

ASSEMBLY BILL

No. 816

Introduced by Assembly Member Silva

February 17, 2011

An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 816, as introduced, Silva. Vehicles: automated traffic enforcement system.

Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated traffic enforcement system, as defined, if the system meets certain requirements. Existing law authorizes a governmental agency to contract out the operation of the system under certain circumstances, except for specified activities, that include, among other things, establishing guidelines for selection of location. A violation of the Vehicle Code is a crime.

This bill would make technical, nonsubstantive conforming changes to these provisions.

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

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

- 1 SECTION 1. Section 21455.5 of the Vehicle Code is amended
- 2 to read:
- 3 21455.5. (a) The limit line, the intersection, or a place
- 4 designated in Section 21455, where a driver is required to stop,

1 may be equipped with an automated *traffic* enforcement system if
2 the governmental agency utilizing the system meets all of the
3 following requirements:

4 (1) Identifies the system by signs that clearly indicate the
5 system's presence and are visible to traffic approaching from all
6 directions, or posts signs at all major entrances to the city,
7 including, at a minimum, freeways, bridges, and state highway
8 routes.

9 (2) If it locates the system at an intersection, and ensures that
10 the system meets the criteria specified in Section 21455.7.

11 (b) Prior to issuing citations under this section, a local
12 jurisdiction utilizing an automated traffic enforcement system shall
13 commence a program to issue only warning notices for 30 days.
14 The local jurisdiction shall also make a public announcement of
15 the automated traffic enforcement system at least 30 days prior to
16 the commencement of the enforcement program.

17 (c) Only a governmental agency, in cooperation with a law
18 enforcement agency, may operate an automated *traffic* enforcement
19 system. As used in this subdivision, "operate" includes all of the
20 following activities:

21 (1) Developing uniform guidelines for screening and issuing
22 violations and for the processing and storage of confidential
23 information, and establishing procedures to ensure compliance
24 with those guidelines.

25 (2) Performing administrative functions and day-to-day
26 functions, including, but not limited to, all of the following:

27 (A) Establishing guidelines for selection of location.

28 (B) Ensuring that the equipment is regularly inspected.

29 (C) Certifying that the equipment is properly installed and
30 calibrated, and is operating properly.

31 (D) Regularly inspecting and maintaining warning signs placed
32 under paragraph (1) of subdivision (a).

33 (E) Overseeing the establishment or change of signal phases
34 and the timing thereof.

35 (F) Maintaining controls necessary to assure that only those
36 citations that have been reviewed and approved by law enforcement
37 are delivered to violators.

38 (d) The activities listed in subdivision (c) that relate to the
39 operation of the system may be contracted out by the governmental
40 agency, if it maintains overall control and supervision of the

1 system. However, the activities listed in paragraph (1) of, and
2 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,
3 subdivision (c) may not be contracted out to the manufacturer or
4 supplier of the automated *traffic* enforcement system.

5 (e) (1) Notwithstanding Section 6253 of the Government Code,
6 or any other provision of law, photographic records made by an
7 automated *traffic* enforcement system shall be confidential, and
8 shall be made available only to governmental agencies and law
9 enforcement agencies and only for the purposes of this article.

10 (2) Confidential information obtained from the Department of
11 Motor Vehicles for the administration or enforcement of this article
12 shall be held confidential, and may not be used for any other
13 purpose.

14 (3) Except for court records described in Section 68152 of the
15 Government Code, the confidential records and information
16 described in paragraphs (1) and (2) may be retained for up to six
17 months from the date the information was first obtained, or until
18 final disposition of the citation, whichever date is later, after which
19 time the information shall be destroyed in a manner that will
20 preserve the confidentiality of any person included in the record
21 or information.

22 (f) Notwithstanding subdivision (e), the registered owner or any
23 individual identified by the registered owner as the driver of the
24 vehicle at the time of the alleged violation shall be permitted to
25 review the photographic evidence of the alleged violation.

26 (g) (1) A contract between a governmental agency and a
27 manufacturer or supplier of automated *traffic* enforcement
28 equipment may not include provision for the payment or
29 compensation to the manufacturer or supplier based on the number
30 of citations generated, or as a percentage of the revenue generated,
31 as a result of the use of the equipment authorized under this section.

32 (2) Paragraph (1) does not apply to a contract that was entered
33 into by a governmental agency and a manufacturer or supplier of
34 automated *traffic* enforcement equipment before January 1, 2004,
35 unless that contract is renewed, extended, or amended on or after
36 January 1, 2004.