

AMENDED IN SENATE JULY 16, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1589**

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**Introduced by Assembly Member Duvall**

February 23, 2007

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1589, as amended, Duvall. Vehicles: reports: reexaminations: removal.

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 when the vehicle is found or operated upon a highway, public lands, or an offstreet parking facility with a registration expiration date in excess of 6 months before the date it is found or operated.

This bill would provide additional instances relating to registration when a vehicle may be removed from a highway, public lands, or an offstreet parking facility.

**This**

*The bill would also make technical, nonsubstantive changes.*

*This bill also would incorporate additional changes in Section 22651 of the Vehicle Code proposed by AB 1165 to be operative if AB 1165 and this bill are both enacted and this bill is enacted last.*

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

*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 (commencing  
4 with Section 830) of Title 3 of Part 2 of the Penal Code, or a  
5 regularly employed and salaried employee, who is engaged in  
6 directing traffic or enforcing parking laws and regulations, of a  
7 city, county, or jurisdiction of a state agency in which a vehicle is  
8 located, may remove a vehicle located within the territorial limits  
9 in which the officer or employee may act, under the following  
10 circumstances:

11 (a) When a vehicle is left unattended upon a bridge, viaduct, or  
12 causeway or in a tube or tunnel where the vehicle constitutes an  
13 obstruction to traffic.

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

18 (c) When a vehicle is found upon a highway or a public land  
19 and a report has previously been made that the vehicle is stolen or  
20 a complaint has been filed and a warrant thereon is issued charging  
21 that the vehicle is embezzled.

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

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

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

34 (g) When the person in charge of a vehicle upon a highway or  
35 public land is, by reason of physical injuries or illness,  
36 incapacitated to an extent so as to be unable to provide for its  
37 custody or removal.

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

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

7 (i) (1) When a vehicle, other than a rented vehicle, is found  
8 upon a highway or public land, or is removed pursuant to this code,  
9 and it is known that the vehicle has been issued five or more notices  
10 of parking violations to which the owner or person in control of  
11 the vehicle has not responded within 21 calendar days of notice  
12 of citation issuance or citation issuance or 14 calendar days of the  
13 mailing of a notice of delinquent parking violation to the agency  
14 responsible for processing notices of parking violation or the  
15 registered owner of the vehicle is known to have been issued five  
16 or more notices for failure to pay or failure to appear in court for  
17 traffic violations for which a certificate has not been issued by the  
18 magistrate or clerk of the court hearing the case showing that the  
19 case has been adjudicated or concerning which the registered  
20 owner's record has not been cleared pursuant to Chapter 6  
21 (commencing with Section 41500) of Division 17, the vehicle may  
22 be impounded until that person furnishes to the impounding law  
23 enforcement agency all of the following:

24 (A) Evidence of his or her identity.

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

27 (C) Satisfactory evidence that all parking penalties due for the  
28 vehicle and all other vehicles registered to the registered owner of  
29 the impounded vehicle, and all traffic violations of the registered  
30 owner, have been cleared.

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

35 (3) A notice of parking violation issued for an unlawfully parked  
36 vehicle shall be accompanied by a warning that repeated violations  
37 may result in the impounding of the vehicle. In lieu of furnishing  
38 satisfactory evidence that the full amount of parking penalties or  
39 bail has been deposited, that person may demand to be taken  
40 without unnecessary delay before a magistrate, for traffic offenses,

1 or a hearing examiner, for parking offenses, within the county in  
2 which the offenses charged are alleged to have been committed  
3 and who has jurisdiction of the offenses and is nearest or most  
4 accessible with reference to the place where the vehicle is  
5 impounded. Evidence of current registration shall be produced  
6 after a vehicle has been impounded, or, at the discretion of the  
7 impounding law enforcement agency, a notice to appear for  
8 violation of subdivision (a) of Section 4000 shall be issued to that  
9 person.

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

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

13 (B) Submits evidence of payment of fees as provided in Section  
14 9561.

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

31 (5) The impounding agency that has a lien on the surplus that  
32 remains upon the sale of a vehicle to which a registered owner is  
33 entitled pursuant to paragraph (4) has a deficiency claim against  
34 the registered owner for the full amount of the parking penalties  
35 for all notices of parking violations issued for the vehicle and for  
36 all local administrative charges imposed pursuant to Section  
37 22850.5, less the amount received from the sale of the vehicle.

