

AMENDED IN SENATE SEPTEMBER 4, 2007

AMENDED IN SENATE JULY 16, 2007

AMENDED IN SENATE JULY 2, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 981

Introduced by Assembly Member Ma

February 22, 2007

An act to amend Section ~~22500~~ of 22523 of, and to add Article 6.6 (commencing with Section 4780) to Chapter 1 of Division 3 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 981, as amended, Ma. Vehicles: ~~parking~~. *abatement of abandoned vehicles: costs recovery.*

(1) Existing law holds the registered owner of an abandoned vehicle responsible for the costs of abating and disposing of the vehicle, and any other past due fees and penalties.

This bill would prohibit the Department of Motor Vehicles from renewing the registration of any vehicle owned by a registered owner of an abandoned vehicle for which there are unreimbursed outstanding costs when the public agency that abated or caused the abatement of the abandoned vehicle has given notice to the department of the outstanding costs. After deducting its administrative costs, the Department of Motor Vehicles would be required to transmit to the public agency the outstanding costs collected.

This bill would require a public agency that abates or causes the abatement of an abandoned vehicle to deliver to the registered owner of the abandoned vehicle a notice for reimbursement of outstanding costs containing specified information. The public agency would be authorized to file the notice with the Department of Motor Vehicles for collection if the registered owner fails to pay the outstanding costs by the date specified in the notice. Because a public agency, which includes a local agency, would be required to issue a notice for reimbursement of outstanding costs, this bill would require a higher level of service by a local agency, thereby imposing a state-mandated local program.

(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.

~~Existing law generally prohibits a person from stopping, parking, or leaving a vehicle whether attended or unattended in front of a public or private driveway, with specified exceptions.~~

~~This bill would make an additional exception to this provision by allowing within the City and County of San Francisco a person to stop, park, or leave standing a vehicle in front of a private driveway with the consent of the owner or occupant of the property adjacent to the driveway.~~

~~This bill would also make legislative findings and declarations as to the necessity of a special statute.~~

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

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

1 *SECTION 1. Article 6.6 (commencing with Section 4780) is*
2 *added to Chapter 1 of Division 3 of the Vehicle Code, to read:*

3
4 *Article 6.6. Refusal of Registration for Nonpayment of Costs*
5 *of Removal and Disposition of Abandoned Vehicles*

6
7 *4780. The department shall not renew the registration of a*
8 *vehicle if the applicant, pursuant to subdivision (g) of Section*
9 *22523, has been mailed a notice for reimbursement of outstanding*

1 *costs relating to the abatement of an abandoned vehicle, the public*
2 *agency that abated or caused the abatement of the vehicle,*
3 *pursuant to subdivision (h) of Section 22523, has filed with the*
4 *department the notice for reimbursement of outstanding costs, and*
5 *the applicant has not paid the deficiency specified in the notice,*
6 *unless the applicant pays to the department, at the time of*
7 *application renewal, the full amount of the outstanding costs, as*
8 *shown by the notice for reimbursement of costs filed with the*
9 *department pursuant to subdivision (h) of Section 22523.*

10 4781. *The department shall include on the vehicle registration*
11 *renewal notice, or on an accompanying document, all of the*
12 *information required pursuant to paragraph (1) of subdivision (g)*
13 *of Section 22523.*

14 4782. (a) *After deducting the administrative fee authorized by*
15 *subdivision (b), the department shall remit the reimbursement for*
16 *outstanding costs collected pursuant to Section 4780, to the public*
17 *agency that filed the notice of reimbursement for outstanding costs*
18 *with the department pursuant to subdivision (h) of Section 22523.*
19 *Within 45 days from the time the reimbursement is paid to the*
20 *department, the department shall inform that public agency that*
21 *the outstanding costs have been collected.*

22 (b) *The department shall assess a fee for the recording of a*
23 *notice of reimbursement of outstanding costs that is filed with the*
24 *department pursuant to subdivision (h) of Section 22523. The*
25 *department shall impose a fee for the filing of notices of*
26 *outstanding costs that is sufficient to reimburse the department*
27 *the actual costs of administering this article.*

28 4783. *No exemption from the payment of any fee imposed by*
29 *this code is an exemption from the obligation of an applicant to*
30 *pay the full amount of the outstanding costs pursuant to Section*
31 *4780.*

32 *SEC. 2. Section 22523 of the Vehicle Code is amended to read:*
33 *22523. (a) ~~No~~A person shall not abandon a vehicle upon ~~any~~*
34 *a highway.*

35 (b) ~~No~~A person shall *not* abandon a vehicle upon public or
36 private property without the express or implied consent of the
37 owner or person in lawful possession or control of the property.

