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AMENDED IN SENATE MAY 01, 2025

AMENDED IN SENATE MARCH 26, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL**NO. 720****Introduced by Senator Ashby****February 21, 2025**

An act to amend Section 70615 of the Government Code, and to amend Section 21455.5 of, and to add Section 21455.9 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 720, as amended, Ashby. Automated traffic enforcement system programs.

Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated traffic enforcement system if the governmental agency utilizing the system meets certain requirements, including identifying the system with signs and ensuring that the system meets specified criteria on minimum yellow light change intervals. Existing law authorizes, until January 1, 2032, the Cities of Los Angeles, San Jose, Oakland, Glendale, and Long Beach, and the City and County of San Francisco to establish a speed safety system pilot program for speed enforcement that utilizes a speed safety system in specified areas, if the system meets specified requirements. Existing law prescribes specified requirements for a notice of violation issued pursuant to these provisions, and requires a violation of a speed law that is recorded by a speed safety system to be subject only to a specified civil penalty.

This bill would additionally authorize a city, county, or city and county to establish an automated traffic enforcement system program to use those systems to detect a violation of a traffic control signal, if the system meets specified requirements. The bill would require a violation of a traffic control signal that is recorded by an automated traffic enforcement system to be subject only to a \$100 civil penalty, as specified. 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 clarify that a local jurisdiction may utilize an automated traffic enforcement system pursuant to these provisions or the above-described provisions authorizing the utilization of an automated traffic enforcement system.

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 an automated traffic enforcement system.

Existing 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 Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

- (a) Red light running is a major factor in traffic collisions that result in fatalities or injuries.
- (b) State and local agencies employ a variety of methods to reduce red light running, including traffic engineering, education, and enforcement.
- (c) Red light running enforcement is critical to efforts in California to reduce factors that contribute to traffic collisions that result in fatalities or injuries.
- (d) However, traditional enforcement methods have had a well-documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk.
- (e) Additional tools, including automated traffic enforcement systems, are available to assist cities and counties in addressing red light running and related crashes.
- (f) Automated traffic enforcement systems offer a high rate of detection, and, in conjunction with education and traffic engineering, can significantly reduce red light running, improve traffic safety, and prevent traffic-related fatalities and injuries, including motorist, pedestrian, and bicyclist fatalities.
- (g) Multiple automated traffic enforcement system programs implemented in other states and cities outside of California have proven successful in reducing red light running and addressing traffic safety concerns.
- (h) The Insurance Institute for Highway Safety (IIHS) reports that 1,149 people were killed and more than 107,000 people were injured in red light running crashes in 2022. An IIHS study found that cameras reduced the fatal red light running crash rate of large cities by 21 percent, and the rate of all types of fatal crashes at signalized intersections by 14 percent.
- (i) The National Highway Traffic Safety Administration (NHTSA) reports the use of camera systems for the enforcement of red light violations at signalized intersections is increasingly widespread in the United States. State and local agencies have found that the use of red light camera systems can reduce red light running by motorists and, more importantly, reduce the number of crashes attributable to red light violations.
- (j) Automated traffic enforcement systems can advance equity by improving reliability and fairness in traffic enforcement while making enforcement of violations of traffic control signals more predictable, effective, and broadly implemented, all of which help change driver behavior.
- (k) Enforcing violations of traffic control signals at intersections where drivers create dangerous roadway environments is a reliable and cost-effective means to prevent further fatalities and injuries.

SEC. 2. Section 70615 of the Government Code, as amended by Section 2 of Chapter 631 of the Statutes of 2024, is amended to read:

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

- (a) An appeal of a local agency's decision regarding an administrative fine or penalty under Section 53069.4.
- (b) An appeal under Section 40230 of the Vehicle Code of an administrative agency's decision regarding a parking violation.

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

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

(e) An appeal under Section 22428 of the Vehicle Code of a hearing officer's determination regarding a civil penalty for an automated speed violation, as defined in Section 22425 of the Vehicle Code.

