



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

**AB-361 Vehicles: photographs of bicycle lane parking violations.** (2023-2024)

SHARE THIS:  

Date Published: 10/10/2023 09:00 PM

**Assembly Bill No. 361**

**CHAPTER 432**

An act to add and repeal Article 3.6 (commencing with Section 40245) of Chapter 1 of Division 17 of the Vehicle Code, relating to vehicles.

[ Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 361, Ward. Vehicles: photographs of bicycle lane parking violations.

Existing law authorizes a public transit operator, as defined, to enforce parking violations in specified transit-only traffic lanes through the use of video imaging and to install automated forward facing parking control devices on public transit vehicles for the purpose of video imaging parking violations occurring in transit-only traffic lanes, as specified. Existing law requires a designated employee of a city, county, city and county, or a contracted law enforcement agency for a special transit district, who is qualified by the city and county or the district to issue parking citations, to review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane and to issue a notice of violation to the registered owner of a vehicle within 15 calendar days, as specified. Existing law makes these video image records confidential, and provides that these records are available only to public agencies to enforce parking violations. Existing law requires an operator who implements an automated enforcement system described above to report to specified committees of the Legislature on the system's effectiveness and impact on traffic outcomes, among other things, as specified.

This bill would, until January 1, 2030, authorize a local agency, as defined, to install automated forward facing parking control devices on city-owned or district-owned parking enforcement vehicles for the purpose of taking photographs of parking violations occurring in bicycle lanes. The bill would require a designated employee of a city, county, city and county, or a contracted law enforcement agency for a special transit district, who is qualified by the city and county or the district to issue parking citations, to review photographs for the purpose of determining whether a parking violation occurred in a bicycle lane and to issue a notice of violation to the registered owner of a vehicle within 15 calendar days, as specified. The bill would require these photographic records to be confidential and make these records available only to public agencies to enforce parking violations. The bill would require any local agency that implements this pilot program to report to specified committees of the Legislature on the system's effectiveness and impact on traffic outcomes, among other things, by December 31, 2028.

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: no Local Program: no

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

**SECTION 1.** Article 3.6 (commencing with Section 40245) is added to Chapter 1 of Division 17 of the Vehicle Code, to read:

**Article 3.6. Procedure on Photographic Imaging of Parking Violations Occurring in Bicycle Lanes**

**40245.** (a) A local agency may install automated forward facing parking control devices on city-owned or district-owned parking enforcement vehicles for the purpose of taking photographs of parking violations occurring in bicycle lanes, as described in Section 21207. The devices shall be angled and focused so as to only capture photographs of parking violations and not capture identifying images of other drivers, vehicles, and pedestrians. The devices shall record the date and time of the violation at the same time as the photographs are captured. A local agency may only install forward facing cameras pursuant to this section if the examiner or issuing agency, as described in Section 40215, includes options to reduce or waive the payment of a parking penalty if the examiner or issuing agency determines that the person is an indigent person as defined in Section 40220.

(b) Prior to issuing notices of parking violations pursuant to Section 21211, a local agency shall commence a program to issue only warning notices for 60 days and shall also make a public announcement of the program and provide the public with information about the enforcement program, existing parking regulations, and the payment options available for low-income persons at least 60 days prior to commencement of issuing notices of parking violations.

(c) A designated employee of a city, county, city and county, or a contracted law enforcement agency for a special transit district, who is qualified by a city, county, city and county, or district to issue parking citations, shall review photographs for the purpose of determining whether a parking violation occurred in a bicycle lane. A violation of a statute, regulation, or ordinance governing vehicle parking under this code, under a federal or state statute or regulation, or under an ordinance enacted by a city, county, city and county, or special transit district occurring in a bicycle lane observed by the designated employee in the recordings is subject to a civil penalty.

(d) The registered owner shall be permitted to review the photographic evidence of the alleged violation during normal business hours at no cost.

(e) (1) Except as it may be included in court records described in Section 68152 of the Government Code, or as provided in paragraph (2), the photographic evidence may be retained for up to 30 days after final disposition of the citation. The photographic evidence shall not be retained for more than six months from the date the information was first obtained, after which time the information shall be destroyed.