38 (j) When a vehicle is found illegally parked and there are no  
39 license plates or other evidence of registration displayed, the  
40 vehicle may be impounded until the owner or person in control of

1 the vehicle furnishes the impounding law enforcement agency  
2 evidence of his or her identity and an address within this state at  
3 which he or she can be located.

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

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

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

22 (n) Whenever a vehicle is parked or left standing where local  
23 authorities, by resolution or ordinance, have prohibited parking  
24 and have authorized the removal of vehicles. A vehicle may not  
25 be removed unless signs are posted giving notice of the removal.

26 (o) (1) When a vehicle is found or operated upon a highway,  
27 public land, or an offstreet parking facility under the following  
28 circumstances:

29 (A) With a registration expiration date in excess of six months  
30 before the date it is found or operated on the highway, public lands,  
31 or the offstreet parking facility.

32 (B) Displaying in, or upon, the vehicle, a registration card,  
33 identification card, temporary receipt, license plate, special plate,  
34 registration sticker, device issued pursuant to Section 4853, or  
35 permit that was not issued for that vehicle, or is not otherwise  
36 lawfully used ~~thereon~~ *on that vehicle* under this code.

37 (C) Displaying in, or upon, the vehicle, an altered, forged,  
38 counterfeit, or falsified registration card, identification card,  
39 temporary receipt, license plate, special plate, registration sticker,  
40 device issued pursuant to Section 4853, or permit.

1 (2) When a vehicle described in paragraph (1) is occupied, only  
2 a peace officer, as defined in Chapter 4.5 (commencing with  
3 Section 830) of Title 3 of Part 2 of the Penal Code, may remove  
4 the vehicle.

5 (3) For the purposes of this subdivision, the vehicle shall be  
6 released to the owner or person in control of the vehicle only after  
7 the owner or person furnishes the storing law enforcement agency  
8 with proof of current registration and a currently valid driver's  
9 license to operate the vehicle.

10 (4) As used in this subdivision, "offstreet parking facility" means  
11 an offstreet facility held open for use by the public for parking  
12 vehicles and includes any publicly owned facilities for offstreet  
13 parking, and privately owned facilities for offstreet parking where  
14 a fee is not charged for the privilege to park and which are held  
15 open for the common public use of retail customers.

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

26 (q) Whenever a vehicle is parked for more than 24 hours on a  
27 portion of highway that is located within the boundaries of a  
28 common interest development, as defined in subdivision (c) of  
29 Section 1351 of the Civil Code, and signs, as required by Section  
30 22658.2, have been posted on that portion of highway providing  
31 notice to drivers that vehicles parked thereon for more than 24  
32 hours will be removed at the owner's expense, pursuant to a  
33 resolution or ordinance adopted by the local authority.

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

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

1 (2) For purposes of this subdivision, a roadside rest area or  
2 viewpoint is a publicly maintained vehicle parking area, adjacent  
3 to a highway, utilized for the convenient, safe stopping of a vehicle  
4 to enable motorists to rest or to view the scenery. If two or more  
5 roadside rest areas are located on opposite sides of the highway,  
6 or upon the center divider, within seven miles of each other, then  
7 that combination of rest areas is considered to be the same rest  
8 area.

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

11 *SEC. 2. Section 22651 of the Vehicle Code is amended to read:*

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

20 (a) When ~~any~~ a vehicle is left unattended upon any bridge,  
21 viaduct, or causeway or in any tube or tunnel where the vehicle  
22 constitutes an obstruction to traffic.

23 (b) When ~~any~~ a vehicle is parked or left standing upon a  
24 highway in a position so as to obstruct the normal movement of  
25 traffic or in a condition so as to create a hazard to other traffic  
26 upon the highway.

27 (c) When ~~any~~ a vehicle is found upon a highway or ~~any public~~  
28 ~~lands~~ *public land* and a report has previously been made that the  
29 vehicle ~~has been~~ is stolen or a complaint has been filed and a  
30 warrant thereon *is* issued charging that the vehicle ~~has been~~ *is*  
31 embezzled.

32 (d) When ~~any~~ a vehicle is illegally parked so as to block the  
33 entrance to a private driveway and it is impractical to move the  
34 vehicle from in front of the driveway to another point on the  
35 highway.

36 (e) When ~~any~~ a vehicle is illegally parked so as to prevent access  
37 by firefighting equipment to a fire hydrant and it is impracticable  
38 to move the vehicle from in front of the fire hydrant to another  
39 point on the highway.

