

AMENDED IN SENATE MARCH 30, 2023

AMENDED IN SENATE FEBRUARY 13, 2023

SENATE BILL

No. 50

Introduced by Senator Bradford

(Principal coauthors: Assembly Members Bryan and Kalra)

~~(Coauthor: Senator Wahab)~~

(Coauthors: Senators Menjivar, Skinner, and Wahab)

(Coauthors: Assembly Members ~~Jackson and McKinnor~~ Friedman,
Jackson, McKinnor, and Wilson)

December 5, 2022

An act to amend Sections 21 and 21100 of, and to add Section 2804.5 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Bradford. Vehicles: enforcement.

Existing law authorizes a peace officer to make an arrest pursuant to a warrant or without a warrant if, among other circumstances, the officer has probable cause to believe that the person has committed a public offense in the officer's presence. Under existing law, it is unlawful to disobey the lawful order, signal, or direction of a uniformed peace officer performing any duties pursuant to the Vehicle Code or to refuse to submit to any lawful vehicular inspection authorized by the Vehicle Code.

Existing case law deems a temporary detention of a person during an automobile stop by the police, even if only for a brief period and for a limited purpose, a seizure, under the Fourth Amendment of the Constitution of the United States, and as such, requires the actions to be reasonable. Under existing case law, the decision to stop an automobile is reasonable if the police have probable cause to believe

that a traffic violation has occurred. Existing case law holds that constitutional reasonableness of traffic stops does not depend on the actual motivations of the individual officers involved and that ulterior motives do not invalidate police conduct that is justifiable on the basis of probable cause to believe that a violation of law has occurred.

This bill would prohibit a peace officer from stopping or detaining the operator of a motor vehicle or bicycle for a low-level infraction, as defined, unless a separate, independent basis for a stop exists. The bill would authorize a peace officer who does not have grounds to stop a vehicle or bicycle, but can determine the identity of the owner, to send a citation or warning letter to the owner.

The bill would authorize local authorities to enforce a violation of the Vehicle Code through government employees who are not peace officers.

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. Section 21 of the Vehicle Code is amended to
2 read:

3 21. (a) Except as otherwise expressly provided, the provisions
4 of this code are applicable and uniform throughout the state and
5 in all counties and municipalities therein, and a local authority
6 shall not enact or enforce any ordinance or resolution on the matters
7 covered by this code, including ordinances or resolutions that
8 establish regulations or procedures for, or assess a fine, penalty,
9 assessment, or fee for a violation of, matters covered by this code,
10 unless expressly authorized by this code.

11 (b) To the extent permitted by current state law, this section
12 does not impair the current lawful authority of the Mountains
13 Recreation and Conservation Authority, a joint powers authority,
14 or any member agency constituted therein as of July 1, 2010, to
15 enforce an ordinance or resolution relating to the management of
16 public lands within its jurisdiction.

17 (c) This section does not preclude a county, city, municipality,
18 or any other local authority from enforcing a violation provided
19 in this code through government employees who are not peace
20 officers.

21 SEC. 2. Section 2804.5 is added to the Vehicle Code, to read:

1 2804.5. (a) (1) For the purpose of this section, “low-level
2 infraction” means any of the following:

3 (A) A violation related to the registration of a vehicle or vehicle
4 equipment in Sections 4000, 5352, and 12951.

5 (B) A violation related to the positioning or number of license
6 plates when at least one plate is clearly displayed, in Sections 5200,
7 5201, and 5204.

8 (C) A violation related to vehicle lighting equipment not
9 illuminating, if the violation is limited to a single brake light,
10 headlight, *rear license plate*, or running light, or a single bulb in
11 a larger light of the same, in Sections 24252, 24400, ~~and 24600.~~
12 ~~24600, 24601, and 24603.~~

13 (D) A violation related to window tints or obstructions in
14 Sections 26708 and 26708.5.

15 (E) A violation related to vehicle bumper equipment in Section
16 28071.

17 (F) A violation related to bicycle equipment or operation in
18 Sections 21201 and 21212.

19 (2) “Low-level infraction” does not include violations relating
20 to commercial vehicles.

21 (b) Notwithstanding any other law, a peace officer shall not stop
22 or detain the operator of a motor vehicle or a bicycle for a low-level
23 infraction unless there is a separate, independent basis to initiate
24 the stop.

25 (c) If an officer does not have grounds to stop or detain the
26 operator of a motor vehicle or bicycle, and the officer can identify
27 the owner of the vehicle, the officer’s agency may, consistent with
28 current law, mail a citation to the owner, or send a warning letter
29 identifying the violation and instructing the owner to correct the
30 defect or otherwise remedy the violation.

31 SEC. 3. Section 21100 of the Vehicle Code is amended to read:
32 21100. Local authorities may adopt rules and regulations by
33 ordinance or resolution regarding all of the following matters:

34 (a) Regulating or prohibiting processions or assemblages on the
35 highways.

36 (b) Licensing and regulating the operation of vehicles for hire
37 and drivers of passenger vehicles for hire.

38 (c) Regulating traffic by means of traffic officers or other
39 government employees.

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

3 (e) (1) Regulating traffic by means of a person given temporary
4 or permanent appointment for that duty by the local authority when
5 official traffic control devices are disabled or otherwise inoperable,
6 at the scenes of accidents or disasters, or at locations as may require
7 traffic direction for orderly traffic flow.

8 (2) A person shall not be appointed pursuant to this subdivision
9 unless and until the local authority has submitted to the
10 commissioner or to the chief law enforcement officer exercising
11 jurisdiction in the enforcement of traffic laws within the area in
12 which the person is to perform the duty, for review, a proposed
13 program of instruction for the training of a person for that duty,
14 and unless and until the commissioner or other chief law
15 enforcement officer approves the proposed program. The
16 commissioner or other chief law enforcement officer shall approve
17 a proposed program if they reasonably determine that the program
18 will provide sufficient training for persons assigned to perform
19 the duty described in this subdivision.

