

Assembly Bill No. 2588

CHAPTER 139

An act to amend Sections 113709 and 114315 of the Health and Safety Code, and to amend Section 22455 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 17, 2008. Filed with
Secretary of State July 17, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2588, Charles Calderon. Commercial vehicle vending: restrictions.

Existing law authorizes local authorities, by ordinance or resolution, to adopt requirements for the public safety regulating any type of vending from vehicles upon any street.

This bill would additionally authorize local authorities to impose time, place, and manner restrictions on vending activities from those vehicles.

Existing law, the California Retail Food Code (CRFC), provides for the regulation by the State Department of Public Health of health and sanitation standards for retail food facilities, as defined, including mobile food facilities.

This bill would expressly provide that the CRFC does not prohibit a local governing body from adopting requirements for the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon a street.

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

SECTION 1. Section 113709 of the Health and Safety Code is amended to read:

113709. This part does not prohibit a local governing body from adopting an evaluation or grading system for food facilities, from prohibiting any type of food facility, from adopting an employee health certification program, from regulating the provision of consumer toilet and handwashing facilities, or from adopting requirements for the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon a street pursuant to its authority under subdivision (b) of Section 22455 of the Vehicle Code.

SEC. 2. Section 114315 of the Health and Safety Code is amended to read:

114315. (a) A food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the enforcement agency, to ensure that restroom facilities are available to facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period.

(b) This section does not limit the authority of a local governing body to adopt, by ordinance or resolution, additional requirements for the public safety, including reasonable time, place, and manner restrictions pursuant to its authority under subdivision (b) of Section 22455 of the Vehicle Code.

SEC. 3. Section 22455 of the Vehicle Code is amended to read:

22455. (a) The driver of any commercial vehicle engaged in vending upon a street may vend products on a street in a residence district only after bringing the vehicle to a complete stop and lawfully parking adjacent to the curb, consistent with the requirements of Chapter 9 (commencing with Section 22500) and local ordinances adopted pursuant thereto.

(b) Notwithstanding subdivision (a) of Section 114315 of the Health and Safety Code or any other provision of law, a local authority may, by ordinance or resolution, adopt additional requirements for the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon any street.