the~~  
7 ~~employee shall be the enforcement of the law as that duty~~  
8 ~~is set forth in Section 4156 of the Public Resources Code.~~

9 ~~(e) Persons regularly employed as inspectors,~~  
10 ~~supervisors, or security officers for transit districts, as~~  
11 ~~defined in Section 99213 of the Public Utilities Code, if the~~  
12 ~~district has concluded a memorandum of understanding~~  
13 ~~permitting the exercise of that authority, with, as~~  
14 ~~applicable, the sheriff, the chief of police, or the~~  
15 ~~Department of the California Highway Patrol within~~  
16 ~~whose jurisdiction the district lies. For the purposes of this~~  
17 ~~subdivision, the exercise of peace officer authority may~~  
18 ~~include the authority to remove a vehicle from a railroad~~  
19 ~~right-of-way as set forth in Section 22656 of the Vehicle~~  
20 ~~Code.~~

21 ~~(f) Nonpeace officers regularly employed as county~~  
22 ~~parole officers pursuant to Section 3089.~~

23 ~~(g) Persons appointed by the Executive Director of~~  
24 ~~the California Science Center pursuant to Section 4108 of~~  
25 ~~the Food and Agricultural Code.~~

26 ~~(h) Employees of the California Department of Parks~~  
27 ~~and Recreation classified as Firefighter/Security Officers~~  
28 ~~and designated by the Director of the California~~  
29 ~~Department of Parks and Recreation, provided that the~~  
30 ~~primary duty of the employee is the protection of the~~  
31 ~~state park system at Hearst San Simeon State Historical~~  
32 ~~Monument, as set forth in Section 5008 of the Public~~  
33 ~~Resources Code.~~

34 SEC. 2. Section 1808.25 is added to the Vehicle Code,  
35 to read:

36 1808.25. (a) The department ~~may~~ *shall* implement a  
37 pilot program to provide residence address information  
38 to ~~an~~ independent ~~institution~~ *institutions* of higher  
39 education that ~~has~~ *have* concluded a memorandum of  
40 understanding pursuant to subdivision (b) of Section



1 830.7 of the Penal Code, if the ~~institution requests~~  
2 *institutions request* the address solely for the purpose of  
3 enforcing parking restrictions.

4 For the purposes of this subdivision, ~~the~~ *a participating*  
5 institution shall enter into a contractual agreement with  
6 the department that, at a minimum, requires the  
7 institution to do both of the following:

8 (1) Establish and maintain procedures, to the  
9 satisfaction of the department, for persons to contest  
10 parking violation notices issued by the institution.

11 (2) Remit a fee, as determined by the department, to  
12 cover the department's costs of providing each address to  
13 the institution.

14 (b) The department shall submit a report to the  
15 Legislature containing its evaluation of the pilot program  
16 which shall include a recommendation as to the  
17 advisability of continuing the program. The report shall  
18 be submitted on or before January 1, 2001.

19 (c) The director may terminate a contract authorized  
20 by subdivision (a) at any time the department  
21 determines that ~~the~~ *an* independent institution of higher  
22 education fails to maintain adequate safeguards to ensure  
23 that the operation of the program does not adversely  
24 effect those individuals whose records are maintained in  
25 the department's files, or if the information is used for any  
26 purpose other than that specified in subdivision (a).

27 (d) This section shall remain in effect only until  
28 January 1, 2002, and as of that date is repealed unless a  
29 later enacted statute, which is enacted before January 1,  
30 2002, deletes or extends that date.

31 SEC. 3. Section 40202 of the Vehicle Code is amended  
32 to read:

33 40202. (a) If a vehicle is unattended during the time  
34 of the violation, the peace officer or person authorized to  
35 enforce parking laws and regulations shall securely attach  
36 to the vehicle a notice of parking violation setting forth  
37 the violation, including reference to the section of this  
38 code or of the Public Resources Code, the local ordinance,  
39 or the federal statute or regulation so violated; the date;  
40 the approximate time thereof; the location where the



1 violation occurred; a statement printed on the notice  
2 indicating that the date of payment is required to be  
3 made not later than 21 calendar days from the date of  
4 citation issuance; and the procedure for the registered  
5 owner, lessee, or rentee to deposit the parking penalty or,  
6 pursuant to Section 40215, contest the citation. The notice  
7 of parking violation shall also set forth the vehicle license  
8 number and registration expiration date if they are  
9 visible, the last four digits of the vehicle identification  
10 number, if that number is readable through the  
11 windshield, the color of the vehicle, and, if possible, the  
12 make of the vehicle. The notice of parking violation, or  
13 copy thereof, shall be considered a record kept in the  
14 ordinary course of business of the issuing agency and the  
15 processing agency and shall be prima facie evidence of  
16 the facts contained therein.

