

AMENDED IN ASSEMBLY MAY 27, 2005  
AMENDED IN ASSEMBLY APRIL 21, 2005  
AMENDED IN ASSEMBLY APRIL 5, 2005  
AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 877**

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**Introduced by Assembly Member Huff**  
**(Coauthors: Assembly Members Benoit, Cogdill, DeVore, and**  
**Lieber)**  
(Coauthor: Senator Cox)

February 18, 2005

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An act to amend, repeal, and add Section 22651 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 877, as amended, Huff. Vehicles: reports: reexaminations: removal.

(1) Existing law authorizes a peace officer, as defined, or a regularly employed and salaried public employee, who is engaged in directing traffic or enforcing parking laws and regulations, to remove a vehicle located within the territorial limits in which the officer or employee is allowed to act under specified and enumerated circumstances.

This bill would additionally allow for the removal of a vehicle upon the issuance of a notice of reexamination to a driver and there is no other person readily available who has a valid driver's license and authorization, as defined, to operate the vehicle. The bill would provide for the release of that vehicle to specified persons, but would

prohibit the relinquishment of the vehicle to the person named on the notice of reexamination unless the Department of Motor Vehicles has determined that the person is qualified to operate the motor vehicle and has provided the department's written confirmation to that effect. The bill would prohibit the imposition of an administrative charge on a person who is authorized to obtain the release of a vehicle under the bill. The bill would provide for the repeal of these changes on January 1, 2009, and would make the existing law operative on that date. Because, under existing law, a violation of the Vehicle Code is a crime, this bill would impose a state-mandated local program by creating a new crime.

The bill would require the Department of the California Highway Patrol, in consultation with the Department of Motor Vehicles, to submit a report to the Legislature ~~by~~ *on or before* January 31, 2008, that includes certain information regarding the issuance of notices of reexamination, the number of persons passing the reexamination, the number of *persons* whose driver's license is suspended or revoked as a result of not passing the reexamination, and the number of persons whose vehicles were towed and stored *as a result of the issuance of a notice of reexamination when there is no other person readily available who has a valid driver's license and is authorized to operate the vehicle*, during the 2006 and 2007 calendar years.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 22651 of the Vehicle Code is amended  
2 to read:  
3 22651. A peace officer, as defined in Chapter 4.5  
4 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
5 Code, or a regularly employed and salaried employee, who is  
6 engaged in directing traffic or enforcing parking laws and  
7 regulations, of a city, county, or jurisdiction of a state agency in

1 which a vehicle is located, may remove a vehicle located within  
2 the territorial limits in which the officer or employee may act,  
3 under any of the following circumstances:

4 (a) When a vehicle is left unattended upon any bridge, viaduct,  
5 or causeway or in any tube or tunnel where the vehicle  
6 constitutes an obstruction to traffic.

7 (b) When a vehicle is parked or left standing upon a highway  
8 in a position so as to obstruct the normal movement of traffic or  
9 in a condition so as to create a hazard to other traffic upon the  
10 highway.

11 (c) When a vehicle is found upon a highway or any public  
12 lands and a report has previously been made that the vehicle has  
13 been stolen or a complaint has been filed and a warrant thereon  
14 issued charging that the vehicle has been embezzled.

15 (d) When a vehicle is illegally parked so as to block the  
16 entrance to a private driveway and it is impractical to move the  
17 vehicle from in front of the driveway to another point on the  
18 highway.

19 (e) When a vehicle is illegally parked so as to prevent access  
20 by firefighting equipment to a fire hydrant and it is impracticable  
21 to move the vehicle from in front of the fire hydrant to another  
22 point on the highway.

23 (f) When a vehicle, except any highway maintenance or  
24 construction equipment, is stopped, parked, or left standing for  
25 more than four hours upon the right-of-way of any freeway  
26 which has full control of access and no crossings at grade and the  
27 driver, if present, cannot move the vehicle under its own power.

