

AMENDED IN SENATE MAY 11, 2010
AMENDED IN SENATE APRIL 22, 2010

SENATE BILL

No. 949

Introduced by Senator Oropeza

February 4, 2010

An act to amend Sections 21 and 21100 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 949, as amended, Oropeza. Vehicles: local authority: assessing penalties.

Existing law prohibits a local authority from enacting or enforcing an ordinance on matters covered by the Vehicle Code unless expressly authorized.

This bill would expressly prohibit a local authority from enacting or enforcing an ordinance *or resolution that establishes regulations or procedures for*, or assesses a *fine, penalty, assessment, or fee* for a violation of, *matters covered by this code* ~~or an ordinance adopted pursuant to this code~~ unless expressly authorized by this code.

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 21 of the Vehicle Code is amended to~~
- 2 ~~read:~~
- 3 ~~21. (a) The provisions of this code are applicable and uniform~~
- 4 ~~throughout the state, and a local authority shall not enact or enforce~~

1 ~~an ordinance on the matters covered by this code unless expressly~~
2 ~~authorized by this code.~~

3 ~~(b) A local authority shall not enact or enforce an ordinance~~
4 ~~that assesses a penalty for a violation of this code or an ordinance~~
5 ~~adopted pursuant to this code unless expressly authorized by this~~
6 ~~code.~~

7 *SECTION 1. Section 21 of the Vehicle Code is amended to*
8 *read:*

9 21. Except as otherwise expressly provided, the provisions of
10 this code are applicable and uniform throughout the ~~State~~ *state*
11 and in all counties and municipalities therein, and ~~no~~ *a* local
12 authority shall *not* enact or enforce any ordinance *or resolution*
13 on the matters covered by this code, *including ordinances or*
14 *resolutions that establish regulations or procedures for, or assess*
15 *a fine, penalty, assessment, or fee for a violation of, matters*
16 *covered by this code, unless expressly authorized herein by this*
17 *code.*

18 SEC. 2. Section 21100 of the Vehicle Code is amended to read:

19 21100. Local authorities may adopt rules and regulations by
20 ordinance or resolution regarding the following matters:

21 (a) Regulating or prohibiting processions or assemblages on the
22 highways.

23 (b) Licensing and regulating the operation of vehicles for hire
24 and drivers of passenger vehicles for hire.

25 (c) Regulating traffic by means of traffic officers.

26 (d) Regulating traffic by means of official traffic control devices
27 meeting the requirements of Section 21400.

28 (e) (1) Regulating traffic by means of a person given temporary
29 or permanent appointment for that duty by the local authority
30 whenever official traffic control devices are disabled or otherwise
31 inoperable, at the scenes of accidents or disasters, or at locations
32 as may require traffic direction for orderly traffic flow.

33 (2) A person shall not be appointed pursuant to this subdivision
34 unless and until the local authority has submitted to the
35 commissioner or to the chief law enforcement officer exercising
36 jurisdiction in the enforcement of traffic laws within the area in
37 which the person is to perform the duty, for review, a proposed
38 program of instruction for the training of a person for that duty,
39 and unless and until the commissioner or other chief law
40 enforcement officer approves the proposed program. The

1 commissioner or other chief law enforcement officer shall approve
2 a proposed program if he or she reasonably determines that the
3 program will provide sufficient training for persons assigned to
4 perform the duty described in this subdivision.

5 (f) Regulating traffic at the site of road or street construction or
6 maintenance by persons authorized for that duty by the local
7 authority.

8 (g) (1) Licensing and regulating the operation of tow truck
9 service or tow truck drivers whose principal place of business or
10 employment is within the jurisdiction of the local authority,
11 excepting the operation and operators of any auto dismantlers' tow
12 vehicle licensed under Section 11505 or any tow truck operated
13 by a repossessing agency licensed under Chapter 11 (commencing
14 with Section 7500) of Division 3 of the Business and Professions
15 Code and its registered employees.

16 (2) The Legislature finds that the safety and welfare of the
17 general public is promoted by permitting local authorities to
18 regulate tow truck service companies and operators by requiring
19 licensure, insurance, and proper training in the safe operation of
20 towing equipment, thereby ensuring against towing mistakes that
21 may lead to violent confrontation, stranding motorists in dangerous
22 situations, impeding the expedited vehicle recovery, and wasting
23 state and local law enforcement's limited resources.

24 (3) Nothing in this subdivision shall limit the authority of a city
25 or city and county pursuant to Section 12111.

26 (h) Operation of bicycles, and, as specified in Section 21114.5,
27 electric carts by physically disabled persons, or persons 50 years
28 of age or older, on the public sidewalks.

29 (i) Providing for the appointment of nonstudent school crossing
30 guards for the protection of persons who are crossing a street or
31 highway in the vicinity of a school or while returning thereafter
32 to a place of safety.

33 (j) Regulating the methods of deposit of garbage and refuse in
34 streets and highways for collection by the local authority or by
35 any person authorized by the local authority.

36 (k) (1) Regulating cruising.

37 (2) The ordinance or resolution adopted pursuant to this
38 subdivision shall regulate cruising, which is the repetitive driving
39 of a motor vehicle past a traffic control point in traffic that is
40 congested at or near the traffic control point, as determined by the

1 ranking peace officer on duty within the affected area, within a
2 specified time period and after the vehicle operator has been given
3 an adequate written notice that further driving past the control
4 point will be a violation of the ordinance or resolution.

5 (3) A person is not in violation of an ordinance or resolution
6 adopted pursuant to this subdivision unless both of the following
7 apply:

8 (A) That person has been given the written notice on a previous
9 driving trip past the control point and then again passes the control
10 point in that same time interval.

11 (B) The beginning and end of the portion of the street subject
12 to cruising controls are clearly identified by signs that briefly and
13 clearly state the appropriate provisions of this subdivision and the
14 local ordinance or resolution on cruising.

15 (l) Regulating or authorizing the removal by peace officers of
16 vehicles unlawfully parked in a fire lane, as described in Section
17 22500.1, on private property. A removal pursuant to this
18 subdivision shall be consistent, to the extent possible, with the
19 procedures for removal and storage set forth in Chapter 10
20 (commencing with Section 22650).

21 ~~(m) This section does not authorize a local authority to enact~~
22 ~~or enforce an ordinance assessing a penalty for a violation where~~
23 ~~a penalty for the violation is expressly provided for in this code.~~

24 *(m) This section does not authorize a local authority to enact*
25 *or enforce an ordinance or resolution that establishes a violation*
26 *if a violation for the same or similar conduct is provided in this*
27 *code, nor does it authorize a local authority to enact or enforce*
28 *an ordinance or resolution that assesses a fine, penalty, assessment,*
29 *or fee for a violation if a fine, penalty, assessment, or fee for a*
30 *violation involving the same or similar conduct is provided in this*
31 *code.*