

AMENDED IN SENATE APRIL 10, 2008
AMENDED IN SENATE MARCH 25, 2008

SENATE BILL

No. 1469

Introduced by Senator Calderon

February 21, 2008

An act to amend Sections 7502.1, ~~7504~~, 7505.1, and 7507.10 of the Business and Professions Code, ~~to amend Section 3068 of the Civil Code, and to amend Sections 14602.6, 14602.7, 14602.8, 21100.4, 22651, 22651.1, 22658, 24605, and 29004 of,~~ and to add Section 22850.4 to, ~~the Vehicle Code, relating to collateral~~ *and to amend Section 29004 of the Vehicle Code, relating to collateral recovery.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1469, as amended, Calderon. ~~Collateral recovery.~~ *recovery: tow vehicles.*

(1) Existing law, the Collateral Recovery Act, provides for the licensure and regulation of repossession agencies by the Bureau of Security and Investigative Services under the supervision and control of the Director of Consumer Affairs. Any person who violates these provisions is guilty of a crime punishable by fine and imprisonment. The act requires ~~an applicant for a qualification certificate to satisfy specified requirements, including possessing 2 years lawful experience that may include experience recovering collateral as a salaried employee of a financial institution or vehicle dealer~~ *every repossession agency office to be under the active charge of a qualified certificate holder.* The act requires licensees to serve a debtor with a specified notice of seizure after the recovery of collateral by the licensee.

This bill would make ~~a person's interest in tangible personal property, including specified vehicles,~~ *tow vehicle that is used to violate the act*

subject to removal and impound if that person violates the act. The bill would delete the provisions that include the recovery of collateral as a salaried employee of a financial institution or vehicle dealer as lawful experience for a qualification certificate. *The bill would specify that a licensee may have more than one qualified certificate holder in an office.* The bill would require a licensee's notice provided to a debtor after recovery of collateral to include a disclosure that electrical or tire failure or any damage to, *as a result of*, or caused by, certain aftermarket parts and accessories on a vehicle are not the responsibility of the licensee, *except as specified*. Because a violation of these provisions by a licensee would be a crime, this bill would impose a state-mandated local program.

~~(2) Existing law provides that every person has a lien dependent upon possession for the compensation to which the person is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the storage, repair, or safekeeping of, and the rental of parking space for, any vehicle subject to registration, as specified. Existing law provides that a lien that arises because work or services have been performed on a vehicle with the consent of the registered owner shall be extinguished, and no lien sale shall be conducted, if the lienholder fails to permit inspection of the vehicle by the legal owner or lessor, or his or her agent, within a specified period of time after the receipt of a demand by the legal owner or lessor.~~

~~This bill would instead extinguish the lien if the lienholder fails to promptly permit inspection and photography of the vehicle by the legal owner or lessor, or his or her agent after demand. The bill would prohibit a lienholder, law enforcement agency, or impound agency from requiring a person making this demand to provide a release or any other documents other than a repossession order.~~

~~(3)~~

~~(2) Existing law provides that a peace officer or, in certain other cases, a magistrate, may cause the removal and seizure of a vehicle, as specified. Existing law provides that a vehicle so seized may be impounded for 30 days. Under existing law, a vehicle removed and seized may be released to the legal owner or the legal owner's agent prior to the end of 30 days' impoundment if certain conditions are met, including, but not limited to, the requirement that the legal owner or the legal owner's agent pay all towing and storage fees related to the seizure of the vehicle *imposes various multisafety chain requirements applicable to towing vehicles.*~~

~~This bill would prohibit the imposition of any other fees other than the towing and storage fees. The bill would provide that the legal owner, or the legal owner's agent, has the right to inspect and photograph an impounded vehicle, as specified. The bill would prohibit a legal owner, or the legal owner's agent, from releasing a vehicle prior to end of a 30-day impoundment period to a person who was listed as the registered owner when the vehicle was impounded and would make a legal owner or the legal owner's agent who violates this prohibition guilty of a misdemeanor and subject to specified penalties. The bill would require an impounding agency to maintain a published telephone number that provides continuous information regarding the impoundment of vehicles, operating hours when vehicles may be removed from impound, and the rights of a registered owner to request a hearing. The bill would also require a law enforcement agency and any person having possession of an impounded vehicle to be open during specified business hours to release vehicles. By establishing new crimes and imposing new duties on law enforcement agencies, the bill would impose a state-mandated local program. The bill would authorize a peace officer, as defined, or a traffic enforcement employee of a local jurisdiction to seize and remove personal property, including a vehicle, if the peace officer or employee has reasonable cause to believe that personal property or vehicle is being used in violation of the Collateral Recovery Act. The bill would provide that certain taillamp, stoplamp, and turn signal requirements applicable to towing vehicles are applicable to a repossessor's tow vehicle if a vehicle is towed by a repossessor's tow vehicle for more than one mile on a public highway. The bill would also exempt a repossessor's towing vehicle from specified *the* multisafety chain requirements applicable to towing vehicles if the repossessor is towing a vehicle no more than one mile on a public highway and the vehicle is secured by one safety chain.~~