28 (g) When the person or persons in charge of a vehicle upon a  
29 highway or any public lands are, by reason of physical injuries or  
30 illness, incapacitated to an extent so as to be unable to provide  
31 for its custody or removal.

32 (h) (1) When an officer arrests any person driving or in  
33 control of a vehicle for an alleged offense and the officer is, by  
34 this code or other law, required or permitted to take, and does  
35 take, the person into custody.

36 (2) When an officer serves a notice of an order of suspension  
37 or revocation pursuant to Section 13388.

38 (i) (1) When a vehicle, other than a rented vehicle, is found  
39 upon a highway or any public lands, or is removed pursuant to  
40 this code, and it is known that the vehicle has been issued five or

1 more notices of parking violations to which the owner or person  
2 in control of the vehicle has not responded within 21 calendar  
3 days of notice of citation issuance or citation issuance or 14  
4 calendar days of the mailing of a notice of delinquent parking  
5 violation to the agency responsible for processing notices of  
6 parking violation or the registered owner of the vehicle is known  
7 to have been issued five or more notices for failure to pay or  
8 failure to appear in court for traffic violations for which no  
9 certificate has been issued by the magistrate or clerk of the court  
10 hearing the case showing that the case has been adjudicated or  
11 concerning which the registered owner's record has not been  
12 cleared pursuant to Chapter 6 (commencing with Section 41500)  
13 of Division 17, the vehicle may be impounded until that person  
14 furnishes to the impounding law enforcement agency all of the  
15 following:

16 (A) Evidence of his or her identity.

17 (B) An address within this state at which he or she can be  
18 located.

19 (C) Satisfactory evidence that all parking penalties due for the  
20 vehicle and any other vehicle registered to the registered owner  
21 of the impounded vehicle, and all traffic violations of the  
22 registered owner, have been cleared.

23 (2) The requirements in subparagraph (C) of paragraph (1)  
24 shall be fully enforced by the impounding law enforcement  
25 agency on and after the time that the Department of Motor  
26 Vehicles is able to provide access to the necessary records.

27 (3) A notice of parking violation issued for an unlawfully  
28 parked vehicle shall be accompanied by a warning that repeated  
29 violations may result in the impounding of the vehicle. In lieu of  
30 furnishing satisfactory evidence that the full amount of parking  
31 penalties or bail has been deposited, that person may demand to  
32 be taken without unnecessary delay before a magistrate, for  
33 traffic offenses, or a hearing examiner, for parking offenses,  
34 within the county in which the offenses charged are alleged to  
35 have been committed and who has jurisdiction of the offenses  
36 and is nearest or most accessible with reference to the place  
37 where the vehicle is impounded. Evidence of current registration  
38 shall be produced after a vehicle has been impounded, or, at the  
39 discretion of the impounding law enforcement agency, a notice to

1 appear for violation of subdivision (a) of Section 4000 shall be  
2 issued to that person.

3 (4) A vehicle shall be released to the legal owner, as defined in  
4 Section 370, if the legal owner does all of the following:

5 (A) Pays the cost of towing and storing the vehicle.

6 (B) Submits evidence of payment of fees as provided in  
7 Section 9561.

8 (C) Completes an affidavit in a form acceptable to the  
9 impounding law enforcement agency stating that the vehicle was  
10 not in possession of the legal owner at the time of occurrence of  
11 the offenses relating to standing or parking. A vehicle released to  
12 a legal owner under this subdivision is a repossessed vehicle for  
13 purposes of disposition or sale. The impounding agency shall  
14 have a lien on any surplus that remains upon sale of the vehicle  
15 to which the registered owner is or may be entitled, as security  
16 for the full amount of the parking penalties for all notices of  
17 parking violations issued for the vehicle and for any local  
18 administrative charges imposed pursuant to Section 22850.5. The  
19 legal owner shall promptly remit to, and deposit with, the agency  
20 responsible for processing notices of parking violations from that  
21 surplus, on receipt thereof, full amount of the parking penalties  
22 for all notices of parking violations issued for the vehicle and for  
23 any local administrative charges imposed pursuant to Section  
24 22850.5.

