

Introduced by Senator Ackerman

February 20, 2007

An act to amend Section 4000 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 336, as introduced, Ackerman. Vehicles: registration.

Existing law generally prohibits a person from driving, moving, or unlawful standing upon a highway, or in an offstreet public parking facility, a motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly, unless that vehicle or device is registered and the appropriate fees have been paid under the Vehicle Code, or it is registered under the permanent trailer identification program.

This bill would make technical, nonsubstantive changes in that provision.

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

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

- 1 SECTION 1. Section 4000 of the Vehicle Code, as amended
- 2 by Section 16 of Chapter 861 of the Statutes of 2000, is amended
- 3 to read:
- 4 4000. (a) (1) ~~No~~A person shall *not* drive, move, or leave
- 5 standing upon a highway, or in an offstreet public parking facility,
- 6 ~~any~~ a motor vehicle, trailer, semitrailer, pole or pipe dolly, or
- 7 logging dolly, unless it is registered and the appropriate fees have
- 8 been paid under this code or registered under the permanent trailer
- 9 identification program, except that an off-highway motor vehicle

1 ~~which~~ *that* displays an identification plate or device issued by the
2 department pursuant to Section 38010 may be driven, moved, or
3 left standing in an offstreet public parking facility without being
4 registered or paying registration fees.

5 (2) For purposes of this subdivision, “offstreet public parking
6 facility” means either of the following:

7 (A) Any publicly owned parking facility.

8 (B) Any privately owned parking facility for which no fee for
9 the privilege to park is charged and which is held open for the
10 common public use of retail customers.

11 (3) This subdivision does not apply to ~~any~~ *a* motor vehicle stored
12 in a privately owned offstreet parking facility by, or with the
13 express permission of, the owner of the privately owned offstreet
14 parking facility.

15 (b) ~~No~~ *A* person shall *not* drive, move, or leave standing upon
16 a highway ~~any~~ *a* motor vehicle, as defined in Chapter 2
17 (commencing with Section 39010) of Part 1 of Division 26 of the
18 Health and Safety Code, ~~which has been~~ *that is* registered in
19 violation of Part 5 (commencing with Section 43000) of that
20 Division 26.

21 (c) Subdivisions (a) and (b) do not apply to off-highway motor
22 vehicles operated pursuant to Sections 38025 and 38026.5.

23 (d) This section does not apply, following payment of fees due
24 for registration, during the time that registration and transfer is
25 being withheld by the department pending the investigation of any
26 use tax due under the Revenue and Taxation Code.

27 (e) Subdivision (a) does not apply to a vehicle that is towed by
28 a tow truck on the order of a sheriff, marshal, or other official
29 acting pursuant to a court order or on the order of a peace officer
30 acting pursuant to this code.

31 (f) Subdivision (a) applies to a vehicle that is towed from a
32 highway or offstreet parking facility under the direction of a
33 highway service organization when that organization is providing
34 emergency roadside assistance to that vehicle. However, the
35 operator of a tow truck providing that assistance to that vehicle is
36 not responsible for the violation of subdivision (a) with respect to
37 that vehicle. The owner of an unregistered vehicle that is disabled
38 and located on private property, shall obtain a permit from the
39 department pursuant to Section 4003 prior to having the vehicle
40 towed on the highway.

1 (g) For purposes of this section, possession of a California
2 driver's license by the registered owner of a vehicle shall give rise
3 to a rebuttable presumption that the owner is a resident of
4 California.

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