(f) An appeal under Section 22438 of the Vehicle Code of a hearing officer's determination regarding a civil penalty for an automated speed violation, as defined in Section 22435 of the Vehicle Code.

(g) An appeal under Section 21455.9 of the Vehicle Code of a hearing officer's determination regarding a civil penalty for an automated traffic enforcement violation, as defined in Section 21455.9 of the Vehicle Code.

(h) This section shall remain in effect only until January 1, 2032, and as of that date is repealed.

SEC. 3. Section 70615 of the Government Code, as added by Section 3 of Chapter 808 of the Statutes of 2023, is amended to read:

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

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

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

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

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

(e) An appeal under Section 21455.9 of the Vehicle Code of a hearing officer's determination regarding a civil penalty for an automated traffic enforcement violation, as defined in Section 21455.9 of the Vehicle Code.

(f) This section shall become operative on January 1, 2032.

SEC. 4. Section 21455.5 of the Vehicle Code is amended to read:

21455.5. (a) The limit line, the intersection, or a place designated in Section 21455, where a driver is required to stop, may be equipped with an automated traffic enforcement system if the governmental agency utilizing the system meets both of the following requirements:

(1) Identifies the system by signs posted within 200 feet of an intersection where a system is operating that clearly indicate the system's presence and are visible to traffic approaching from all directions in which the automated traffic enforcement system is being utilized to issue citations. A governmental agency utilizing this type of system does not need to post signs visible to traffic approaching the intersection from directions not subject to the automated traffic enforcement system.

(2) Locates the system at an intersection and ensures that the system meets the criteria specified in Section 21455.7.

(b) Before issuing citations under this section, a local jurisdiction utilizing an automated traffic enforcement system shall commence a program to issue only warning notices for 30 days. The local jurisdiction shall also make a public announcement of the automated traffic enforcement system at least 30 days before commencing the enforcement program.

(c) Only a governmental agency, in cooperation with a law enforcement agency, may operate an automated traffic enforcement system. A governmental agency that operates an automated traffic enforcement system shall do both of the following:

(1) Develop uniform guidelines for screening and issuing violations and for the processing and storage of confidential information, and establish procedures to ensure compliance with those guidelines.

(2) Perform administrative functions and day-to-day functions, including, but not limited to, all of the following:

(A) Establishing guidelines for the selection of a location. Before installing an automated traffic enforcement system, the governmental agency shall make and adopt a finding of fact establishing that the system is needed at a specific location for reasons related to safety.

(B) Ensuring that the equipment is regularly inspected.

(C) Certifying that the equipment is properly installed and calibrated, and is operating properly.

(D) Regularly inspecting and maintaining warning signs placed under paragraph (1) of subdivision (a).

(E) Overseeing the establishment or change of signal phases and the timing thereof.

(F) Maintaining controls necessary to ensure that only those citations that have been reviewed and approved by law enforcement are delivered to violators.

(d) The activities listed in subdivision (c) that relate to the operation of the system may be contracted out by the governmental agency, if it maintains overall control and supervision of the system. However, the activities listed in paragraph (1) of, and subparagraphs (A), (D), (E), and (F) of paragraph (2) of, subdivision (c) shall not be contracted out to the manufacturer or supplier of the automated traffic enforcement system.

(e) The printed representation of computer-generated information, video, or photographic images stored by an automated traffic enforcement system does not constitute an out-of-court hearsay statement by a declarant under Division 10 (commencing with Section 1200) of the Evidence Code.

(f) (1) Notwithstanding Article 1 (commencing with Section 7922.500) and Article 2 (commencing with Section 7922.525) of Chapter 1 of Part 3 of Division 10 of Title 1 of the Government Code, or any other law, photographic records made by an automated traffic enforcement system shall be confidential, and shall be made available only to governmental agencies and law enforcement agencies and only for the purposes of this article.