25 (5) The impounding agency that has a lien on the surplus that  
26 remains upon the sale of a vehicle to which a registered owner is  
27 entitled pursuant to paragraph (4) has a deficiency claim against  
28 the registered owner for the full amount of the parking penalties  
29 for all notices of parking violations issued for the vehicle and for  
30 any local administrative charges imposed pursuant to Section  
31 22850.5, less the amount received from the sale of the vehicle.

32 (j) When a vehicle is found illegally parked and there are no  
33 license plates or other evidence of registration displayed, the  
34 vehicle may be impounded until the owner or person in control of  
35 the vehicle furnishes the impounding law enforcement agency  
36 evidence of his or her identity and an address within this state at  
37 which he or she can be located.

38 (k) When a vehicle is parked or left standing upon a highway  
39 for 72 or more consecutive hours in violation of a local ordinance  
40 authorizing removal.

1 (l) When a vehicle is illegally parked on a highway in  
2 violation of a local ordinance forbidding standing or parking and  
3 the use of a highway, or a portion thereof, is necessary for the  
4 cleaning, repair, or construction of the highway, or for the  
5 installation of underground utilities, and signs giving notice that  
6 the vehicle may be removed are erected or placed at least 24  
7 hours prior to the removal by local authorities pursuant to the  
8 ordinance.

9 (m) Wherever the use of the highway, or a portion thereof, is  
10 authorized by local authorities for a purpose other than the  
11 normal flow of traffic or for the movement of equipment,  
12 articles, or structures of unusual size, and the parking of a vehicle  
13 would prohibit or interfere with that use or movement, and signs  
14 giving notice that the vehicle may be removed are erected or  
15 placed at least 24 hours prior to the removal by local authorities  
16 pursuant to the ordinance.

17 (n) Whenever a vehicle is parked or left standing where local  
18 authorities, by resolution or ordinance, have prohibited parking  
19 and have authorized the removal of vehicles. No vehicle may be  
20 removed unless signs are posted giving notice of the removal.

21 (o) (1) When a vehicle is found or operated upon a highway,  
22 any public lands, or an offstreet parking facility with a  
23 registration expiration date in excess of six months before the  
24 date it is found or operated on the highway, public lands, or the  
25 offstreet parking facility. However, whenever the vehicle is  
26 occupied, only a peace officer, as defined in Chapter 4.5  
27 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
28 Code, may remove the vehicle. For the purposes of this  
29 subdivision, the vehicle shall be released to the owner or person  
30 in control of the vehicle only after the owner or person furnishes  
31 the storing law enforcement agency with proof of current  
32 registration and a currently valid driver's license to operate the  
33 vehicle.

34 (2) As used in this subdivision, "offstreet parking facility"  
35 means any offstreet facility held open for use by the public for  
36 parking vehicles and includes publicly owned facilities for  
37 offstreet parking, and privately owned facilities for offstreet  
38 parking where no fee is charged for the privilege to park and  
39 which are held open for the common public use of retail  
40 customers.

1 (p) When the peace officer issues the driver of a vehicle a  
2 notice to appear for a violation of Section 12500, 14601,  
3 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the  
4 vehicle has not been impounded pursuant to Section 22655.5. A  
5 vehicle so removed from the highway or any public lands, or  
6 from private property after having been on a highway or public  
7 lands, shall not be released to the registered owner or his or her  
8 agent, except upon presentation of the registered owner's or his  
9 or her agent's currently valid driver's license to operate the  
10 vehicle and proof of current vehicle registration, or upon order of  
11 a court.

12 (q) Whenever a vehicle is parked for more than 24 hours on a  
13 portion of highway which is located within the boundaries of a  
14 common interest development, as defined in subdivision (c) of  
15 Section 1351 of the Civil Code, and signs, as required by Section  
16 22658.2, have been posted on that portion of highway providing  
17 notice to drivers that vehicles parked thereon for more than 24  
18 hours will be removed at the owner's expense, pursuant to a  
19 resolution or ordinance adopted by the local authority.