17 (b) The notice of parking violation shall be served by  
18 attaching it to the vehicle either under the windshield  
19 wiper or in another conspicuous place upon the vehicle  
20 so as to be easily observed by the person in charge of the  
21 vehicle upon the return of that person.

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

35 (d) If, during the issuance of a notice of parking  
36 violation, without regard to whether the vehicle was  
37 initially attended or unattended, the vehicle is driven  
38 away prior to attaching the notice to the vehicle, the  
39 issuing officer shall file the notice with the processing  
40 agency. The processing agency shall mail, within 15



1 calendar days of issuance of the notice of parking  
2 violation, a copy of the notice of parking violation or  
3 transmit an electronic facsimile of the notice to the  
4 registered owner.

5 (e) If, within 21 days after the notice of parking  
6 violation is attached to the vehicle, the issuing officer or  
7 the issuing agency determines that, in the interest of  
8 justice, the notice of parking violation should be canceled,  
9 the issuing agency, pursuant to subdivision (a) of Section  
10 40215, shall cancel the notice of parking violation or, if the  
11 issuing agency has contracted with a processing agency,  
12 shall notify the processing agency to cancel the notice of  
13 parking violation pursuant to subdivision (a) of Section  
14 40215. The reason for the cancellation shall be set forth in  
15 writing.

16 If, after a copy of the notice of parking violation is  
17 attached to the vehicle, the issuing officer determines  
18 that there is incorrect data on the notice, including, but  
19 not limited to, the date or time, the issuing officer may  
20 indicate in writing, on a form attached to the original  
21 notice, the necessary correction to allow for the timely  
22 entry of the notice on the processing agency's data  
23 system. A copy of the correction shall be mailed to the  
24 registered owner of the vehicle.

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

28 SEC. 4. Section 40225 of the Vehicle Code is amended  
29 to read:

30 40225. (a) An equipment violation entered on the  
31 notice of parking violation attached to the vehicle under  
32 Section 40203 shall be processed in accordance with this  
33 article. All of the violations entered on the notice of  
34 parking violation shall be noticed in the notice of  
35 delinquent parking violation delivered pursuant to  
36 Section 40206, together with the amount of civil penalty.

37 (b) Whether or not a vehicle is in violation of any  
38 regulation governing the standing or parking of a vehicle  
39 but is in violation of subdivision (a) of Section 5204, a  
40 person authorized to enforce parking laws and



1 regulations shall issue a written notice of parking  
2 violation, setting forth the alleged violation. The violation  
3 shall be processed pursuant to this section.

4 (c) The civil penalty for each equipment violation,  
5 including failure to properly display a license plate, is the  
6 amount established for the violation in the Uniform Bail  
7 and Penalty Schedule, as adopted by the Judicial Council,  
8 except that upon proof of the correction to the processing  
9 agency, the penalty shall be reduced to ten dollars (\$10).  
10 The reduction provided for in this subdivision involving  
11 failure to properly display license plates shall only apply  
12 if, at the time of the violation, valid license plates were  
13 issued for that vehicle in accordance with this code. The  
14 civil penalty for each violation of Section 5204 is the  
15 amount established for the violation in the Uniform Bail  
16 and Penalty Schedule, as adopted by the Judicial Council,  
17 except that upon proof of the correction to the processing  
18 agency, the penalty shall be reduced to ten dollars (\$10).

19 (d) Fifty percent of any penalty collected pursuant to  
20 this section for registration or equipment violations by a  
21 processing agency shall be paid to the county for  
22 remittance to the State Treasurer and the remaining 50  
23 percent shall be retained by the issuing agency and  
24 processing agency subject to the terms of the contract  
25 described in Section 40200.5.

