

Date of Hearing: April 5, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1625 (Rubio) – As Introduced February 17, 2017

SUBJECT: Inoperable parking meters.

SUMMARY: Prohibits a local authority, by ordinance or resolution, from prohibiting or restricting the parking of vehicles in a parking space that is regulated by an inoperable parking meter or inoperable parking payment center.

EXISTING LAW:

- 1) Allows local authorities to establish parking meter zones and to fix the parking fee for such zones by ordinance.
- 2) Allows, except as provided below, a vehicle to park, for up to the posted time limit, in any parking space that is subject to an inoperable parking meter or an inoperable parking payment center.
- 3) Allows local authorities, by ordinance or resolution, to prohibit or restrict the parking of vehicles at inoperable parking meters or inoperable parking payment centers.
- 4) Provides that no ordinance or resolution adopted by a local authority pursuant to the above provision shall become effective until signs or markings giving adequate notice of the restriction or prohibition on parking have been placed at parking locations, parking meters, or parking payment centers.
- 5) Defines "inoperable parking meter" to mean a meter located next to and designated for an individual parking space, which has become inoperable and cannot accept payment in any form or cannot register that a payment in any form has been made.
- 6) Defines "inoperable parking payment center" to mean an electronic parking meter or pay station serving one or more parking spaces that is closest to the space where a person has parked and that cannot accept payment in any form, cannot register that a payment in any form has been made, or cannot issue a receipt that is required to be displayed in a conspicuous location on or in the vehicle.

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary.** This bill prohibits a local authority, by ordinance or resolution, from prohibiting or restricting the parking of vehicles in a parking space that is regulated by an inoperable parking meter or inoperable parking payment center. This bill re-instates provisions of law that contained a sunset date of January 1, 2017, and does so this time on a permanent basis as it does not contain a sunset date. This bill is sponsored by the Howard Jarvis Taxpayers Association.

- 2) **Author's Statement.** According to the author, "Assembly Bill 1625 will protect consumers from receiving unjust parking violations at broken parking meters. Currently, cities have various local ordinances and provide different policies across the state. This is inconsistent and unfair to both motorists and businesses that rely on accessible parking spaces. When cities cite motorists at broken parking meters it can hurt businesses, which rely on local governments to have consistent and fair rules that do not scare consumers away. My bill will create that needed consistency across California, protecting both consumers and businesses."
- 3) **Background.** SB 1388 (DeSaulnier), Chapter 70, Statutes of 2012, established a general rule that a vehicle owner may park without penalty in any parking space where the parking meter or parking payment center is inoperable for up to the posted time limit. However, SB 1388 also allowed a city or a county to adopt a different rule if it provides adequate notice of the rule at the parking location, or the parking meter or payment kiosk.

In response to SB 1388, the League of California Cities surveyed its members on their practices and reported the following results: many small cities do not have parking meters at all; in cities that do have meters, some ticket for parking at a broken meter, and some do not; and, among cities that ticket at a broken meter, most will dismiss the ticket, unless there is some kind of pattern that indicates mischief.

Responding to reports of some cities taking advantage of their authority to ticket at broken meters or kiosks, AB 61 (Gatto), Chapter 71, Statutes of 2013, removed that authority for a three-year period by including a sunset date of January 1, 2017. According to a July 5, 2012, article in the Los Angeles Times, the City of Los Angeles issues 2.5 million parking citations every year. In 2011, the city increased fines for the sixth time in seven years, anticipating revenue of \$8.4 million for the city's general fund.

An editorial published on February 15, 2013, in the Los Angeles Times urged local action on the issue, noting the adverse impact of the fines on low-income individuals and those who live in neighborhoods with scant street or garage parking. The editorial reported that parking tickets generate \$150 million in annual revenues for the city. The editorial also noted irregularities with the private company, Xerox State and Local Solutions, that operated the city's Parking Violations Bureau, stating:

Since Xerox took over, a group of people in the city say the company has been trying to keep more parking revenue by stonewalling attempts to fight tickets...(one individual) filed a class-action lawsuit in January, claiming Xerox doesn't really consider their cases but just sends form letters stating that their appeals have been rejected. Then, when motorists try to appeal to the Department of Transportation, Xerox slaps them with late payment fees and penalties.

The city's data on tickets seem to back up (the class-action litigant's) claim that Xerox is rejecting too many appeals. Last year, the city dismissed thousands of tickets after Xerox had rejected the drivers' appeal – vindicating the small percentage of intrepid souls who managed to bring their case to City Hall.

The provisions of AB 61 became inoperative on January 1, 2017. This bill would re-instate those provisions permanently by once again prohibiting a local authority from prohibiting or restricting the parking of vehicles in a parking space that is regulated by an inoperable parking meter or inoperable parking payment center, but this time without a sunset date.

- 4) **Arguments in Support.** The Howard Jarvis Taxpayers Association, sponsor of this measure, states, "Prior to the passage of AB 61, municipalities were unfairly ticketing vehicle owners who parked at broken meters. Tens of thousands of tickets annually (including 17,000 in Los Angeles alone) were issued against drivers who parked at broken meters. In 2014 Los Angeles generated \$165 million in citations while San Francisco received \$130 million. There's no need to generate additional revenue by forcing drivers to pay excessive fines and penalties for circumstances outside their control. AB 1625 provides incentive for local governments to quickly address broken parking meters and kiosks without unfairly targeting California's beleaguered drivers."
- 5) **Arguments of Concern.** The California Public Parking Association, expressing concern with this bill, writes, "CPPA is concerned by the prescriptive policies outlined in AB 1625 that would abrogate local authority to regulate parking needs. These issues are housed within the jurisdiction of the local governing bodies and should be gauged at the local level to best suit affected constituents. Specifically, preventing local governments from prohibiting, restricting or limiting parking at broken or inoperable parking meters creates an environment that incentivizes intentional tampering with meters and, more importantly, prevents local enforcement from removing or ticketing vehicles parked at 'no limit' or extended limit metered parking areas. In some jurisdictions, limiting enforcement to 'posted time limits' could mean anything from four hours to 'all day.' If a parking meter is rendered inoperable, a vehicle may occupy a parking space all day precluding any other drivers from accessing the space, reducing turnover and negatively affecting local businesses.

"Local governments are constantly adapting to suit the needs of their residents, and 'parking policy' has become dynamic issue that must be determined by a number of unique variables that are not 'one size fits all.' (Local governments) must retain their ability to tailor their parking laws to meet the evolving behaviors and demands of their constituents."

- 6) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Howard Jarvis Taxpayers Association [SPONSOR]
Automobile Club of California

Concerns

California Public Parking Association

Opposition

None on file

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