38 (c) ~~Any~~A person convicted of a violation of this section shall
39 be punished by a fine of not less than one hundred dollars (\$100)
40 and shall provide proof that the costs of removal and disposition

1 of the vehicle have been paid. No part of any fine imposed shall
2 be suspended. The fine may be paid in installments if the court
3 determines that the defendant is unable to pay the entire amount
4 in one payment.

5 (d) Proof that the costs of removal and disposition of the vehicle
6 have been paid shall not be required if proof is provided to the
7 court that the vehicle was stolen prior to abandonment. That proof
8 may consist of a police report or other evidence acceptable to the
9 court.

10 (e) The costs required to be paid for the removal and disposition
11 of ~~any~~ a vehicle determined to be abandoned pursuant to Section
12 22669 shall not exceed those for towing and seven days of storage.
13 This subdivision does not apply if the registered owner or legal
14 owner has completed and returned to the lienholder a “Declaration
15 of Opposition” form within the time specified in Section 22851.8.

16 (f) (1) If a vehicle is abandoned in violation of subdivision (b)
17 and is not redeemed after impound, the last registered owner is
18 guilty of an infraction. In addition to any other penalty, the
19 registered owner shall be liable for any deficiency remaining after
20 disposal of the vehicle under Section 3071 or 3072 of the Civil
21 Code or Section 22851.10 of this code.

22 (2) The filing of a report of sale or transfer of the vehicle
23 pursuant to Section 5602, the filing of a vehicle theft report with
24 a law enforcement agency, or the filing of a form or notice with
25 the department pursuant to subdivision (b) of Section 4456 or
26 Section 5900 or 5901 relieves the registered owner of liability
27 under this subdivision.

28 (g) (1) *A public agency that abates or causes to abate an
29 abandoned vehicle shall serve or mail to the registered owner a
30 notice for reimbursement of outstanding costs that contains all of
31 the following:*

- 32 (A) *A description and location of the abandoned vehicle.*
- 33 (B) *An itemization of all costs and administrative fees related
34 to the abatement and disposition of the vehicle, and any other past
35 due fees and penalties.*
- 36 (C) *The disposition of the vehicle.*
- 37 (D) *The time and date of the abatement and disposition of the
38 vehicle.*
- 39 (E) *The deficiency remaining as specified in paragraph (1) of
40 subdivision (f).*

1 (F) The date by which the registered owner is required to pay
2 the deficiency.

3 (G) A statement notifying the registered owner that the failure
4 to pay the deficiency by the date specified in subparagraph (F)
5 may result in the refusal by the Department of Motor Vehicles to
6 renew the registration of any vehicle of the registered owner.

7 (2) Delivery of the notice for reimbursement of outstanding
8 costs pursuant to this subdivision may be made by personal service
9 or by first-class mail.

10 (h) If the registered owner does not satisfy a notice for
11 reimbursement of outstanding costs issued pursuant to subdivision
12 (g), the public agency may file the notice for reimbursement of
13 outstanding costs with the Department of Motor Vehicles for
14 collection pursuant to Section 4870.

15 SEC. 3. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of Section
20 17556 of the Government Code.

21 SECTION 1. Section 22500 of the Vehicle Code is amended
22 to read:

23 22500. No person shall stop, park, or leave standing any vehicle
24 whether attended or unattended, except when necessary to avoid
25 conflict with other traffic or in compliance with the directions of
26 a peace officer or official traffic control device, in any of the
27 following places:

28 (a) Within an intersection, except adjacent to curbs as may be
29 permitted by local ordinance.