20 (r) When a vehicle is illegally parked and blocks the  
21 movement of a legally parked vehicle.

22 (s) (1) When a vehicle, except highway maintenance or  
23 construction equipment, an authorized emergency vehicle, or a  
24 vehicle which is properly permitted or otherwise authorized by  
25 the Department of Transportation, is stopped, parked, or left  
26 standing for more than eight hours within a roadside rest area or  
27 viewpoint.

28 (2) For purposes of this subdivision, a roadside rest area or  
29 viewpoint is a publicly maintained vehicle parking area, adjacent  
30 to a highway, utilized for the convenient, safe stopping of a  
31 vehicle to enable motorists to rest or to view the scenery. If two  
32 or more roadside rest areas are located on opposite sides of the  
33 highway, or upon the center divider, within seven miles of each  
34 other, then that combination of rest areas is considered to be the  
35 same rest area.

36 (t) When a peace officer issues a notice to appear for a  
37 violation of Section 25279.

38 (u) (1) (A) When a peace officer issues a notice of  
39 reexamination to a driver under Section 21061 and there is no

1 other person readily available who has a valid driver's license  
2 and authorization to operate the vehicle.

3 (B) For purposes of subparagraph (A), "authorization" means  
4 permission from the driver, registered or legal owner of the  
5 vehicle, or an agent of the driver or owner and the peace officer  
6 issuing the notice of reexamination has determined that the  
7 authorized person is able to safely and lawfully operate the  
8 vehicle.

9 (2) A vehicle removed from a highway or public lands under  
10 this subdivision shall be released to any of the following:

11 (A) The registered owner or his or her agent, if he or she is the  
12 person named on the notice of reexamination upon written  
13 confirmation from the Department of Motor Vehicles that a  
14 reexamination of that person's ability to operate a motor vehicle  
15 has been conducted under Section 12818, and that person has  
16 successfully demonstrated his or her ability to operate a motor  
17 vehicle safely as required under Section 12804.9.

18 (B) The registered owner or his or her agent, if other than the  
19 person named on the notice of reexamination.

20 (C) The legal owner or his or her agent, if other than the  
21 person named on the notice of reexamination.

22 (3) A registered or legal owner, or his or her agent, that  
23 obtains release of the vehicle under subparagraph (B) or (C) of  
24 paragraph (2) may relinquish the vehicle to the person named on  
25 the notice of reexamination when that person presents to the  
26 person releasing the vehicle a written confirmation from the  
27 Department of Motor Vehicles that a reexamination of the  
28 person's ability to operate a motor vehicle has been conducted  
29 under Section 12818, and the person has successfully  
30 demonstrated his or her ability to safely operate a motor vehicle  
31 as required under Section 12804.9.

32 (4) An administrative fee shall not be charged under Section  
33 22850.5 for the release of a vehicle in accordance with this  
34 subdivision.

35 (5) The Department of Motor Vehicles shall, as appropriate,  
36 issue a written confirmation as described in paragraphs (2) and  
37 (3).

38 (6) The legislative intent of this subdivision is to ensure public  
39 safety and not to unnecessarily deprive a person of his or her  
40 motor vehicle or cause financial hardship.

1 (v) This section shall remain in effect only until January 1,  
2 2009, and as of that date is repealed, unless a later enacted  
3 statute, that is enacted before January 1, 2009, deletes or extends  
4 that date

5 SEC. 2. Section 22651 is added to the Vehicle Code, to read:

6 22651. A peace officer, as defined in Chapter 4.5  
7 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
8 Code, or a regularly employed and salaried employee, who is  
9 engaged in directing traffic or enforcing parking laws and  
10 regulations, of a city, county, or jurisdiction of a state agency in  
11 which a vehicle is located, may remove a vehicle located within  
12 the territorial limits in which the officer or employee may act,  
13 under any of the following circumstances:

14 (a) When a vehicle is left unattended upon any bridge, viaduct,  
15 or causeway or in any tube or tunnel where the vehicle  
16 constitutes an obstruction to traffic.

