

AMENDED IN ASSEMBLY APRIL 22, 2021

AMENDED IN ASSEMBLY APRIL 15, 2021

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 550

Introduced by Assembly Member ~~Chiu~~ Members *Chiu and Friedman*
(Principal coauthor: Senator Wiener)
(Coauthors: Assembly Members ~~Ting Lee, Ting, and Wicks~~)

February 10, 2021

An act to amend, repeal, and add Section 70615 of the Government Code, and to add and repeal Article 3 (commencing with Section 22425) of Chapter 7 of Division 11 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 550, as amended, Chiu. Vehicles: Speed Safety System Pilot Program.

Existing law establishes a basic speed law that prohibits a person from driving a vehicle upon a highway at a speed greater than is reasonable or prudent given the weather, visibility, traffic, and highway conditions, and in no event at a speed that endangers the safety of persons or property.

This bill would authorize, until January 1, 2027, the Cities of Los Angeles, Oakland, San Jose, ~~two other cities~~ *one city* in southern California, and the City and County of San Francisco to establish the Speed Safety System Pilot Program for speed limit enforcement in certain areas, if the system meets specified requirements, including that the presence of a fixed or mobile system is clearly identified. The bill would require the participating cities or city and county to adopt a Speed

Safety System Use Policy and a Speed Safety System Impact Report before implementing the program, and would require the city or city and county to engage in a public information campaign at least 30 days before implementation of the program, including information relating to when the systems would begin detecting violations and where the systems would be utilized. The bill would require the participating cities or city and county to issue warning notices rather than notices of violations for violations detected within the first 30 calendar days of the program. The bill would require the participating cities or city and county to develop uniform guidelines for, among other things, the processing and storage of confidential information. The bill would designate all photographic, video, or other visual or administrative records made by a system as confidential, and would only authorize public agencies to use and allow access to these records for specified purposes.

This bill would specify that any violation of a speed law recorded by a speed safety system authorized by these provisions would be subject only to the provided civil penalties. The bill would, among other things, provide for the issuance of a notice of violation, an initial review, an administrative hearing, and an appeals process, as specified, for a violation under this program. The bill would require any program created pursuant to these provisions to offer a diversion program for indigent speed safety system violation recipients, as specified. The bill would require a city or city and county participating in the pilot program to submit reports to the Legislature, as specified, to evaluate the speed safety system to determine the system's impact on street safety and economic impact on the communities where the system is utilized.

Existing law establishes a \$25 filing fee for specified appeals and petitions.

This bill would require a \$25 filing fee for an appeal challenging a notice of violation issued as a result of a speed safety system until January 1, 2027.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Cities of Los Angeles, Oakland, San Jose, and the City and County of San Francisco.

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.

State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Speed is a major factor in traffic collisions that result in
4 fatalities or injuries.

5 (b) State and local agencies employ a variety of methods to
6 reduce speeding, including traffic engineering, education, and
7 enforcement.

8 (c) Traffic speed enforcement is critical to efforts in California
9 to reduce factors that contribute to traffic collisions that result in
10 fatalities or injuries.

11 (d) However, traditional enforcement methods have had a
12 well-documented disparate impact on communities of color, and
13 implicit or explicit racial bias in police traffic stops puts drivers
14 of color at risk.

15 (e) Additional tools, including speed safety systems, are
16 available to assist cities and the state in addressing excessive
17 speeding and speed-related crashes.

18 (f) Speed safety systems offer a high rate of detection, and, in
19 conjunction with education and traffic engineering, can
20 significantly reduce speeding, improve traffic safety, and prevent
21 traffic-related fatalities and injuries, including roadway worker
22 fatalities.

23 (g) Multiple speed safety system programs implemented in other
24 states and cities outside of California have proven successful in
25 reducing speeding and addressing traffic safety concerns.

26 (h) The Transportation Agency's "CalSTA Report of Findings:
27 AB 2363 Zero Traffic Fatalities Task Force," issued in January
28 2020, concluded that international and domestic studies show that
29 speed safety systems are an effective countermeasure to speeding
30 that can deliver meaningful safety improvements, and identified
31 several policy considerations that speed safety system program
32 guidelines could consider.

33 (i) In a 2017 study, the National Transportation Safety Board
34 (NTSB) analyzed studies of speed safety system programs, and

1 found they offered significant safety improvements in the forms
2 of reduction in mean speeds, reduction in the likelihood of speeding
3 more than 10 miles per hour over the posted speed limit, and
4 reduction in the likelihood that a crash involved a severe injury or
5 fatality. The same study recommended that all states remove
6 obstacles to speed safety system programs to increase the use of
7 this proven approach, and notes that programs should be explicitly
8 authorized by state legislation without operational and location
9 restrictions.