20 (f) Regulating traffic at the site of road or street construction or
21 maintenance by persons authorized for that duty by the local
22 authority.

23 (g) (1) Licensing and regulating the operation of tow truck
24 service or tow truck drivers whose principal place of business or
25 employment is within the jurisdiction of the local authority,
26 excepting the operation and operators of any auto dismantlers' tow
27 vehicle licensed under Section 11505 or any tow truck operated
28 by a repossessing agency licensed under Chapter 11 (commencing
29 with Section 7500) of Division 3 of the Business and Professions
30 Code and its registered employees.

31 (2) The Legislature finds that the safety and welfare of the
32 general public is promoted by permitting local authorities to
33 regulate tow truck service companies and operators by requiring
34 licensure, insurance, and proper training in the safe operation of
35 towing equipment, thereby ensuring against towing mistakes that
36 may lead to violent confrontation, stranding motorists in dangerous
37 situations, impeding the expedited vehicle recovery, and wasting
38 state and local law enforcement's limited resources.

39 (3) This subdivision does not limit the authority of a city or city
40 and county pursuant to Section 12111.

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

4 (i) Providing for the appointment of nonstudent school crossing
5 guards for the protection of persons who are crossing a street or
6 highway in the vicinity of a school or while returning thereafter
7 to a place of safety.

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

11 (k) (1) Regulating cruising.

12 (2) The ordinance or resolution adopted pursuant to this
13 subdivision shall regulate cruising, which is the repetitive driving
14 of a motor vehicle past a traffic control point in traffic that is
15 congested at or near the traffic control point, as determined by the
16 ranking peace officer on duty within the affected area, within a
17 specified time period and after the vehicle operator has been given
18 an adequate written notice that further driving past the control
19 point will be a violation of the ordinance or resolution.

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

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

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

30 (l) Regulating or authorizing the removal by peace officers of
31 vehicles unlawfully parked in a fire lane, as described in Section
32 22500.1, on private property. A removal pursuant to this
33 subdivision shall be consistent, to the extent possible, with the
34 procedures for removal and storage set forth in Chapter 10
35 (commencing with Section 22650).

36 (m) Regulating mobile billboard advertising displays, as defined
37 in Section 395.5, including the establishment of penalties, which
38 may include, but are not limited to, removal of the mobile billboard
39 advertising display, civil penalties, and misdemeanor criminal
40 penalties, for a violation of the ordinance or resolution. The

1 ordinance or resolution may establish a minimum distance that a
2 mobile billboard advertising display shall be moved after a
3 specified time period.

4 (n) Licensing and regulating the operation of pedicabs for hire,
5 as defined in Section 467.5, and operators of pedicabs for hire,
6 including requiring one or more of the following documents:

7 (1) A valid California driver's license.

8 (2) Proof of successful completion of a bicycle safety training
9 course certified by the League of American Bicyclists or an
10 equivalent organization as determined by the local authority.

11 (3) A valid California identification card and proof of successful
12 completion of the written portion of the California driver's license
13 examination administered by the department. The department shall
14 administer, without charging a fee, the original driver's license
15 written examination on traffic laws and signs to a person who state
16 that they are or that they intend to become, a pedicab operator, and
17 who holds a valid California identification card or has successfully
18 completed an application for a California identification card. If
19 the person achieves a passing score on the examination, the
20 department shall issue a certificate of successful completion of the
21 examination, bearing the person's name and identification card
22 number. The certificate shall not serve in lieu of successful
23 completion of the required examination administered as part of
24 any subsequent application for a driver's license. The department
25 is not required to enter the results of the examination into the
26 computerized record of the person's identification card or otherwise
27 retain a record of the examination or results.

28 (o) (1) This section does not authorize a local authority to enact
29 or enforce an ordinance or resolution that establishes a violation
30 if a violation for the same or similar conduct is provided in this
31 code, nor does it authorize a local authority to enact or enforce an
32 ordinance or resolution that assesses a fine, penalty, assessment,
33 or fee for a violation if a fine, penalty, assessment, or fee for a
34 violation involving the same or similar conduct is provided in this
35 code.

36 (2) This section does not preclude a local authority from enacting
37 parking ordinances pursuant to existing authority in Chapter 9
38 (commencing with Section 22500) of Division 11.

39 (3) This section does not preclude a county, city, municipality,
40 or any other local authority from enforcing a violation provided

1 in this code through government employees who are not peace
2 officers.

3 (p) (1) Regulating advertising signs on motor vehicles parked
4 or left standing upon a public street. The ordinance or resolution
5 may establish a minimum distance that the advertising sign shall
6 be moved after a specified time period.

7 (2) Paragraph (1) does not apply to any of the following:

8 (A) Advertising signs that are permanently affixed to the body
9 of, an integral part of, or a fixture of a motor vehicle for permanent
10 decoration, identification, or display and that do not extend beyond
11 the overall length, width, or height of the vehicle.

12 (B) If the license plate frame is installed in compliance with
13 Section 5201, paper advertisements issued by a dealer contained
14 within that license plate frame or any advertisements on that license
15 plate frame.

16 (3) As used in paragraph (2), “permanently affixed” means any
17 of the following:

18 (A) Painted directly on the body of a motor vehicle.

19 (B) Applied as a decal on the body of a motor vehicle.

20 (C) Placed in a location on the body of a motor vehicle that was
21 specifically designed by a vehicle manufacturer as defined in
22 Section 672 and licensed pursuant to Section 11701, in compliance
23 with both state and federal law or guidelines, for the express
24 purpose of containing an advertising sign.