17 (b) When a vehicle is parked or left standing upon a highway  
18 in a position so as to obstruct the normal movement of traffic or  
19 in a condition so as to create a hazard to other traffic upon the  
20 highway.

21 (c) When a vehicle is found upon a highway or any public  
22 lands and a report has previously been made that the vehicle has  
23 been stolen or a complaint has been filed and a warrant thereon  
24 issued charging that the vehicle has been embezzled.

25 (d) When a vehicle is illegally parked so as to block the  
26 entrance to a private driveway and it is ~~impractical~~ *impracticable*  
27 to move the vehicle from in front of the driveway to another  
28 point on the highway.

29 (e) When a vehicle is illegally parked so as to prevent access  
30 by firefighting equipment to a fire hydrant and it is *impracticable*  
31 to move the vehicle from in front of the fire hydrant to another  
32 point on the highway.

33 (f) When a vehicle, except any highway maintenance or  
34 construction equipment, is stopped, parked, or left standing for  
35 more than four hours upon the right-of-way of any freeway  
36 which has full control of access and no crossings at grade and the  
37 driver, if present, cannot move the vehicle under its own power.

38 (g) When the person or persons in charge of a vehicle upon a  
39 highway or any public lands are, by reason of physical injuries or

1 illness, incapacitated to an extent so as to be unable to provide  
2 for its custody or removal.

3 (h) (1) When an officer arrests any person driving or in  
4 control of a vehicle for an alleged offense and the officer is, by  
5 this code or other law, required or permitted to take, and does  
6 take, the person into custody.

7 (2) When an officer serves a notice of an order of suspension  
8 or revocation pursuant to Section 13388.

9 (i) (1) When a vehicle, other than a rented vehicle, is found  
10 upon a highway or any public lands, or is removed pursuant to  
11 this code, and it is known that the vehicle has been issued five or  
12 more notices of parking violations to which the owner or person  
13 in control of the vehicle has not responded within 21 calendar  
14 days of notice of citation issuance or citation issuance or 14  
15 calendar days of the mailing of a notice of delinquent parking  
16 violation to the agency responsible for processing notices of  
17 parking violation or the registered owner of the vehicle is known  
18 to have been issued five or more notices for failure to pay or  
19 failure to appear in court for traffic violations for which no  
20 certificate has been issued by the magistrate or clerk of the court  
21 hearing the case showing that the case has been adjudicated or  
22 concerning which the registered owner's record has not been  
23 cleared pursuant to Chapter 6 (commencing with Section 41500)  
24 of Division 17, the vehicle may be impounded until that person  
25 furnishes to the impounding law enforcement agency all of the  
26 following:

27 (A) Evidence of his or her identity.

28 (B) An address within this state at which he or she can be  
29 located.

30 (C) Satisfactory evidence that all parking penalties due for the  
31 vehicle and any other vehicle registered to the registered owner  
32 of the impounded vehicle, and all traffic violations of the  
33 registered owner, have been cleared.

34 (2) The requirements in subparagraph (C) of paragraph (1)  
35 shall be fully enforced by the impounding law enforcement  
36 agency on and after the time that the Department of Motor  
37 Vehicles is able to provide access to the necessary records.