10 (j) The National Highway Traffic Safety Administration
11 (NHTSA) gives speed safety systems the maximum 5-star
12 effectiveness rating. NHTSA issued speed enforcement camera
13 systems operational guidelines in 2008, and is expected to release
14 revised guidelines in 2021 that should further inform the
15 development of state guidelines.

16 (k) Speed safety systems can advance equity by improving
17 reliability and fairness in traffic enforcement while making
18 speeding enforcement more predictable, effective, and broadly
19 implemented, all of which helps change driver behavior.

20 (l) Enforcing speed limits using speed safety systems on streets
21 ~~and in highway work zones~~ where speeding drivers create
22 dangerous roadway environments is a reliable and cost-effective
23 means to prevent further fatalities and injuries.

24 SEC. 2. Section 70615 of the Government Code is amended
25 to read:

26 70615. The fee for filing any of the following appeals to the
27 superior court is twenty-five dollars (\$25):

28 (a) An appeal of a local agency's decision regarding an
29 administrative fine or penalty under Section 53069.4.

30 (b) An appeal under Section 40230 of the Vehicle Code of an
31 administrative agency's decision regarding a parking violation.

32 (c) An appeal under Section 99582 of the Public Utilities Code
33 of a hearing officer's determination regarding an administrative
34 penalty for fare evasion or a passenger conduct violation.

35 (d) A petition under Section 186.35 of the Penal Code
36 challenging a law enforcement agency's inclusion of a person's
37 information in a shared gang database.

38 (e) An appeal under Section 22428 of the Vehicle Code of a
39 hearing officer's determination regarding a civil penalty for an

1 automated speed violation, as defined in Section 22425 of the
2 Vehicle Code.

3 (f) This section shall remain in effect only until January 1, 2027,
4 and as of that date is repealed.

5 SEC. 3. Section 70615 is added to the Government Code, to
6 read:

7 70615. The fee for filing any of the following appeals to the
8 superior court is twenty-five dollars (\$25):

9 (a) An appeal of a local agency’s decision regarding an
10 administrative fine or penalty under Section 53069.4.

11 (b) An appeal under Section 40230 of the Vehicle Code of an
12 administrative agency’s decision regarding a parking violation.

13 (c) An appeal under Section 99582 of the Public Utilities Code
14 of a hearing officer’s determination regarding an administrative
15 penalty for fare evasion or a passenger conduct violation.

16 (d) A petition under Section 186.35 of the Penal Code
17 challenging a law enforcement agency’s inclusion of a person’s
18 information in a shared gang database.

19 (e) This section shall become operative on January 1, 2027.

20 SEC. 4. Article 3 (commencing with Section 22425) is added
21 to Chapter 7 of Division 11 of the Vehicle Code, to read:

22

23 Article 3. Speed Safety System Pilot Program: Automated Speed
24 Enforcement System Program
25

26 22425. (a) As used in this article, the following definitions
27 shall apply:

28 (1) “Automated speed violation” means a violation of a speed
29 law detected by a speed safety system operated pursuant to this
30 article.

31 (2) “Indigent” shall have the same meaning as defined in
32 subdivision (c) of Section 40220.

33 (3) “Local department of transportation” means a city or city
34 and county’s department of transportation or, if a city or city and
35 county does not have a department of transportation, their
36 administrative division, including, but not limited to, a public
37 works department that administers transportation and traffic matters
38 under this code.

39 (4) “Speed safety system” or “system” means a fixed or mobile
40 radar or laser system or any other electronic device that utilizes

1 automated equipment to detect a violation of speeding laws and
2 is designed to obtain a clear photograph, video recording, or other
3 visual image of a vehicle license plate.

4 (b) (1) The Cities of Los Angeles, Oakland, San Jose, ~~two~~ *one*
5 southern California ~~cities;~~ *city*, and the City and County of San
6 Francisco may establish a program utilizing a speed safety system
7 for speed limit enforcement, to be operated by a local department
8 of transportation, in the following areas:

9 (A) Within 2,500 feet of a school.

10 (B) Within 2,500 feet of a senior zone.

11 (C) Within 2,500 feet of a public park.

12 (D) Within 2,500 feet of a recreational center.

13 (E) On a street meeting the standards of a high injury network,
14 as defined by the Department of Transportation.

15 (2) A municipality operating a speed safety system pilot program
16 under this article may have speed safety systems operational on
17 no more than 15 percent of the municipality's streets at any time
18 during the pilot program.

