

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 22, 2010

TO: Honorable Members of the Information Technology and Government Affairs Committee

FROM: Gerry F. Miller *G. Miller* Assignment No.: 10-02-0175
Chief Legislative Analyst Council File No.: 10-0002-S10

SUBJECT: Resolution to OPPOSE SB 949 (Oropeza) "Traffic Safety Conformity."

CLA RECOMMENDATION: Adopt attached Resolution (Zine-Garcetti-Smith) to include in the City's 2009-2010 State Legislative Program OPPOSITION to SB 949 (Oropeza) that would expressly prohibit a local authority from enacting or enforcing an ordinance that assesses a penalty for moving violations that are covered by the California Vehicle Code (CVC).

SUMMARY

Existing law prohibits a local authority from enacting or enforcing an ordinance on matters covered by the CVC unless expressly authorized. Several local governments in California have interpreted sections of the CVC as providing them with the authority to establish and enforce individual vehicle codes, including citations and fines for moving violations. SB 949 would expressly prohibit a local authority from enacting or enforcing an ordinance that assesses a penalty for a violation of matters covered by the CVC that is different than the penalty expressly provided for in that code unless expressly authorized.

On February 10, 2010, Motion (Zine-LaBonge) was introduced (C.F. 10-0223) that instructs staff to report to the City Council with an analysis of the feasibility of re-classifying minor traffic violations, such as photo red light violations, as municipal infractions that would be adjudicated through a City-run administrative citation process rather than through court proceedings, with all related fines to be transmitted wholly to the City rather than split among various agencies. Currently, citations issued under the CVC involve fines established by the State and require that the majority of the fine amount go to the State and the courts. Recently, however, several California municipalities have begun issuing traffic citations under their own laws, rather than the CVC. These citation amounts are much lower than those stipulated in the CVC and, because the citations are issued pursuant to local ordinance, the majority of the fine amount remains with the local jurisdiction.

Motion (Zine-LaBonge) states that several City departments are vested with the authority to issue citations to individuals who violate the Los Angeles Municipal Code. These citations are adjudicated by administrative officials such as hearing officers, in contrast to a full trial conducted by the California Superior Court. Among the benefits of the local process are streamlined hearings and reduced administrative costs. By eliminating the need to go through the court process, the City also avoids splitting revenues from fines and fees with multiple jurisdictions such as the County and State.

State Senator Jenny Oropeza is seeking to halt this practice through SB 949 by prohibiting cities from setting up their own traffic ticket fine schedules and collection systems. Senator Oropeza has stated that allowing a confusing patchwork of enforcement practices robs the state of resources for transportation. She also states that tickets issued under local regulations are not reported to the California Department of Motor Vehicles or the driver's insurance company, which would inhibit the State's ability to identify unsafe drivers and calculate insurance rates.

On February 12, 2010, Councilmembers Zine and Garcetti co-introduced a resolution that would oppose SB 949 to ensure that cities are able to determine the amount and collect traffic fines as they deem appropriate, particularly when local agencies are providing the enforcement mechanisms and equipment to enforce important traffic laws and issue violations.

DEPARTMENTS NOTIFIED

Los Angeles Police Department

BILL STATUS

February 4, 2010

Introduced

February 18, 2010

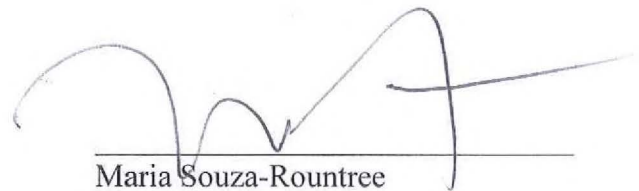
Referred to the Committee on Transportation Housing. May be acted upon on or after March 7, 2010. No hearing has been set.

SUPPORT/OPPOSITION

According to Senator Oropeza's office, the following organizations support the legislation:

The Auto Club of Southern California; The American Automobile Association of Northern California; Traffic Safety Consultants, Inc.; Great Comedians Traffic School; Cheap School (Traffic School); and California Traffic Classes, Inc.

Currently, there is no official opposition.



Maria Souza-Rountree
Analyst

Attachment: Resolution

GFM:JG:PS:MSR

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, on February 10, 2010, Councilmember Zine introduced a motion (C.F. 10-0223) that instructed staff to report to the City Council with an analysis of the feasibility of re-classifying certain California Vehicle Code violations, including photo red light violations, as municipal infractions that would be adjudicated through a City-run administrative citation process rather than through court proceedings, with all related fines to be transmitted wholly to the City rather than split among various agencies; and

WHEREAS, the City's photo red light enforcement program currently charges over \$500 in fines to violators but less than \$150 is returned to the City; and

WHEREAS, by changing the citation process for photo red light and other traffic violations, the City could reduce fine amounts to reasonable levels for motorists while increasing the City's net revenue from these citations; and

WHEREAS, several local governments in California have already begun the process of re-classifying various moving violations; and

WHEREAS, Senator Jenny Oropeza introduced SB 949 that would expressly prohibit local governments from enacting moving violations penalties that are not provided for in the California Vehicle Code; and

WHEREAS, if enacted, SB 949 would remove the current authority for local jurisdictions to establish and enforce their own vehicle codes that allow them to cite motorists for moving violations and realize legitimate new revenues;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2009-2010 State Legislative Program OPPOSITION to SB 949 (Oropeza) that would expressly prohibit a local authority from enacting or enforcing an ordinance that assesses a penalty for moving violations that are covered by the California Vehicle Code.

PRESENTED BY:

DENNIS P. ZINE
Councilmember, 3rd District

ERIC GARCETTI
Councilmember, 13th District

SECONDED BY: _____