1 (f) When ~~any~~ a vehicle, except ~~any~~ highway maintenance or  
2 construction equipment, is stopped, parked, or left standing for  
3 more than four hours upon the right-of-way of ~~any freeway which~~  
4 *a freeway that* has full control of access and no crossings at grade  
5 and the driver, if present, cannot move the vehicle under its own  
6 power.

7 (g) When the person ~~or persons~~ in charge of a vehicle upon a  
8 highway ~~or any public lands~~ *are public land is*, by reason of  
9 physical injuries or illness, incapacitated to an extent so as to be  
10 unable to provide for its custody or removal.

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

15 (2) When an officer serves a notice of an order of suspension  
16 or revocation pursuant to Section 13388 *or 13389*.

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

35 (A) Evidence of his or her identity.

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

38 (C) Satisfactory evidence that all parking penalties due for the  
39 vehicle ~~and any other vehicle~~ *all other vehicles* registered to the

1 registered owner of the impounded vehicle, and all traffic violations  
2 of the registered owner, have been cleared.

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

7 (3) A notice of parking violation issued for an unlawfully parked  
8 vehicle shall be accompanied by a warning that repeated violations  
9 may result in the impounding of the vehicle. In lieu of furnishing  
10 satisfactory evidence that the full amount of parking penalties or  
11 bail has been deposited, that person may demand to be taken  
12 without unnecessary delay before a magistrate, for traffic offenses,  
13 or a hearing examiner, for parking offenses, within the county in  
14 which the offenses charged are alleged to have been committed  
15 and who has jurisdiction of the offenses and is nearest or most  
16 accessible with reference to the place where the vehicle is  
17 impounded. Evidence of current registration shall be produced  
18 after a vehicle has been impounded, or, at the discretion of the  
19 impounding law enforcement agency, a notice to appear for  
20 violation of subdivision (a) of Section 4000 shall be issued to that  
21 person.

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

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

25 (B) Submits evidence of payment of fees as provided in Section  
26 9561.

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

1 penalties for all notices of parking violations issued for the vehicle  
2 and for ~~any~~ local administrative charges imposed pursuant to  
3 Section 22850.5.

4 (5) The impounding agency that has a lien on the surplus that  
5 remains upon the sale of a vehicle to which a registered owner is  
6 entitled pursuant to paragraph (4) has a deficiency claim against  
7 the registered owner for the full amount of the parking penalties  
8 for all notices of parking violations issued for the vehicle and for  
9 ~~any~~ local administrative charges imposed pursuant to Section  
10 22850.5, less the amount received from the sale of the vehicle.

11 (j) When ~~any~~ a vehicle is found illegally parked and there are  
12 no license plates or other evidence of registration displayed, the  
13 vehicle may be impounded until the owner or person in control of  
14 the vehicle furnishes the impounding law enforcement agency  
15 evidence of his or her identity and an address within this state at  
16 which he or she can be located.

17 (k) When ~~any~~ a vehicle is parked or left standing upon a  
18 highway for 72 or more consecutive hours in violation of a local  
19 ordinance authorizing removal.

20 (l) When ~~any~~ a vehicle is illegally parked on a highway in  
21 violation of ~~any~~ a local ordinance forbidding standing or parking  
22 and the use of a highway, or a portion thereof, is necessary for the  
23 cleaning, repair, or construction of the highway, or for the  
24 installation of underground utilities, and signs giving notice that  
25 the vehicle may be removed are erected or placed at least 24 hours  
26 prior to the removal by ~~local authorities~~ a local authority pursuant  
27 to the ordinance.

28 (m) Wherever the use of the highway, or ~~any portion thereof~~ a  
29 *portion of the highway*, is authorized by ~~local authorities~~ a local  
30 *authority* for a purpose other than the normal flow of traffic or for  
31 the movement of equipment, articles, or structures of unusual size,  
32 and the parking of ~~any~~ a vehicle would prohibit or interfere with  
33 that use or movement, and signs giving notice that the vehicle may  
34 be removed are erected or placed at least 24 hours prior to the  
35 removal by ~~local authorities~~ a local authority pursuant to the  
36 ordinance.

37 (n) Whenever ~~any~~ a vehicle is parked or left standing where  
38 local authorities, by resolution or ordinance, have prohibited  
39 parking and have authorized the removal of vehicles. ~~No~~ A vehicle

1 ~~may~~ shall not be removed unless signs are posted giving notice of  
2 the removal.