19 (3) (A) *A municipality operating a speed safety pilot program*
20 *under this article may have the following number of speed safety*
21 *systems operational at any time during the pilot program:*

22 (i) *For a jurisdiction with a population over 3,000,000, no more*
23 *than 125 systems.*

24 (ii) *For a jurisdiction with a population between 800,000 and*
25 *3,000,000, inclusive, no more than 33 systems.*

26 (iii) *For a jurisdiction with a population of 300,000 up to*
27 *800,000, no more than 18 systems.*

28 (iv) *For a jurisdiction with a population of less than 300,000,*
29 *no more than 9 systems.*

30 (B) *For purposes of this paragraph, a "speed safety system"*
31 *may include up to two fixed or mobile radar or laser systems at*
32 *the same location in order to detect speed violations on two-way*
33 *or multidirectional streets.*

34 (c) The Speed Safety System Pilot Program shall not be operated
35 on any California state route, including all freeways and
36 expressways, United States Highway, Interstate Highway or any
37 public road in an unincorporated county where the Commissioner
38 of the California Highway Patrol has full responsibility and primary
39 jurisdiction for the administration and enforcement of the laws,

1 and for the investigation of traffic accidents, pursuant to Section
2 2400.

3 (d) If a school zone is located on a street or portion of a street
4 that is eligible for a speed safety system pursuant to subdivision
5 (b), and the posted speed limit is 30 miles per hour or higher when
6 children are not present, a city or city and county may operate a
7 speed safety system two hours before the regular school session
8 begins and two hours after regular school session concludes.

9 (e) A speed safety system for speed limit enforcement may be
10 utilized pursuant to subdivision (b) if the program meets all of the
11 following requirements:

12 (1) Clearly identifies the presence of the speed safety system
13 by signs stating “Photo Enforced,” along with the posted speed
14 limit within 500 feet of the system. The signs shall be visible to
15 traffic traveling on the street from the direction of travel for which
16 the system is utilized, and shall be posted at all locations as may
17 be determined necessary by the Department of Transportation
18 through collaboration with the California Traffic Control Devices
19 Committee.

20 (2) Identifies the streets or portions of streets that have been
21 approved for enforcement using a speed safety system and the
22 hours of enforcement on the municipality’s internet website, which
23 shall be updated whenever the municipality changes locations of
24 enforcement.

25 (3) Ensures that the speed safety system is regularly inspected
26 and certifies that the system is installed and operating properly.
27 Each camera unit shall be calibrated in accordance with the
28 manufacturer’s instructions, and at least once per year by an
29 independent calibration laboratory. Documentation of the regular
30 inspection, operation, and calibration of the system shall be retained
31 until the date on which the system has been permanently removed
32 from use.

33 (4) Utilizes fixed *or mobile* speed safety systems that provide
34 real-time notification when violations are detected.

35 (f) Prior to enforcing speed laws utilizing speed safety systems,
36 the city or city and county shall do both of the following:

37 (1) Administer a public information campaign for at least 30
38 calendar days prior to the commencement of the program, which
39 shall include public announcements in major media outlets and
40 press releases. The public information campaign shall include the

1 draft Speed Safety System Use Policy pursuant to subdivision (g),
2 the Speed Safety System Impact Report pursuant to subdivision
3 (h), information on when systems will begin detecting violations,
4 the streets, or portions of streets, where systems will be utilized,
5 and the city’s internet website, where additional information about
6 the program can be obtained. Notwithstanding the above, no further
7 public announcement by the municipality shall be required for
8 additional systems that may be added to the program.

9 (2) Issue warning notices rather than notices of violation for
10 violations detected by the speed safety systems during the first 30
11 calendar days of enforcement under the program. If additional
12 systems are utilized on additional streets after the initial program
13 implementation, the city or city and county shall issue warning
14 notices rather than notices of violation for violations detected by
15 the new speed safety systems during the first 30 calendar days of
16 enforcement for the additional streets added to the program.

17 (g) The local governing body shall adopt a Speed Safety System
18 Use Policy before entering into an agreement regarding a speed
19 safety system, purchasing or leasing equipment for a program, or
20 implementing a program. The Speed Safety System Use Policy
21 shall include the specific purpose for the system, the uses that are
22 authorized, the rules and processes required prior to that use, and
23 the uses that are prohibited. The policy shall include the data or
24 information that can be collected by the speed safety system and
25 the individuals who can access or use the collected information,
26 and the rules and processes related to the access or use of the
27 information. The policy shall also include provisions for protecting
28 data from unauthorized access, data retention, public access,
29 third-party data sharing, training, auditing, and oversight to ensure
30 compliance with the Speed Safety System Use Policy. The Speed
31 Safety System Use Policy shall be made available for public
32 review, including, but not limited to, by posting it on the local
33 governing body’s internet website at least 30 calendar days prior
34 to adoption by the local governing body.