(2) Confidential information obtained from the Department of Motor Vehicles for the administration or enforcement of this article shall be held confidential, and shall not be used for any other purpose.

(3) Except for court records described in Section 68152 of the Government Code, the confidential records and information described in paragraphs (1) and (2) may be retained for up to six months from the date the information was first obtained, or until final disposition of the citation, whichever date is later, after which time the information shall be destroyed in a manner that shall preserve the confidentiality of a person included in the record or information.

(g) Notwithstanding subdivision (f), the registered owner or an individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic evidence of the alleged violation.

(h) (1) A contract between a governmental agency and a manufacturer or supplier of automated traffic enforcement equipment shall not include provision for the payment or compensation to the manufacturer or supplier based on the number of citations generated, or as a percentage of the revenue generated, as a result of the use of the equipment authorized under this section.

(2) Paragraph (1) does not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated traffic enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

(3) A governmental agency that proposes to install or operate an automated traffic enforcement system shall not consider revenue generation, beyond recovering its actual costs of operating the system, as a factor when considering whether or not to install or operate a system within its local jurisdiction.

(i) A manufacturer or supplier that operates an automated traffic enforcement system pursuant to this section shall, in cooperation with the governmental agency, submit an annual report to the Judicial Council that includes all of the following information if this information is in the possession of, or readily available to, the manufacturer or supplier:

(1) The number of alleged violations captured by the systems they operate.

(2) The number of citations issued by a law enforcement agency based on information collected from the automated traffic enforcement system.

(3) For citations identified in paragraph (2), the number of violations that involved traveling straight through the intersection, turning right, and turning left.

(4) The number and percentage of citations that are dismissed by the court.

(5) The number of traffic collisions at each intersection that occurred before and after the installation of the automated traffic enforcement system.

(j) This section does not affect a local jurisdiction that utilizes an automated traffic enforcement system pursuant to Section 21455.9. A local jurisdiction may utilize an automated traffic enforcement system pursuant to this section or Section 21455.9.

SEC. 5. Section 21455.9 is added to the Vehicle Code, to read:

21455.9. (a) As used in this section, the following definitions apply:

(1) "Automated traffic enforcement system" or "system" means a fixed system that utilizes automated equipment to detect a violation of a traffic control signal and obtains a clear photograph of the detected vehicle's license plate.

(2) "Automated traffic enforcement violation" means a violation of a traffic control signal detected by an automated traffic enforcement system operated pursuant to this section.

(3) "Designated jurisdiction" means any city, county, or city and county in the state.

(4) A person is "indigent" if either of the following conditions is met:

(A) The person meets the income criteria set forth in subdivision (b) of Section 68632 of the Government Code.

(B) The person receives public benefits from a program listed in subdivision (a) of Section 68632 of the Government Code.

(5) "Local department of transportation" means a designated jurisdiction's department of transportation or, if a designated jurisdiction does not have a department of transportation, their administrative division, including, but not limited to, a public works department that administers transportation and traffic matters under this code.

(6) "Traffic control signal" means an official traffic control signal, as defined in Section 445.

(b) (1) A designated jurisdiction may establish a program for traffic control signal enforcement that utilizes an automated traffic enforcement system, to be operated by a local department of transportation, at the limit line, the intersection, or a place designated in Section 21455, where a driver is required to stop, if the program meets all of the following requirements:

(A) (i) Identifies the system by signs that clearly indicate the system's presence, are visible to traffic approaching from all directions in which the automated traffic enforcement system is being utilized to issue citations, and are posted within the following distances:

(I) On roads with speed limits of 45 miles per hour or less, one sign within 200 to 300 feet, inclusive, of an intersection where a system is operating.

(II) On roads with speed limits over 45 miles per hour, two signs within 200 to 500 feet, inclusive, of an intersection where a system is operating, with at least 100 feet between the signs.

(ii) A program does not need to post signs visible to traffic approaching the intersection from directions not subject to the automated traffic enforcement system.