30 (b) On a crosswalk, except that a bus engaged as a common
31 carrier or a taxicab may stop in an unmarked crosswalk to load or
32 unload passengers when authorized by the legislative body of any
33 city pursuant to an ordinance.

34 (c) Between a safety zone and the adjacent right-hand curb or
35 within the area between the zone and the curb as may be indicated
36 by a sign or red paint on the curb, which sign or paint was erected
37 or placed by local authorities pursuant to an ordinance.

38 (d) Within 15 feet of the driveway entrance to any fire station.
39 This subdivision does not apply to any vehicle owned or operated

1 by a fire department and clearly marked as a fire department
2 vehicle.
3 (e) (1) In front of a public or private driveway, except in either
4 of the following circumstances:
5 (A) A bus engaged as a common carrier, a schoolbus, or a
6 taxicab may stop to load or unload passengers when authorized
7 by local authorities pursuant to an ordinance.
8 (B) Within the City and County of San Francisco, a person may
9 stop, park, or leave standing a vehicle in front of a private driveway
10 with the consent of the owner or occupant of the property adjacent
11 to the driveway.
12 (2) In unincorporated territory, where the entrance of a private
13 road or driveway is not delineated by an opening in a curb or by
14 other curb construction, so much of the surface of the ground as
15 is paved, surfaced, or otherwise plainly marked by vehicle use as
16 a private road or driveway entrance, shall constitute a driveway.
17 (f) On any portion of a sidewalk, or with the body of the vehicle
18 extending over any portion of a sidewalk, except electric carts
19 when authorized by local ordinance, as specified in Section
20 21114.5. Lights, mirrors, or devices that are required to be mounted
21 upon a vehicle under this code may extend from the body of the
22 vehicle over the sidewalk to a distance of not more than 10 inches.
23 (g) Alongside or opposite any street or highway excavation or
24 obstruction when stopping, standing, or parking would obstruct
25 traffic.
26 (h) On the roadway side of any vehicle stopped, parked, or
27 standing at the curb or edge of a highway, except for a schoolbus
28 when stopped to load or unload pupils in a business or residence
29 district where the speed limit is 25 miles per hour or less.
30 (i) Except as provided under Section 22500.5, alongside curb
31 space authorized for the loading and unloading of passengers of a
32 bus engaged as a common carrier in local transportation when
33 indicated by a sign or red paint on the curb erected or painted by
34 local authorities pursuant to an ordinance.
35 (j) In a tube or tunnel, except vehicles of the authorities in
36 charge, being used in the repair, maintenance, or inspection of the
37 facility.
38 (k) Upon a bridge, except vehicles of the authorities in charge,
39 being used in the repair, maintenance, or inspection of the facility,
40 and except that buses engaged as a common carrier in local

1 transportation may stop to load or unload passengers upon a bridge
2 where sidewalks are provided, when authorized by local authorities
3 pursuant to an ordinance, and except that local authorities pursuant
4 to an ordinance or the Department of Transportation pursuant to
5 an order, within their respective jurisdictions, may permit parking
6 on bridges having sidewalks and shoulders of sufficient width to
7 permit parking without interfering with the normal movement of
8 traffic on the roadway. Local authorities, by ordinance or
9 resolution, may permit parking on these bridges on state highways
10 in their respective jurisdictions if the ordinance or resolution is
11 first approved in writing by the Department of Transportation.
12 Parking shall not be permitted unless there are signs in place, as
13 may be necessary, to indicate the provisions of local ordinances
14 or the order of the Department of Transportation.

15 (l) In front of or upon that portion of a curb that has been cut
16 down, lowered, or constructed to provide wheelchair accessibility
17 to the sidewalk.

18 SEC. 2. The Legislature finds and declares that there are unique
19 circumstances concerning the need for the exception to allow a
20 person to stop, park, or leave standing a vehicle in front of a private
21 driveway within the City and County of San Francisco contained
22 in this act. It is therefore declared that a general law cannot be
23 made applicable within the meaning of Section 16 of Article IV
24 of the Constitution, and that the enactment of this act as a special
25 law is necessary.