35 (h) (1) The local governing body also shall approve a Speed
36 Safety System Impact Report prior to implementing a program.
37 The Speed Safety System Impact Report shall include all of the
38 following information:

1 (A) Assessment of potential impact of the speed safety system
2 on civil liberties and civil rights and any plans to safeguard those
3 public rights.

4 (B) Description of the speed safety system and how it works.

5 (C) Fiscal costs for the speed safety system, including program
6 establishment costs, ongoing costs, and program funding.

7 (D) If potential deployment locations of systems are
8 predominantly in low-income neighborhoods, a determination of
9 why these locations experience high fatality and injury collisions
10 due to unsafe speed.

11 (E) Locations where the system may be deployed and traffic
12 data for these locations.

13 (F) Proposed purpose of the speed safety system.

14 (2) The Speed Safety System Impact Report shall be made
15 available for public review at least 30 calendar days prior to
16 adoption by the governing body.

17 (3) The local governing body shall consult and work
18 collaboratively with relevant local stakeholder organizations,
19 including racial equity, privacy protection, and economic justice
20 groups, in developing the Speed Safety System Use Policy and
21 Speed Safety System Impact Report.

22 (i) The municipality shall develop uniform guidelines for both
23 of the following:

24 (1) The screening and issuing of notices of violation.

25 (2) The processing and storage of confidential information and
26 procedures to ensure compliance with confidentiality requirements.

27 (j) Notices of violation issued pursuant to this section shall
28 include a clear photograph, video recording, or other visual image
29 of the license plate and rear of the vehicle only, the Vehicle Code
30 violation, the camera location, and the date and time when the
31 violation occurred. Notices of violation shall exclude images of
32 the rear window area of the vehicle.

33 (k) The photographic, video, or other visual evidence stored by
34 a speed safety system does not constitute an out-of-court hearsay
35 statement by a declarant under Division 10 (commencing with
36 Section 1200) of the Evidence Code.

37 (l) (1) Notwithstanding Sections 6253 and 6262 of the
38 Government Code, or any other law, photographic, video, or other
39 visual or administrative records made by a system shall be
40 confidential. Public agencies shall use and allow access to these

1 records only for the purposes authorized by this article or to assess
2 the impacts of the system.

3 (2) Confidential information obtained from the Department of
4 Motor Vehicles for the administration of speed safety systems and
5 enforcement of this article shall be held confidential, and shall not
6 be used for any other purpose.

7 (3) Except for court records described in Section 68152 of the
8 Government Code, or as provided in paragraph (4), the confidential
9 records and evidence described in paragraphs (1) and (2) may be
10 retained for up to 60 days after final disposition of the notice of
11 violation. The municipality may adopt a retention period of less
12 than 60 days in the Speed Safety System Use Policy.
13 Administrative records described in paragraph (1) may be retained
14 for up to 120 days after final disposition of the notice of violation.
15 Notwithstanding any other law, the confidential records and
16 evidence shall be destroyed in a manner that maintains the
17 confidentiality of any person included in the record or evidence.

18 (4) Notwithstanding Section 26202.6 of the Government Code,
19 photographic, video, or other visual evidence that is obtained from
20 a speed safety system that does not contain evidence of a speeding
21 violation shall be destroyed within five business days after the
22 evidence was first obtained. The use of facial recognition
23 technology in conjunction with a speed safety system shall be
24 prohibited.

25 (5) Information collected and maintained by a municipality
26 using a speed safety system shall only be used to administer an
27 program, and shall not be disclosed to any other persons, including,
28 but not limited to, any other state or federal government agency
29 or official for any other purpose, except as required by state or
30 federal law, court order, or in response to a subpoena in an
31 individual case or proceeding.

32 (m) Notwithstanding subdivision (l), the registered owner or an
33 individual identified by the registered owner as the driver of the
34 vehicle at the time of the alleged violation shall be permitted to
35 review the photographic, video, or visual evidence of the alleged
36 violation.

37 (n) A contract between the municipality and a manufacturer or
38 supplier of speed safety systems shall allow the local authority to
39 purchase materials, lease equipment, and contract for processing
40 services from the manufacturer or supplier based on the services

1 rendered on a monthly schedule or another schedule agreed upon
2 by the municipality and contractor. The contract shall not include
3 provisions for payment or compensation based on the number of
4 notices of violation issued by a designated municipal employee,
5 or as a percentage of revenue generated, from the use of the system.
6 The contract shall include a provision that all data collected from
7 the speed safety systems is confidential, and shall prohibit the
8 manufacturer or supplier of speed safety systems from sharing,
9 repurposing, or monetizing collected data, except as specifically
10 authorized in this article. The municipality shall oversee and
11 maintain control over all enforcement activities, including the
12 determination of when a notice of violation should be issued.