3 (o) (1) When ~~any~~ a vehicle is found or operated upon a  
4 highway, ~~any public lands~~ public land, or an offstreet parking  
5 facility ~~with under the following circumstances:~~

6 (A) With a registration expiration date in excess of six months  
7 before the date it is found or operated on the highway, public lands,  
8 or the offstreet parking facility. ~~However, whenever the~~

9 (B) *Displaying in, or upon, the vehicle, a registration card,*  
10 *identification card, temporary receipt, license plate, special plate,*  
11 *registration sticker, device issued pursuant to Section 4853, or*  
12 *permit that was not issued for that vehicle, or is not otherwise*  
13 *lawfully used on that vehicle under this code.*

14 (C) *Displaying in, or upon, the vehicle, an altered, forged,*  
15 *counterfeit, or falsified registration card, identification card,*  
16 *temporary receipt, license plate, special plate, registration sticker,*  
17 *device issued pursuant to Section 4853, or permit.*

18 (2) When a vehicle described in paragraph (1) is occupied, only  
19 a peace officer, as defined in Chapter 4.5 (commencing with  
20 Section 830) of Title 3 of Part 2 of the Penal Code, may remove  
21 the vehicle. ~~For~~

22 (3) For the purposes of this subdivision, the vehicle shall be  
23 released to the owner or person in control of the vehicle only after  
24 the owner or person furnishes the storing law enforcement agency  
25 with proof of current registration and a currently valid driver's  
26 license to operate the vehicle.

27 (2)

28 (4) As used in this subdivision, "offstreet parking facility" means  
29 ~~any~~ an offstreet facility held open for use by the public for parking  
30 vehicles and includes ~~any publicly owned facilities~~ a publicly  
31 owned facility for offstreet parking, and privately owned facilities  
32 for offstreet parking where ~~no fee is a fee is not~~ charged for the  
33 privilege to park and which are held open for the common public  
34 use of retail customers.

35 (p) When the peace officer issues the driver of a vehicle a notice  
36 to appear for a violation of Section 12500, 14601, 14601.1,  
37 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle ~~has~~  
38 ~~not been~~ is not impounded pursuant to Section 22655.5. ~~Any A~~  
39 vehicle so removed from the highway or ~~any public lands~~ public  
40 land, or from private property after having been on a highway or

1 public ~~lands~~ *land*, shall not be released to the registered owner or  
2 his or her agent, except upon presentation of the registered owner's  
3 or his or her agent's currently valid driver's license to operate the  
4 vehicle and proof of current vehicle registration, or upon order of  
5 a court.

6 (q) Whenever ~~any~~ *a* vehicle is parked for more than 24 hours  
7 on a portion of highway ~~which~~ *that* is located within the boundaries  
8 of a common interest development, as defined in subdivision (c)  
9 of Section 1351 of the Civil Code, and signs, as required by Section  
10 22658.2, have been posted on that portion of highway providing  
11 notice to drivers that vehicles parked thereon for more than 24  
12 hours will be removed at the owner's expense, pursuant to a  
13 resolution or ordinance adopted by the local authority.

14 (r) When ~~any~~ *a* vehicle is illegally parked and blocks the  
15 movement of a legally parked vehicle.

16 (s) (1) When ~~any~~ *a* vehicle, except highway maintenance or  
17 construction equipment, an authorized emergency vehicle, or a  
18 vehicle ~~which~~ *that* is properly permitted or otherwise authorized  
19 by the Department of Transportation, is stopped, parked, or left  
20 standing for more than eight hours within a roadside rest area or  
21 viewpoint.

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

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

32 *SEC. 3. Section 2 of this bill incorporates amendments to*  
33 *Section 22651 of the Vehicle Code proposed by both this bill and*  
34 *AB 1165. It shall only become operative if (1) both bills are enacted*  
35 *and become effective on or before January 1, 2008, but this bill*  
36 *becomes operative first, (2) each bill amends Section 22651 of the*  
37 *Vehicle Code, and (3) this bill is enacted after AB 1165, in which*  
38 *case Section 22651 of the Vehicle Code, as amended by Section 1*  
39 *of this bill, shall remain operative only until the operative date of*

1 *AB 1165, at which time Section 2 of this bill shall become*  
2 *operative.*

O