38 (3) A notice of parking violation issued for an unlawfully  
39 parked vehicle shall be accompanied by a warning that repeated  
40 violations may result in the impounding of the vehicle. In lieu of

1 furnishing satisfactory evidence that the full amount of parking  
2 penalties or bail has been deposited, that person may demand to  
3 be taken without unnecessary delay before a magistrate, for  
4 traffic offenses, or a hearing examiner, for parking offenses,  
5 within the county in which the offenses charged are alleged to  
6 have been committed and who has jurisdiction of the offenses  
7 and is nearest or most accessible with reference to the place  
8 where the vehicle is impounded. Evidence of current registration  
9 shall be produced after a vehicle has been impounded, or, at the  
10 discretion of the impounding law enforcement agency, a notice to  
11 appear for violation of subdivision (a) of Section 4000 shall be  
12 issued to that person.

13 (4) A vehicle shall be released to the legal owner, as defined in  
14 Section 370, if the legal owner does all of the following:

15 (A) Pays the cost of towing and storing the vehicle.

16 (B) Submits evidence of payment of fees as provided in  
17 Section 9561.

18 (C) Completes an affidavit in a form acceptable to the  
19 impounding law enforcement agency stating that the vehicle was  
20 not in possession of the legal owner at the time of occurrence of  
21 the offenses relating to standing or parking. A vehicle released to  
22 a legal owner under this subdivision is a repossessed vehicle for  
23 purposes of disposition or sale. The impounding agency shall  
24 have a lien on any surplus that remains upon sale of the vehicle  
25 to which the registered owner is or may be entitled, as security  
26 for the full amount of the parking penalties for all notices of  
27 parking violations issued for the vehicle and for any local  
28 administrative charges imposed pursuant to Section 22850.5. The  
29 legal owner shall promptly remit to, and deposit with, the agency  
30 responsible for processing notices of parking violations from that  
31 surplus, on receipt thereof, full amount of the parking penalties  
32 for all notices of parking violations issued for the vehicle and for  
33 any local administrative charges imposed pursuant to Section  
34 22850.5.

35 (5) The impounding agency that has a lien on the surplus that  
36 remains upon the sale of a vehicle to which a registered owner is  
37 entitled pursuant to paragraph (4) has a deficiency claim against  
38 the registered owner for the full amount of the parking penalties  
39 for all notices of parking violations issued for the vehicle and for

1 any local administrative charges imposed pursuant to Section  
2 22850.5, less the amount received from the sale of the vehicle.

3 (j) When a vehicle is found illegally parked and there are no  
4 license plates or other evidence of registration displayed, the  
5 vehicle may be impounded until the owner or person in control of  
6 the vehicle furnishes the impounding law enforcement agency  
7 evidence of his or her identity and an address within this state at  
8 which he or she can be located.

9 (k) When a vehicle is parked or left standing upon a highway  
10 for 72 or more consecutive hours in violation of a local ordinance  
11 authorizing removal.

12 (l) When a vehicle is illegally parked on a highway in  
13 violation of a local ordinance forbidding standing or parking and  
14 the use of a highway, or a portion thereof, is necessary for the  
15 cleaning, repair, or construction of the highway, or for the  
16 installation of underground utilities, and signs giving notice that  
17 the vehicle may be removed are erected or placed at least 24  
18 hours prior to the removal by local authorities pursuant to the  
19 ordinance.

20 (m) Wherever the use of the highway, or a portion thereof, is  
21 authorized by local authorities for a purpose other than the  
22 normal flow of traffic or for the movement of equipment,  
23 articles, or structures of unusual size, and the parking of a vehicle  
24 would prohibit or interfere with that use or movement, and signs  
25 giving notice that the vehicle may be removed are erected or  
26 placed at least 24 hours prior to the removal by local authorities  
27 pursuant to the ordinance.

28 (n) Whenever a vehicle is parked or left standing where local  
29 authorities, by resolution or ordinance, have prohibited parking  
30 and have authorized the removal of vehicles. No vehicle may be  
31 removed unless signs are posted giving notice of the removal.