13 (o) Notwithstanding subdivision (n), a municipality may contract
14 with a vendor for the processing of notices of violation after a
15 designated municipal employee has issued a notice of violation.
16 The vendor shall be a separate legal and corporate entity from, and
17 unrelated or affiliated in any manner with, the manufacturer or
18 supplier of speed safety systems used by the municipality. Any
19 contract between the municipality and a vendor to provide
20 processing services may include a provision for the payment of
21 compensation based on the number of notices of violation
22 processed by the vendor.

23 (p) (1) A speed safety system shall no longer be operated on
24 any given street if within the first 18 months of installation of a
25 system, at least one of the following thresholds has not been met:

26 (A) Percentage of automated speed violations decreased by at
27 least 25 percent.

28 (B) Percentage of violators who received two or more violations
29 decreased by at least 50 percent.

30 (2) This subdivision shall not apply if a city or city and county
31 adds traffic-calming measures to the street. “Traffic-calming
32 measures” include, but are not limited to:

33 (A) Bicycle lanes.

34 (B) Chicanes.

35 (C) Chokers.

36 (D) Curb extensions.

37 (E) Median islands.

38 (F) Raised crosswalks.

39 (G) Road diets.

40 (H) Roundabouts.

1 (I) Speed humps or speed tables.

2 (J) Traffic circles.

3 (3) A city or city and county may continue to operate a speed
4 safety system with a fixed or mobile vehicle speed feedback sign
5 while traffic-calming measures are being planned or constructed,
6 but shall halt their use if construction has not begun within two
7 years.

8 (4) If the percentage of violations has not decreased by the
9 metrics identified pursuant to paragraph (1) within one year after
10 traffic-calming measures have completed construction, a city or
11 county shall either construct additional traffic-calming measures
12 or cease operation of the system on that street.

13 22426. (a) Notwithstanding any other law, a violation of
14 Section 22350, or any other speed law pursuant to this chapter that
15 is recorded by a speed safety system authorized pursuant to Section
16 22425 shall be subject only to a civil penalty, as provided in
17 subdivision (d), and shall not result in the department suspending
18 or revoking the privilege of a violator to drive a motor vehicle or
19 in a violation point being assessed against the violator.

20 (b) The speed safety system shall capture images of the rear
21 license plate of vehicles that are traveling 11 miles per hour or
22 more over the posted speed limit and notices of violation shall
23 only be issued to vehicles based on that evidence.

24 (c) No more than one notice of violation shall be issued for a
25 violation recorded from a specific license plate within a 24-hour
26 period.

27 (d) A civil penalty shall be assessed as follows:

28 (1) Fifty dollars (\$50) for a speed violation from 11 up to 15
29 miles per hour over the posted speed limit.

30 (2) One hundred dollars (\$100) for a speed violation from 15
31 up to 25 miles per hour over the posted speed limit.

32 (3) Two hundred dollars (\$200) for a speed violation from 25
33 up to 100 miles per hour over the posted speed limit.

34 (4) Five hundred dollars (\$500) for a speed violation 100 miles
35 per hour or greater over the posted speed limit.

36 (e) A civil penalty shall not be assessed against an authorized
37 emergency vehicle.

38 (f) The written notice of violation shall be issued to the
39 registered owner of the vehicle within 15 calendar days of the date

1 of the violation. The notice of violation shall include all of the
2 following information:

3 (1) The violation, including reference to the speed law that was
4 violated.

5 (2) The date, approximate time, and location where the violation
6 occurred.

7 (3) The vehicle license number and the name and address of the
8 registered owner of the vehicle.

9 (4) A statement that payment is required to be made no later
10 than 30 calendar days from the date of mailing of the notice of
11 violation, or that the violation may be contested pursuant to Section
12 22427.

13 (5) The amount of the civil penalty due for that violation and
14 the procedures for the registered owner, lessee, or rentee to pay
15 the civil penalty or to contest the notice of violation.

16 (6) An affidavit of nonliability, and information of what
17 constitutes nonliability, information as to the effect of executing
18 the affidavit, and instructions for returning the affidavit to the
19 processing agency. If the affidavit of nonliability is returned to the
20 processing agency within 30 calendar days of the mailing of the
21 notice of violation, together with proof of a written lease or rental
22 agreement between a bona fide rental or leasing company and its
23 customer that identifies the rentee or lessee, the processing agency
24 shall serve or mail a notice of violation to the rentee or lessee
25 identified in the affidavit of nonliability.