26 (e) Subdivisions (a) and (b) do not preclude the  
27 recording of a violation of subdivision (a) or (b) of  
28 Section 4000 on a notice of parking violation or the  
29 adjudication of that violation under the civil process set  
30 forth in this article.

31 ~~SEC. 4.5. Section 40225 of the Vehicle Code is~~  
32 ~~amended to read:~~

33 ~~40225. (a) An equipment violation entered on the~~  
34 ~~notice of parking violation attached to the vehicle under~~  
35 ~~Section 40203 shall be processed in accordance with this~~  
36 ~~article. All of the violations entered on the notice of~~  
37 ~~parking violation shall be noticed in the notice of~~  
38 ~~delinquent parking violation delivered pursuant to~~  
39 ~~Section 40206, together with the amount of civil penalty.~~



1 ~~(b) Whether or not a vehicle is in violation of any~~  
2 ~~regulation governing the standing or parking of a vehicle~~  
3 ~~but is in violation of subdivision (a) of Section 5204, a~~  
4 ~~person authorized to enforce parking laws and~~  
5 ~~regulations shall issue a written notice of parking~~  
6 ~~violation, setting forth the alleged violation. The violation~~  
7 ~~shall be processed pursuant to this section.~~

8 ~~(c) The civil penalty for each equipment violation,~~  
9 ~~including failure to properly display a license plate, is the~~  
10 ~~amount established for the violation in the Uniform Bail~~  
11 ~~and Penalty Schedule, as adopted by the Judicial Council,~~  
12 ~~except that upon proof of the correction to the processing~~  
13 ~~agency, the penalty shall be reduced to ten dollars (\$10).~~  
14 ~~The civil penalty for each violation of Section 4000 or 5204~~  
15 ~~is the amount established for the violation in the Uniform~~  
16 ~~Bail and Penalty Schedule, as adopted by the Judicial~~  
17 ~~Council, and the person shall present proof of correction,~~  
18 ~~except that upon proof of the correction indicating that~~  
19 ~~the vehicle was properly registered and the appropriate~~  
20 ~~fees paid at the time of the violation to the processing~~  
21 ~~agency, the penalty shall be reduced to twenty dollars~~  
22 ~~(\$20). The reduction provided for in this subdivision~~  
23 ~~involving failure to properly display license plates shall~~  
24 ~~only apply if, at the time of the violation, valid license~~  
25 ~~plates were issued for that vehicle in accordance with this~~  
26 ~~code.~~

27 ~~(d) Fifty percent of any penalty collected pursuant to~~  
28 ~~this section for registration or equipment violations by a~~  
29 ~~processing agency shall be paid to the county for~~  
30 ~~remittance to the State Treasurer and the remaining 50~~  
31 ~~percent shall be retained by the issuing agency and~~  
32 ~~processing agency subject to the terms of the contract~~  
33 ~~described in Section 40200.5.~~

34 ~~(e) Subdivisions (a) and (b) do not preclude the~~  
35 ~~recording of a violation of subdivision (a) or (b) of~~  
36 ~~Section 4000 on a notice of parking violation or the~~  
37 ~~adjudication of that violation under the civil process set~~  
38 ~~forth in this article.~~

39 ~~SEC. 5. Section 1.5 of this bill incorporates~~  
40 ~~amendments to Section 830.7 of the Penal Code proposed~~



1 ~~by both this bill and AB 2541. It shall only become~~  
2 ~~operative if (1) both bills are enacted and become~~  
3 ~~effective on or before January 1, 1999, (2) each bill~~  
4 ~~amends Section 830.7 of the Penal Code, and (3) this bill~~  
5 ~~is enacted after AB 2541, in which case Section 1 of this bill~~  
6 ~~shall not become operative.~~

7 ~~SEC. 6. Section 4.5 of this bill incorporates~~  
8 ~~amendments to Section 40225 of the Vehicle Code~~  
9 ~~proposed by both this bill and AB 1824. It shall only~~  
10 ~~become operative if (1) both bills are enacted and~~  
11 ~~become effective on or before January 1, 1999, (2) each~~  
12 ~~bill amends Section 40225 of the Vehicle Code, and (3)~~  
13 ~~this bill is enacted after AB 1824, in which case Section 4~~  
14 ~~of this bill shall not become operative.~~