(B) Locates the system at an intersection and ensures that the system meets the criteria specified in Section 21455.7. A designated jurisdiction shall not reduce the yellow light interval durations after placement of the system.

(2) An automated traffic enforcement system program developed pursuant to paragraph (1) shall place the systems in locations that are geographically and socioeconomically diverse. The designated jurisdiction shall

describe how it has complied with this provision in the automated traffic enforcement system impact report described in subdivision (c).

(3) A designated jurisdiction shall consider traffic data or other evidence supporting the installation and operation of each automated traffic enforcement system and determine that the intersection where an automated traffic enforcement system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures. A designated jurisdiction shall consider placing an automated traffic enforcement system on a street that has had a high number of incidents for motor vehicle contests or motor vehicle exhibitions of speed. For the purposes of this provision, a high number of incidents shall be calls for law enforcement to respond to the area for at least four separate incidences of a motor vehicle contest or motor vehicle exhibition of speed within the last two years before the placement of the automated traffic enforcement system.

(c) (1) For programs implemented after January 1, 2026, the governing body of the designated jurisdiction shall approve an automated traffic enforcement system impact report. The automated traffic enforcement system impact report shall include all of the following information:

(A) Assessment of potential impact of the automated traffic enforcement system on civil liberties and civil rights and any plans to safeguard those public rights.

(B) Description of the automated traffic enforcement system and how it works.

(C) Fiscal costs for the automated traffic enforcement system, including program establishment costs, ongoing costs, and program funding.

(D) If potential deployment locations of systems are predominantly in low-income neighborhoods, a determination of why these locations experience high fatality and injury collisions due to traffic control signal violations at intersections.

(E) Locations where the system may be deployed and traffic data for these locations, including the intersection where the cameras will be located.

(F) Proposed purpose of the automated traffic enforcement system.

(2) The automated traffic enforcement system impact report shall be made available for public review at least 30 calendar days prior to adoption by the governing body at a public hearing.

(3) The governing body of the designated jurisdiction shall consult and work collaboratively with relevant local stakeholder organizations, including racial equity, privacy protection, and economic justice groups, in developing the automated traffic enforcement system impact report.

(d) (1) A designated jurisdiction that operates an automated traffic enforcement system shall do both of the following:

(A) Develop uniform guidelines, consistent with the provisions of this section, for both of the following:

(i) The screening and issuing of notices of violation.

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

(B) Perform administrative functions and day-to-day functions, including, but not limited to, all of the following:

(i) Establishing guidelines for the selection of a location. Prior to installing an automated traffic enforcement system after January 1, 2026, the designated jurisdiction shall make and adopt a finding of fact establishing that the system is needed at a specific location for reasons related to safety.

(ii) Ensuring that the equipment is regularly inspected, but at least annually.

(iii) Calibrating the equipment in accordance with the manufacturer's instructions upon installation.

(iv) Regularly inspecting and maintaining warning signs placed under paragraph (1) of subdivision (b).

(v) Overseeing the establishment or change of signal phases and the timing thereof.

(vi) Maintaining controls necessary to ensure that only those citations that have been reviewed and approved by the issuing agency are delivered to violators.

(2) The activities listed in paragraph (1) that relate to the operation of the system may be contracted out by a designated jurisdiction, if it maintains overall control and supervision of the system. However, the activities listed in subparagraph (A) of, and clauses (iv), (v), and (vi) of subparagraph (B) of, paragraph (1) shall not be contracted out to the manufacturer or supplier of the automated traffic enforcement system.

(e) (1) A contract between a designated jurisdiction and a manufacturer or supplier of automated traffic enforcement equipment or a company providing maintenance and processing services shall not include provision for the payment or compensation to the manufacturer, supplier, or company based on the number of citations generated, or as a percentage of the revenue generated, as a result of the use of the equipment authorized under this section.

