

**ASSEMBLY BILL**

**No. 1155**

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**Introduced by Assembly Member Audra Strickland**

February 27, 2009

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An act to amend Section 21107.8 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1155, as introduced, Audra Strickland. Vehicles: private parking facilities.

(1) Existing law authorizes a city or county, by ordinance or resolution, to find and declare that there are privately owned and maintained offstreet parking facilities within the city or county that are generally held open for use of the public for purposes of vehicular parking and requires, upon enactment of the ordinance or resolution, that specified traffic laws apply, including the basic speed law, reckless driving, and speed contests and exhibitions of speed, except as specified. A violation of the Vehicle Code is a crime.

This bill would make additional traffic laws enforceable on offstreet private parking facilities. By increasing the number of traffic laws that may be enforced on offstreet private parking facilities by local law enforcement officials, the bill would impose a state-mandated local program.

(2) 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 21107.8 of the Vehicle Code is amended  
2 to read:  
3 21107.8. (a) ~~Any~~—A city or county may, by ordinance or  
4 resolution, find and declare that there are privately owned and  
5 maintained offstreet parking facilities as described in the ordinance  
6 or resolution within the city or county that are generally held open  
7 for use of the public for purposes of vehicular parking. Upon  
8 enactment by a city or county of the ordinance or resolution,  
9 Sections ~~22350, 23103, and 23109~~ 21200.5, 21461, 21650, 22350,  
10 22450, 23103, 23109, 23110, 23220, 23221, 23222, 24250, 27007,  
11 and 27360 and the provisions of Division 16.5 (commencing with  
12 Section 38000) shall apply to privately owned and maintained  
13 offstreet parking facilities, except as provided in subdivision (b).  
14 (b) Notwithstanding the provisions of subdivision (a), no  
15 ordinance or resolution enacted thereunder shall apply to any  
16 offstreet parking facility described therein unless the owner or  
17 operator has caused to be posted in a conspicuous place at each  
18 entrance to that offstreet parking facility a notice not less than 17  
19 by 22 inches in size with lettering not less than one inch in height,  
20 to the effect that the offstreet parking facility is subject to public  
21 traffic regulations and control.  
22 (c) No ordinance or resolution shall be enacted under subdivision  
23 (a) without a public hearing thereon and 10 days prior written  
24 notice to the owner and operator of the privately owned and  
25 maintained offstreet parking facility involved.  
26 (d) Section 22507.8 may be enforced without enactment of an  
27 ordinance or resolution as required under subdivision (a) or the  
28 posting of a notice at each entrance to the offstreet parking facility  
29 as required under subdivision (b).  
30 (e) The department shall not be required to provide patrol or  
31 enforce any provisions of this code on any privately owned and  
32 maintained offstreet parking facility subject to the provisions of  
33 this code under this section except those provisions applicable to  
34 private property other than by action under this section.

1     SEC. 2. No reimbursement is required by this act pursuant to  
2     Section 6 of Article XIII B of the California Constitution because  
3     the only costs that may be incurred by a local agency or school  
4     district will be incurred because this act creates a new crime or  
5     infraction, eliminates a crime or infraction, or changes the penalty  
6     for a crime or infraction, within the meaning of Section 17556 of  
7     the Government Code, or changes the definition of a crime within  
8     the meaning of Section 6 of Article XIII B of the California  
9     Constitution.

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