(2) Notwithstanding Section 26202.6 of the Government Code, photographic evidence from forward facing automated enforcement devices that does not contain evidence of a parking violation occurring in a bicycle lane shall be destroyed within 15 days after the information was first obtained. Photographic data and records collected pursuant to this section shall not be used or processed by an automated license plate recognition system, as defined in Section 1798.90.5 of the Civil Code, unless the local agency meets the requirements of this subdivision, the requirements of subdivision (f), and the requirements of subdivision (e) of Section 40247.

(f) Notwithstanding Article 1 (commencing with Section 7922.500) and Article 2 (commencing with Section 7922.525) of Chapter 1 of Part 3 of Division 10 of Title 1 of the Government Code, or any other law, the photographic records are confidential. Public agencies shall use and allow access to these records only for the purposes authorized by this article.

(g) For purposes of this article, "local agency" means a public transit operator as defined in Section 99210 of the Public Utilities Code or a local city, county, or city and county parking enforcement authority.

**40246.** (a) A local agency that implements an automated enforcement system to enforce parking violations occurring in bicycle lanes pursuant to this article shall provide to the transportation, privacy, and judiciary committees of the Legislature an evaluation report of the enforcement system's effectiveness, impact on privacy, impact on traffic outcomes, cost to implement, change in citations issued, and generation of revenue, no later than December 31, 2028.

(b) A report submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

**40247.** (a) A designated employee of a local agency, including a contracted law enforcement agency, shall issue a notice of parking violation to the registered owner of a vehicle within 15 calendar days of the date of the violation. A designated employee or contracted law enforcement agency may decline to issue a ticket based on the evidence in the photograph illustrating hardship. The notice of parking violation shall set forth the violation of a statute, regulation, or ordinance governing vehicle parking under this code, under a federal or state statute or regulation, or under an ordinance enacted by the local agency in a bicycle lane, a statement indicating that payment is required within 21 calendar days from the date of citation issuance, and the procedure for the registered owner, lessee, or rentee to deposit the parking penalty or contest the citation pursuant to Section 40215. The

notice of parking violation shall also set forth the date, time, and location of the violation, the vehicle license number, the registration expiration date, if visible, the color of the vehicle, and a copy of the photographic evidence. The notice of parking violation, or copy of the notice, shall be considered a record kept in the ordinary course of business of the local agency and shall be prima facie evidence of the facts contained in the notice. The local agency shall send information regarding the process for requesting review of the photographic evidence along with the notice of parking violation.

(b) The notice of parking violation shall be served by depositing the notice in the United States mail to the registered owner's last known address listed with the Department of Motor Vehicles. Proof of mailing demonstrating that the notice of parking violation was mailed to that address shall be maintained by the local agency. If the registered owner, by appearance or by mail, makes payment to the processing agency or contests the violation within either 21 calendar days from the date of mailing of the citation, or 14 calendar days after the mailing of the notice of delinquent parking violation, the parking penalty shall consist solely of the amount of the original penalty.

(c) If, within 21 days after the notice of parking violation is issued, the local agency determines that, in the interest of justice, the notice of parking violation should be canceled, the local agency shall cancel the notice of parking violation pursuant to subdivision (a) of Section 40215. The reason for the cancellation shall be set forth in writing.

(d) Following an initial review by the local agency and an administrative hearing pursuant to Section 40215, a contestant may seek court review by filing an appeal pursuant to Section 40230.

(e) A local agency or a contracted law enforcement agency may contract with a private vendor for the processing of notices of parking violations and notices of delinquent violations. The local agency shall maintain overall control and supervision of the program.

**40248.** This article shall remain in effect only until January 1, 2030, and as of that date is repealed.

**SEC. 2.** The Legislature finds and declares that Section 1 of this act, which adds Section 40245 of 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:

In order to protect the individual privacy rights of those individuals depicted in photographs relating to parking violations, it is necessary that this act limit the public's right of access to the images captured by an automated parking control device installed on city-owned or district-owned parking enforcement vehicles.