(2) A designated jurisdiction that proposes to install or operate an automated traffic enforcement system shall not consider revenue generation, beyond recovering its actual costs of operating the system, as a factor when considering whether or not to install or operate a system within its local jurisdiction

(f) A designated jurisdiction that operates an automated traffic enforcement system pursuant to this section shall, in cooperation with the manufacturer or supplier, publish a report that includes, but is not limited to, all of the following ~~information, if this information is in the possession of, or readily available to, the designated jurisdiction:~~ *information:*

(1) The number of alleged violations captured by the systems they operate.

(2) The number of citations issued by the issuing agency based on information collected from the automated traffic enforcement system.

(3) For citations identified in paragraph (2), the number of violations that involved traveling straight through the intersection, turning right, and turning left.

(4) The number and percentage of citations that are dismissed.

(5) The funds generated from the automated traffic enforcement systems.

(g) (1) Prior to issuing citations under this section, a designated jurisdiction utilizing an automated traffic enforcement system shall commence a program to issue only warning notices for 60 days. The designated jurisdiction shall also make a public announcement of the automated traffic enforcement system at least 30 days prior to the commencement of the enforcement program.

(2) A notice of violation issued pursuant to this section shall include a clear photograph of the license plate and rear of the vehicle only, and identify the specific section of the Vehicle Code violated, the camera location, and the date and time when the violation occurred. A notice of violation shall, when practical, exclude images inside of the rear window area of the vehicle. A notice of violation issued from an automated traffic enforcement system that was installed prior to January 1, 2026, may continue to include pictures of the driver at the discretion of the designated jurisdiction.

(3) The photographic evidence stored by an automated traffic enforcement system does not constitute an out-of-court hearsay statement by a declarant under Division 10 (commencing with Section 1200) of the Evidence Code.

(4) (A) Notwithstanding any provision of the California Public Records Act, or any other law, photographic or administrative records made by a system shall be confidential. Public agencies shall use and allow access to these records only for the purposes authorized by this section or to assess the impacts of the system. Data about the number of violations issued is not considered an administrative record required to be disclosed by this section.

(B) Confidential information obtained from the Department of Motor Vehicles for the administration of automated traffic enforcement systems and enforcement of this article shall be held confidential and shall not be used for any other purpose. Designated jurisdictions agents shall establish procedures to protect the confidentiality of these records consistent with Section 1808.47.

(C) Except for court records described in Section 68152 of the Government Code, or as provided in subparagraph (D), the confidential records and evidence described in subparagraphs (A) and (B) may be

retained for up to 60 days after final disposition of the notice of violation. The designated jurisdiction may retain information that a vehicle has been cited and fined for a violation for up to three years. The designated jurisdiction may adopt a retention period of less than 60 days. Administrative records described in subparagraph (A) may be retained for up to 120 days after final disposition of the notice of violation. Notwithstanding any other law, the confidential records and evidence shall be destroyed in a manner that maintains the confidentiality of any person included in the record or evidence.

(D) Photographic evidence that is obtained from an automated traffic enforcement system that does not result in the issuance of a notice of violation shall be destroyed within five business days after the decision to not issue a citation has been made. The use of facial recognition technology in conjunction with an automated traffic enforcement system shall be prohibited.

(E) Information collected and maintained by a designated jurisdiction to administer a program shall only be used to administer the program, and shall not be disclosed to any other persons, including, but not limited to, any other state or federal government agency or official for any other purpose, except as required by state or federal law, court order, or in response to a subpoena in an individual case or proceeding.

(5) Notwithstanding paragraph (4), the registered owner or an individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review and obtain a copy of the photographic evidence of the alleged violation.

(h) (1) Notwithstanding any other law, a violation of a traffic control signal law pursuant to this chapter that is recorded by an automated traffic enforcement system authorized pursuant to this section shall be subject only to a civil penalty, as provided in paragraph (3), and shall not result in the department suspending or revoking the privilege of a violator to drive a motor vehicle or in a violation point being assessed against the violator.