26 (g) Mobile radar or laser systems shall not be used until at least
27 two years after the installation of the first fixed radar or laser
28 system.

29 (h) (1) Revenues derived from any program utilizing a speed
30 safety system for speed limit enforcement shall first be used to
31 recover program costs. Program costs include, but are not limited
32 to the construction of traffic calming measures for the purposes
33 of complying with subdivision (p) of Section 22425, the installation
34 of speed safety systems, the adjudication of violations, and
35 reporting requirements as specified in this section.

36 (2) Jurisdictions shall maintain their existing commitment of
37 local funds for traffic-calming measures in order to remain
38 authorized to participate in the pilot program, and shall annually
39 expend not less than the annual average of expenditures for
40 traffic-calming measures during the 2016–17, 2017–18, and

1 2018–19 fiscal years. For purposes of this subdivision, in
2 calculating average expenditures on traffic-calming measures,
3 restricted funds that may not be available on an ongoing basis,
4 including those from voter-approved bond issuances or tax
5 measures, shall not be included. Any excess revenue shall be used
6 for traffic calming measures within three years. If traffic-calming
7 measures are not planned or constructed after the third year, then
8 excess revenue shall revert to the Active Transportation Program
9 established pursuant to Chapter 8 (commencing with Section 2380)
10 of the Streets and Highways Code, to be allocated by the California
11 Transportation Commission pursuant to Section 2381 of the Streets
12 and Highways Code.

13 22427. (a) For a period of 30 calendar days from the mailing
14 of a notice of violation, a person may request an initial review of
15 the notice by the issuing agency. The request may be made by
16 telephone, in writing, electronically, or in person. There shall be
17 no charge for this review. If, following the initial review, the
18 issuing agency is satisfied that the violation did not occur, or that
19 extenuating circumstances make dismissal of the notice of violation
20 appropriate in the interest of justice, the issuing agency shall cancel
21 the notice of violation. The issuing agency shall advise the
22 processing agency, if any, of the cancellation. The issuing agency
23 or the processing agency shall mail the results of the initial review
24 to the person contesting the notice, and, if cancellation of the notice
25 does not occur following that review, include a reason for that
26 denial, notification of the ability to request an administrative
27 hearing, and notice of the procedure adopted pursuant to paragraph
28 (2) of subdivision (b) for waiving prepayment of the civil penalty
29 based upon an inability to pay.

30 (b) (1) If the person contesting the notice of violation is
31 dissatisfied with the results of the initial review, the person may,
32 no later than 21 calendar days following the mailing of the results
33 of the issuing agency's initial review, request an administrative
34 hearing of the violation. The request may be made by telephone,
35 in writing, electronically, or in person.

36 (2) The person requesting an administrative hearing shall pay
37 the amount of the civil penalty to the processing agency. The
38 issuing agency shall adopt a written procedure to allow a person
39 to request an administrative hearing without payment of the civil

1 penalty upon satisfactory proof of an inability to pay the amount
2 due.

3 (3) The administrative hearing shall be held within 90 calendar
4 days following the receipt of a request for an administrative
5 hearing. The person requesting the hearing may request one
6 continuance, not to exceed 21 calendar days.

7 (c) The administrative hearing process shall include all of the
8 following:

9 (1) The person requesting a hearing shall have the choice of a
10 hearing by mail, video conference, or in person. An in-person
11 hearing shall be conducted within the jurisdiction of the issuing
12 agency.

13 (2) If the person requesting a hearing is a minor, that person
14 shall be permitted to appear at a hearing or admit responsibility
15 for the automated speed violation without the appointment of a
16 guardian. The processing agency may proceed against the minor
17 in the same manner as against an adult.

18 (3) The administrative hearing shall be conducted in accordance
19 with written procedures established by the issuing agency and
20 approved by the governing body or chief executive officer of the
21 issuing agency. The hearing shall provide an independent,
22 objective, fair, and impartial review of contested automated speed
23 violations.

24 (4) (A) The issuing agency's governing body or chief executive
25 officer shall appoint or contract with qualified independent
26 examiners or administrative hearing providers that employ qualified
27 independent examiners to conduct the administrative hearings.
28 Examiners shall demonstrate the qualifications, training, and
29 objectivity necessary to conduct a fair and impartial review. The
30 examiner shall be separate and independent from the notice of
31 violation collection or processing function. An examiner's
32 continued employment, performance evaluation, compensation,
33 and benefits shall not, directly or indirectly, be linked to the amount
34 of civil penalties collected by the examiner or the number or
35 percentage of violations upheld by the examiner.