32 (o) (1) When a vehicle is found or operated upon a highway,  
33 any public lands, or an offstreet parking facility with a  
34 registration expiration date in excess of six months before the  
35 date it is found or operated on the highway, public lands, or the  
36 offstreet parking facility. However, whenever the vehicle is  
37 occupied, only a peace officer, as defined in Chapter 4.5  
38 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
39 Code, may remove the vehicle. For the purposes of this  
40 subdivision, the vehicle shall be released to the owner or person

1 in control of the vehicle only after the owner or person furnishes  
2 the storing law enforcement agency with proof of current  
3 registration and a currently valid driver’s license to operate the  
4 vehicle.

5 (2) As used in this subdivision, “offstreet parking facility”  
6 means any offstreet facility held open for use by the public for  
7 parking vehicles, and includes a publicly owned facility for  
8 offstreet parking, and a privately owned facility for offstreet  
9 parking where no fee is charged for the privilege to park and that  
10 is held open for the common public use of retail customers.

11 (p) When the peace officer issues the driver of a vehicle a  
12 notice to appear for a violation of Section 12500, 14601,  
13 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the  
14 vehicle has not been impounded pursuant to Section 22655.5. A  
15 vehicle so removed from the highway or any public lands, or  
16 from private property after having been on a highway or public  
17 lands, shall not be released to the registered owner or his or her  
18 agent, except upon presentation of the registered owner’s or his  
19 or her agent’s currently valid driver’s license to operate the  
20 vehicle and proof of current vehicle registration, or upon order of  
21 a court.

22 (q) Whenever a vehicle is parked for more than 24 hours on a  
23 portion of highway which is located within the boundaries of a  
24 common interest development, as defined in subdivision (c) of  
25 Section 1351 of the Civil Code, and signs, as required by Section  
26 22658.2, have been posted on that portion of highway providing  
27 notice to drivers that vehicles parked thereon for more than 24  
28 hours will be removed at the owner’s expense, pursuant to a  
29 resolution or ordinance adopted by the local authority.

30 (r) When a vehicle is illegally parked and blocks the  
31 movement of a legally parked vehicle.

32 (s) (1) When a vehicle, except highway maintenance or  
33 construction equipment, an authorized emergency vehicle, or a  
34 vehicle which is properly permitted or otherwise authorized by  
35 the Department of Transportation, is stopped, parked, or left  
36 standing for more than eight hours within a roadside rest area or  
37 viewpoint.

38 (2) For purposes of this subdivision, a roadside rest area or  
39 viewpoint is a publicly maintained vehicle parking area, adjacent  
40 to a highway, utilized for the convenient, safe stopping of a

1 vehicle to enable motorists to rest or to view the scenery. If two  
2 or more roadside rest areas are located on opposite sides of the  
3 highway, or upon the center divider, within seven miles of each  
4 other, then that combination of rest areas is considered to be the  
5 same rest area.

6 (t) When a peace officer issues a notice to appear for a  
7 violation of Section 25279.

8 (u) This section shall become operative on January 1, 2009.

9 SEC. 3. On or before January 31, 2008, the Department of the  
10 California Highway Patrol, in consultation with the Department  
11 of Motor Vehicles, shall submit a report to the Legislature that  
12 includes all of the following information:

13 (a) The number of notices of reexaminations issued pursuant  
14 to Section 21061 of the Vehicle Code by law enforcement during  
15 the 2006 and 2007 calendar years.

16 (b) The number of persons who pass the reexamination  
17 conducted pursuant to Section 12818 of the Vehicle Code during  
18 the 2006 and 2007 calendar years.

19 (c) The number of persons whose driver’s license is suspended  
20 or revoked as a result of not passing the reexamination specified  
21 in subdivision (b) during the 2006 and 2007 calendar years.

22 (d) The number of persons whose vehicles ~~is~~ *are* towed and  
23 stored pursuant to *subdivision (u) of* Section 22651 of the  
24 Vehicle Code during the 2006 and 2007 calendar years.

25 SEC. 4. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the  
30 penalty for a crime or infraction, within the meaning of Section  
31 17556 of the Government Code, or changes the definition of a  
32 crime within the meaning of Section 6 of Article XIII B of the  
33 California Constitution.