(2) The automated traffic enforcement system shall capture images of the rear license plate of vehicles that are violating the traffic control signal, and a notice of violation shall only be issued to registered owners of those vehicles based on that evidence.

(3) (A) A civil penalty of one hundred dollars (\$100) shall be assessed.

(B) No additional processing fees, other than electronic payment processing fees, may be included.

(C) Late fees for unpaid penalties shall not exceed 50 percent of the penalty.

(4) A civil penalty shall not be assessed against an authorized emergency vehicle.

(5) A person shall not be assessed a civil penalty if they are subject to criminal penalties for the same act.

(6) The notice of violation shall be in writing and issued to the registered owner of the vehicle within 15 calendar days of the date of the violation. The notice of violation shall include all of the following information:

(A) The violation, including reference to the traffic control signal law that was violated.

(B) The date, approximate time, and location where the violation occurred.

(C) The vehicle license number and the name and address of the registered owner of the vehicle.

(D) A clear photograph of the traffic control signal.

(E) A statement that payment is required to be made no later than 30 calendar days from the date of mailing of the notice of violation, or that the violation may be contested pursuant to subdivision (j).

(F) The amount of the civil penalty due for that violation and the procedures for the payment of the civil penalty or for contesting the notice of violation.

(G) An affidavit of nonliability, and information of what constitutes nonliability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the processor. If the affidavit of nonliability is returned to the processing agency within 30 calendar days of the mailing of the notice of violation, together with proof of a written lease or rental agreement between a bona fide rental company, as defined in section 1939.01 of the Civil Code, or a personal vehicle sharing program, as defined in Section 11580.24 of the Insurance Code, that identifies the renter or lessee, the processing agency shall serve or mail a notice of violation to the renter or lessee identified in the affidavit of nonliability. If the affidavit of nonliability is returned to the processing agency within 30 calendar days of the mailing of the notice of

violation, together with proof of a copy of a police report indicating the vehicle had been stolen at the time of the violation, the processing agency shall not subject the registered owner to a civil penalty and may issue the notice of violation to the identified renter or lessee.

(H) The processing agency shall mail to the registered owner of a vehicle committing a violation of the traffic control signal law a notice of violation by depositing the notice in the United States mail no later than 15 days after the date of the alleged violation. The processing agency shall maintain proof of mailing demonstrating that the notice of violation was mailed to that address. If the registered owner or coowner of the vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation pursuant to subparagraph (G), initiates a proceeding to challenge the violation pursuant to subdivision (j), such person waives any challenge or dispute as to the delivery of the notice of violation.

(i) (1) Revenues derived from any program utilizing an automated traffic enforcement system shall first be used to recover program costs. Program costs include, but are not limited to, the construction of traffic-calming measures, the installation of automated traffic enforcement systems, the adjudication of violations, and reporting requirements, as specified in this section.

(2) Designated jurisdictions shall maintain their existing commitment of local funds for traffic-calming measures, and shall annually expend not less than the annual average of expenditures for traffic-calming measures during the 2020–21, 2021–22, and 2022–23 fiscal years. For purposes of this subdivision, in calculating average expenditures on traffic-calming measures, restricted funds that may not be available on an ongoing basis, including those from voter-approved bond issuances or tax measures, shall not be included. Any excess revenue shall be used for traffic-calming measures within three years of the end of the fiscal year in which the excess revenue was received. If traffic-calming measures are not planned or constructed after the third year, excess revenue shall revert to the Active Transportation Program established pursuant to Chapter 8 (commencing with Section 2380) of the Streets and Highways Code, to be allocated by the California Transportation Commission pursuant to Section 2381 of the Streets and Highways Code.

(3) "Traffic-calming measures" include, but are not limited to, all of the following:

- (A) Bicycle lanes.
- (B) Chicanes.
- (C) Chokers.
- (D) Curb extensions.
- (E) Median islands.
- (F) Raised crosswalks.
- (G) Road diets.
- (H) Roundabouts.
- (I) Speed humps or speed tables.
- (J) Traffic circles.

