



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-1079 Vehicles: sound-activated enforcement devices. (2021-2022)

SHARE THIS:  

Date Published: 09/20/2022 10:00 AM

Senate Bill No. 1079

CHAPTER 449

An act to add Section 27150.4 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 19, 2022. Filed with Secretary of State September 19, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1079, Portantino. Vehicles: sound-activated enforcement devices.

Existing law requires every motor vehicle subject to registration to be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise and prohibits a muffler or exhaust system from being equipped with a cutout, bypass, or similar device. Existing law further prohibits the modification of an exhaust system of a motor vehicle in a manner that will amplify or increase the noise emitted by the motor of the vehicle so that the vehicle exceeds existing noise limits when tested in accordance with specified standards.

This bill would require the Department of the California Highway Patrol to evaluate the efficacy of sound-activated enforcement devices by evaluating devices from at least 3 different companies, and would require the department, on or before January 1, 2025, to prepare and submit its findings and recommendations from the evaluation in a report to the Legislature, as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 27150.4 is added to the Vehicle Code, to read:

27150.4. (a) The Department of the California Highway Patrol shall evaluate the efficacy of sound-activated enforcement devices by evaluating devices from at least three different companies.

(b) (1) On or before January 1, 2025, the department shall prepare and submit its findings and recommendations from the evaluation in a report to the Legislature, which shall include all of the following information:

(A) How effective the devices are at determining that a vehicle was not equipped with an adequate muffler in constant operation and properly maintained in accordance with the requirements of Article 2.5 (commencing with Section 27200).

(B) How often the device identified a potential violation that was not related to a violation of Section 27150, and the types of sounds other than a loud muffler that triggered the device.

(C) What percentage of time an officer was unable to determine the source of the sound that activated the device.

(D) How often the device was required to be serviced.

(E) What, if any, technology does the sound-activated enforcement system use to determine the direction or source of the sound that violated the sound limits provided for in Article 2.5 (commencing with Section 27200).

(F) Where the devices were located, and whether the location had any consequences to the effectiveness of the device.

(G) The number of devices the department tested and from which companies were the devices that were tested.

(H) Recommendations on all of the following:

(i) Which, if any, device or devices would the department recommend be used for the purposes of enforcing Sections 27150 and 27151, and the reasons for that determination. If the department determines that it does not recommend any of the devices tested, the report shall include the standards and parameters that shall be met by future technology.

(ii) What, if any, restrictions should be placed on the use of sound-activated enforcement devices in enforcing Sections 27150 and 27151, including, but not limited to, the decibel level setting for triggering a potential violation for the purposes of enforcement.

(iii) Where the devices should be optimally located in order to reduce the chances of a false violation.

(iv) Descriptions and explanation of any necessary and associated training that an individual reviewing these violations would need to go through in order to operate the device, including recommendations for what is necessary for a robust human review process.

(v) Any other recommendations the department believes would be necessary for authorizing the use of sound-activated enforcement devices.

(I) A video demonstrating the device. The video shall be edited to remove any personally identifying information, including the blurring of persons recorded in the video, street addresses, and license plates.

(2) The report required by this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(c) The department shall delete all videos recorded on a highway by a device within five days of the video being recorded. However, the department shall keep 15 videos from the devices of each company evaluated for the purposes of preparing the report required by this section and documenting the issues related to each device that helped the department make its recommendations. The department shall not keep any recording that picked up audio of a person speaking, if recorded on a highway.

(d) Notwithstanding Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code, or any other law, information collected and maintained by the department using a sound-activated enforcement device that could be used to identify the identity or location of any individual shall be confidential and only be used for purposes of this section, and shall not be disclosed to any other persons, including, but not limited to, any other state or federal government agency or official for any other purpose, except as required by the reporting requirements in this section, state or federal law, court order, or in response to a subpoena in an individual case or proceeding.

(e) For purposes of this section, "sound-activated enforcement device" or "device" means an electronic device that utilizes automated equipment that activates when the noise levels have exceeded the legal sound limit established in Section 27151 and is designed to obtain clear video of a vehicle and its license plate. A sound-activated enforcement device shall do all of the following:

(1) Record audio, precision accuracy noise levels, and high definition video in two directions.

(2) Utilize an automated system that triggers when excessive vehicle noise over the limit is detected and save the data for review.

(3) Automatically delete any evidence not related to a violation.

(4) Permit the department to manually review evidence to ensure a violation has occurred.

(5) Conform to the class 1 accuracy standards in the International Electrotechnical Commission's (IEC) standard IEC 61672:2013, or any other accuracy standard determined to be appropriate by the department.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 27150.4 to the Vehicle Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

To protect the privacy interests of persons who are issued notices of violation under a sound-activated enforcement device program, the Legislature finds and declares that the records generated by a sound-activated enforcement device shall be confidential.