36 (B) (i) Examiners shall have a minimum of 20 hours of training.
37 The examiner is responsible for the costs of the training. The
38 issuing agency may reimburse the examiner for those costs.
39 Training may be provided through any of the following:

40 (I) An accredited college or university.

1 (II) A program conducted by the Commission on Peace Officer
2 Standards and Training.

3 (III) A program conducted by the American Arbitration
4 Association or a similar organization.

5 (IV) Any program approved by the governing body or chief
6 executive officer of the issuing agency, including a program
7 developed and provided by, or for, the agency.

8 (ii) Training programs may include topics relevant to the
9 administrative hearing, including, but not limited to, applicable
10 laws and regulations, enforcement procedures, due process,
11 evaluation of evidence, hearing procedures, and effective oral and
12 written communication. Upon the approval of the governing body
13 or chief executive officer of the issuing agency, up to 12 hours of
14 relevant experience may be substituted for up to 12 hours of
15 training. Up to eight hours of the training requirements described
16 in this subparagraph may be credited to an individual, at the
17 discretion of the governing body or chief executive officer of the
18 issuing agency, based upon training programs or courses described
19 in this subparagraph that the individual attended within the last
20 five years.

21 (5) The designated municipal employee who issues a notice of
22 violation shall not be required to participate in an administrative
23 hearing. The issuing agency shall not be required to produce any
24 evidence other than, in proper form, the notice of violation or copy
25 thereof, including the photograph, video, or other visual image of
26 the vehicle's license plate, and information received from the
27 Department of Motor Vehicles identifying the registered owner
28 of the vehicle. The documentation in proper form shall be prima
29 facie evidence of the violation.

30 (6) The examiner's final decision following the administrative
31 hearing may be personally delivered to the person by the examiner
32 or sent by first-class mail.

33 (7) Following a determination by the examiner that a person
34 has committed the violation, the examiner may, consistent with
35 the written guidelines established by the issuing agency, allow
36 payment of the civil penalty in installments, or an issuing agency
37 may allow for deferred payment or payments in installments, if
38 the person provides evidence satisfactory to the examiner or the
39 issuing agency, as the case may be, of an inability to pay the civil
40 penalty in full. If authorized by the governing body of the issuing

1 agency, the examiner may permit the performance of community
2 service in lieu of payment of the civil penalty.

3 (8) If a notice of violation is dismissed following an
4 administrative hearing, any civil penalty, if paid, shall be refunded
5 by the issuing agency within 30 days.

6 22428. (a) Within 30 days after personal delivery or mailing
7 of the final decision described in subdivision (c) of Section 22427,
8 the contestant may seek review by filing an appeal to the superior
9 court, where the case shall be heard de novo, except that the
10 contents of the processing agency's file in the case on appeal shall
11 be received in evidence. A copy of the notice of violation shall be
12 admitted into evidence as prima facie evidence of the facts stated
13 in the notice. A copy of the notice of appeal shall be served in
14 person or by first-class mail upon the processing agency by the
15 contestant. For purposes of computing the 30-day period, Section
16 1013 of the Code of Civil Procedure shall be applicable. A
17 proceeding under this subdivision is a limited civil case.

18 (b) The fee for filing the notice of appeal shall be as provided
19 in Section 70615 of the Government Code. The court shall request
20 that the issuing agency's file on the case be forwarded to the court,
21 to be received within 15 calendar days of the request. The court
22 shall notify the contestant of the appearance date by mail or
23 personal delivery. The court shall retain the fee under Section
24 70615 of the Government Code regardless of the outcome of the
25 appeal. If the appellant prevails, this fee and any payment of the
26 civil penalty shall be promptly refunded by the issuing agency in
27 accordance with the judgment of the court.

28 (c) The conduct of the hearing on appeal under this section is
29 a subordinate judicial duty that may be performed by a
30 commissioner or other subordinate judicial officer at the direction
31 of the presiding judge of the court.

32 (d) If a notice of appeal of the examiner's decision is not filed
33 within the period set forth in subdivision (a), the decision shall be
34 deemed final.

35 (e) If the civil penalty has not been paid and the decision is
36 adverse to the contestant, the processing agency may, promptly
37 after the decision becomes final, proceed to collect the civil penalty
38 under Section 22426.

39 22429. (a) A city or city and county shall offer a diversion
40 program for indigent speed safety system violation recipients, to

1 perform community service in lieu of paying the penalty for an
2 automated speed system violation.

3 (b) A city or city and county shall offer the ability for indigent
4 speed safety system violation recipients to pay applicable fines
5 and penalties over a period of time under a payment plan with
6 monthly installments of no more than twenty-five dollars (\$25)
7 and shall limit the processing fee to participate in a payment plan
8 to five dollars (\$5) or less.