(j) (1) No later than 30 calendar days from the date of mailing of a notice of violation, the recipient may request an initial review of the notice by the issuing agency. The request may be made by telephone, in writing, electronically, or in person. There shall be no charge for this review. If, following the initial review, the issuing agency is satisfied that the violation did not occur, or that extenuating circumstances make cancellation of the notice of violation appropriate in the interest of justice, the issuing agency shall cancel the notice of violation. The issuing agency shall advise the processing agency, if any, of the cancellation. The issuing agency or the processing agency shall mail the results of the initial review to the person contesting the notice within 60 days of receipt of the recipient's request for an initial review, and, if cancellation of the notice does not occur following that review, include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedures adopted by the designated jurisdiction for the administrative hearing, including for waiving prepayment of the civil penalty based upon an inability to pay pursuant to subparagraph (B) of paragraph (2).

(2) (A) If the person contesting the notice of violation is dissatisfied with the results of the initial review, the person may, no later than 21 calendar days following the mailing of the results of the issuing agency's initial

review, request an administrative hearing of the violation. The request may be made by telephone, in writing, electronically, or in person.

(B) The person requesting an administrative hearing shall pay the amount of the civil penalty to the processing agency. The issuing agency shall adopt a written procedure to allow a person to request an administrative hearing without payment of the civil penalty upon satisfactory proof of an inability to pay the amount due.

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

(3) The administrative hearing process shall include all of the following:

(A) The person requesting a hearing shall have the choice of a hearing upon written declaration, video conference, or in person. An in-person hearing shall be conducted within the jurisdiction of the issuing agency.

(B) If the person requesting a hearing is an unemancipated minor, that person shall be permitted to appear at a hearing or admit responsibility for the automated traffic enforcement violation without the appointment of a guardian. The processing agency may proceed against the minor in the same manner as against an adult.

(C) The administrative hearing shall be conducted in accordance with written procedures established by the issuing agency and approved by the governing body or chief executive officer of the issuing agency. The hearing shall provide an independent, objective, fair, and impartial review of contested automated traffic enforcement violations.

(D) (i) The issuing agency's governing body or chief executive officer of the designated jurisdiction shall appoint or contract with qualified independent examiners or administrative hearing providers that employ qualified independent examiners to conduct the administrative hearings. Examiners shall demonstrate the qualifications, training, and objectivity necessary to conduct a fair and impartial review, and shall meet the minimum requirements specified in clause (ii). The examiner shall be separate and independent from the notice of violation issuing and processing functions. An examiner's continued employment, performance evaluation, compensation, and benefits shall not, directly or indirectly, be linked to the amount of civil penalties upheld by the examiner or the number or percentage of violations upheld by the examiner.

(ii) (I) Examiners shall have a minimum of 20 hours of training. The examiner, unless an employee of the designated jurisdiction, is responsible for the costs of the training. The issuing agency may reimburse the examiner for those costs. Training may be provided through any of the following:

(ia) An accredited college or university.

(ib) A program conducted by the Commission on Peace Officer Standards and Training.

(ic) A program conducted by the American Arbitration Association or a similar organization.

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

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

(E) The employee of the designated jurisdiction who issues a notice of violation shall not be required to participate in an administrative hearing. To establish a violation, the issuing agency shall not be required to produce any evidence other than, in proper form, the notice of violation or copy thereof, including the photograph of the vehicle's license plate, and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be prima facie

evidence of the violation. If the designated jurisdiction meets its initial burden, the recipient of the notice of violation may present any evidence and argument in defense.

(F) The examiner's final decision following the administrative hearing may be personally delivered to the person by the examiner or sent by first-class mail within 60 days of the date of the conclusion of the administrative hearing.

