

AMENDED IN ASSEMBLY JANUARY 25, 2010

AMENDED IN ASSEMBLY JANUARY 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1155

Introduced by Assembly Member Audra Strickland

February 27, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1155, as amended, 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) A city or county may, by ordinance or resolution,
4 find and declare that there are privately owned and maintained
5 offstreet parking facilities as described in the ordinance or
6 resolution within the city or county that are generally held open
7 for use ~~of~~ by the public for purposes of vehicular parking. Upon
8 enactment by a city or county of the ordinance or resolution,
9 Sections ~~21461~~, 22350, 23103, 23109, 23110, 23220, 23221,
10 23222, 27007, and 27360 and the provisions of Division 16.5
11 (commencing with Section 38000) shall apply to privately owned
12 and maintained offstreet parking facilities, except as provided in
13 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

1 this code under this section except those provisions applicable to
2 private property other than by action under this section.

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