9 (c) Notwithstanding subdivisions (a) and (b), a city or city and
10 county shall reduce the applicable fines and penalties by 80 percent
11 for indigent persons, and by 50 percent for individuals 200 percent
12 above the federal poverty level.

13 22430. A city or city and county shall each develop and submit
14 to their respective governing body a Speed Safety System Report,
15 two years after initial implementation of the program and at the
16 end of the pilot program that includes all of the following
17 information:

18 (a) A description of how the speed safety system was used.

19 (b) Whether and how often any system data was shared with
20 outside entities, the name of any recipient entity, the type or types
21 of data disclosed, and the legal reason for the disclosure.

22 (c) A summary of any community complaints or concerns about
23 the speed safety system.

24 (d) Results of any internal audits, information about any
25 violations of the Speed Safety System Use Policy, and any actions
26 taken in response.

27 (e) Information regarding the impact the speed safety system
28 has had on the streets where the speed safety system was deployed.

29 (f) A summary of any public record act requests.

30 (g) A list of system locations that did not meet the threshold for
31 continuance of a program pursuant to paragraph (1) of subdivision
32 (p) of Section 22425, and whether further traffic-calming measures
33 are in planning or construction, or there is a decision to halt
34 operation of the program in those locations.

35 22431. Any city or city and county that used speed safety
36 systems shall, on or before March 1 of the fifth year in which the
37 system has been implemented, submit to the transportation
38 committees of the Legislature an evaluation of the speed safety
39 system in their respective jurisdictions to determine the system's
40 impact on street safety and the system's economic impact on the

1 communities where the system is utilized. The report shall be made
2 available on the internet websites of the respective jurisdictions
3 and shall include all of the following information:

4 (a) Data, before and after implementation of the system, on the
5 number and proportion of vehicles speeding from 11 to 19 miles
6 per hour over the legal speed limit, inclusive, from 20 to 29 miles
7 per hour over the legal speed limit, inclusive, from 30 to 39 miles
8 per hour over the legal speed limit, inclusive, and every additional
9 10 miles per hour increment thereafter on a street or portion of a
10 street in which an system is used to enforce speed limits. To the
11 extent feasible, the data should be collected at the same time of
12 day, day of week, and location.

13 (b) The number of notices of violation issued under the program
14 by month and year, the corridors or locations where violations
15 occurred, and the number of vehicles with two or more violations
16 in a monthly period and a yearly period.

17 (c) Data, before and after implementation of the system, on the
18 number of traffic collisions that occurred where speed safety
19 systems are used, relative to citywide data, and the transportation
20 mode of the parties involved. The data on traffic collisions shall
21 be categorized by injury severity, such as property damage only,
22 complaint of pain, other visible injury, or severe or fatal injury.

23 (d) The number of violations paid, the number of delinquent
24 violations, and the number of violations for which an initial review
25 is requested. For the violations in which an initial review was
26 requested, the report shall indicate the number of violations that
27 went to initial review, administrative hearing, and de novo hearing,
28 the number of notices that were dismissed at each level of review,
29 and the number of notices that were not dismissed after each level
30 of review.

31 (e) The costs associated with implementation and operation of
32 the speed safety systems, and revenues collected by each
33 jurisdiction.

34 (f) A racial and economic equity impact analysis, developed in
35 collaboration with local racial justice and economic equity
36 stakeholder groups.

37 22432. This article shall remain in effect only until January 1,
38 2027, and as of that date is repealed.

39 SEC. 5. The Legislature finds and declares that a special statute
40 is necessary and that a general statute cannot be made applicable

1 within the meaning of Section 16 of Article IV of the California
2 Constitution because of the unique circumstances with traffic speed
3 enforcement in southern California, the Cities of Los Angeles,
4 Oakland, and San Jose, and the City and County of San Francisco.

5 SEC. 6. The Legislature finds and declares that Section 4 of
6 this act, which adds Section 22425 to the Vehicle Code, imposes
7 a limitation on the public’s right of access to the meetings of public
8 bodies or the writings of public officials and agencies within the
9 meaning of Section 3 of Article I of the California Constitution.
10 Pursuant to that constitutional provision, the Legislature makes
11 the following findings to demonstrate the interest protected by this
12 limitation and the need for protecting that interest:

13 To protect the privacy interests of persons who are issued notices
14 of violation under a speed safety systems pilot program, the
15 Legislature finds and declares that the photographic, video, or
16 other visual or administrative records generated by the program
17 shall be confidential, and shall be made available only to alleged
18 violators and to governmental agencies solely for the purpose of
19 enforcing these violations and assessing the impact of the use of
20 speed safety systems, as required by this act.