(G) Following a determination by the examiner that a person has committed the violation, the examiner may, consistent with the written guidelines established by the issuing agency, allow payment of the civil penalty in installments, or an issuing agency may allow for deferred payment or payments in installments, if the person provides evidence satisfactory to the examiner or the issuing agency, as the case may be, of an inability to pay the civil penalty in full. If authorized by the governing body of the issuing agency, the examiner may permit the performance of community service in lieu of payment of the civil penalty.

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

(k) (1) Within 30 days after personal delivery or mailing of the final decision described in paragraph (3) of subdivision (j), the contestant may seek review by filing an appeal to the *small claims division of the superior court or the traffic division of the superior court*, where the case shall be heard de novo, except that the contents of the processing agency's file in the case on appeal shall be lodged by the designated agency at the designated agency's expense and be received into evidence. ~~A~~ *Notwithstanding any other law, a* copy of the notice of violation shall be ~~admitted into evidence as prima facie~~ *presumptively admissible* as evidence of the facts stated in the notice. A copy of the notice of appeal shall be served in person or by certified first-class mail with return receipt upon the processing agency by the appellant. For purposes of computing the 30-day period, Section 1013 of the Code of Civil Procedure shall be applicable. A proceeding under this paragraph is a limited civil case.

(2) The fee for filing the notice of appeal shall be as provided in Section 70615 of the Government Code. Upon receipt of the notice of appeal, the designated jurisdiction shall lodge its administrative record for the case with the court within 15 calendar days. The court shall notify the appellant of the appearance date by mail or personal delivery. The court shall retain the fee under Section 70615 of the Government Code regardless of the outcome of the appeal. If the appellant prevails, this fee and any payment of the civil penalty shall be promptly refunded by the issuing agency in accordance with the judgment of the court.

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

(4) If a notice of appeal of the examiner's decision is not filed within the period set forth in paragraph (1), the decision shall be deemed final.

(5) If the civil penalty has not been paid and the final decision is adverse to the appellant, the processing agency may, promptly after the decision becomes final, proceed to collect the civil penalty under subdivision (h).

(l) (1) A designated jurisdiction shall offer a diversion program for indigent automated traffic enforcement violation recipients, to perform community service in lieu of paying the penalty for an automated traffic enforcement violation.

(2) A designated jurisdiction shall offer the ability for indigent automated traffic enforcement system violation recipients to pay applicable fines and penalties over a period of time under a payment plan with monthly installments of no more than twenty-five dollars (\$25) and shall limit the processing fee to participate in a payment plan to five dollars (\$5) or less.

(3) Notwithstanding paragraphs (1) and (2), a designated jurisdiction shall reduce the applicable fines and penalties by 80 percent for indigent persons, and by 50 percent for individuals up to 250 percent above the federal poverty level.

(4) The person may demonstrate that they are indigent or make up to 250 percent above the poverty level or less by providing either of the following information, as applicable:

(A) Proof of income from a pay stub or another form of proof of earnings, such as a bank statement, that shows that the person meets the income criteria set forth in subdivision (b) of Section 68632 of the

Government Code, subject to review and approval by the processing agency or its designee. The processing agency or its designee shall not unreasonably withhold its approval.

(B) Proof of receipt of benefits under the programs described in subdivision (a) of Section 68632 of the Government Code, including, but not limited to, an electronic benefits transfer card or another card, subject to review and approval by the processing agency. The processing agency or its designee shall not unreasonably withhold its approval.

(m) This section does not affect a designated jurisdiction that utilizes an automated traffic enforcement system pursuant to Section 21455.5. A designated jurisdiction may utilize an automated traffic enforcement system pursuant to this section or Section 21455.5.

SEC. 6. The Legislature finds and declares that Section 4 of this act, which adds Section 21455.9 to the Vehicle Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

To protect the privacy interests of persons who are issued notices of violation under an automated traffic enforcement system program, the Legislature finds and declares that the photographic or administrative records generated by the program shall be confidential, and shall be made available only to alleged violators and to governmental agencies solely for the purpose of enforcing these violations and assessing the impact of the use of automated traffic enforcement system, as required by this act.