~~(4)~~

(3) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 7502.1 of the Business and Professions
 2 Code is amended to read:
 3 7502.1. (a) Any person who violates any provision of this
 4 chapter, or who conspires with another person to violate any
 5 provision of this chapter, or who knowingly engages a nonexempt
 6 unlicensed person to repossess collateral on his or her behalf is
 7 guilty of a misdemeanor, and is punishable by a fine of five
 8 thousand dollars (\$5,000), or by imprisonment in the county jail
 9 for not more than one year, or by both the fine and imprisonment.
 10 ~~In addition, the interest of any person in any tangible personal~~
 11 ~~property, including any vehicle subject to registration under the~~
 12 ~~Vehicle Code, used to violate any provision of this chapter is~~
 13 ~~subject to removal and impound pursuant to Sections 22850 and~~
 14 ~~22850.4 of the Vehicle Code. In addition, any tow vehicle subject~~
 15 ~~to registration under the Vehicle Code that is used to violate any~~
 16 ~~provision of this chapter is subject to removal and impound~~
 17 ~~pursuant to Section 22850 of the Vehicle Code.~~
 18 (b) Within existing resources, the Commissioner of Financial
 19 Institutions, the Commissioner of Corporations, and the Director
 20 of Motor Vehicles may each designate employees to investigate
 21 and report on violations of this chapter by any of the licensees of
 22 their respective departments. Those employees are authorized to
 23 actively cooperate with the bureau in the investigation of those
 24 activities.
 25 (c) A proceeding to impose the penalties specified in subdivision
 26 (a) may be brought in any court of competent jurisdiction in the
 27 name of the people of the State of California by the Attorney
 28 General or by any district attorney or city attorney, or with the
 29 consent of the district attorney, by the city prosecutor in any city
 30 or city and county having a full-time city prosecutor, for the
 31 jurisdiction in which the violation occurred. If the action is brought
 32 by a district attorney, the penalty collected shall be paid to the
 33 treasurer of the county in which the judgment is entered. If the
 34 action is brought by a city attorney or city prosecutor, one-half of
 35 the penalty collected shall be paid to the treasurer of the city in

1 which the judgment was entered and one-half to the treasurer of
2 the county in which the judgment was entered. If the action is
3 brought by the Attorney General, all of the penalty collected shall
4 be deposited in the Private Security Services Fund.

5 ~~SEC. 2. Section 7504 of the Business and Professions Code is~~
6 ~~amended to read:~~

7 ~~7504. (a) Except as otherwise provided in this chapter, an~~
8 ~~applicant for a qualification certificate shall comply with all of the~~
9 ~~following:~~

10 ~~(1) Be at least 18 years of age.~~

11 ~~(2) Have been, for at least two years of lawful experience, during~~
12 ~~the five years preceding the date on which his or her application~~
13 ~~is filed, a registrant or have had two years of lawful experience in~~
14 ~~recovering collateral within this state. Lawful experience means~~
15 ~~experience in recovering collateral as a registrant pursuant to this~~
16 ~~chapter.~~

17 ~~Two years' experience shall consist of not less than 4,000 hours~~
18 ~~of actual compensated work performed by the applicant preceding~~
19 ~~the filing of an application.~~

20 ~~An applicant shall certify that he or she has completed the~~
21 ~~claimed hours of qualifying experience and the exact details as to~~
22 ~~the character and nature thereof by written certifications from the~~
23 ~~employer or licensee, subject to independent verification by the~~
24 ~~director as he or she may determine. In the event of the inability~~
25 ~~of an applicant to supply the written certifications from the~~
26 ~~employer or licensee, in whole or in part, applicants may offer~~
27 ~~other written certifications from other persons substantiating their~~
28 ~~experience for consideration by the director. All certifications shall~~
29 ~~include a statement that representations made are true, correct, and~~
30 ~~contain no material omissions of fact to the best knowledge and~~
31 ~~belief of the applicant or the person submitting the certification.~~
32 ~~An applicant or person submitting the certification who declares~~
33 ~~as true any material matter pursuant to this paragraph that he or~~
34 ~~she knows to be false is guilty of a misdemeanor.~~

35 ~~(3) Complete and forward to the bureau a qualified certificate~~
36 ~~holder application which shall be on a form prescribed by the~~
37 ~~director and signed by the applicant. An applicant who declares~~
38 ~~as true any material matter pursuant to this paragraph that he or~~
39 ~~she knows to be false is guilty of a misdemeanor. The application~~
40 ~~shall be accompanied by two recent photographs of the applicant,~~

1 of a type prescribed by the director, and two classifiable sets of
2 his or her fingerprints. The residence address, residence telephone
3 number, and driver's license number of each qualified certificate
4 holder or applicant for a qualification certificate, if requested, shall
5 be confidential pursuant to the Information Practices Act of 1977
6 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
7 4 of Division 3 of the Civil Code) and shall not be released to the
8 public.

9 ~~(4) Pass the required examination.~~

10 ~~(5) Pay the required application and examination fees to the~~
11 ~~bureau.~~

12 ~~(b) Upon the issuance of the initial qualification certificate or~~
13 ~~renewal qualification certificate, the bureau shall issue to the~~
14 ~~certificate holder a suitable pocket identification card which~~
15 ~~includes a photograph of the certificate holder. The photograph~~
16 ~~shall be of a size prescribed by the bureau. The card shall contain~~
17 ~~the name of the licensee with whom the certificate holder is~~
18 ~~employed.~~

19 ~~(c) The application form shall contain a statement informing~~
20 ~~the applicant that a false or dishonest answer to a question may be~~
21 ~~grounds for denial or subsequent suspension or revocation of a~~
22 ~~qualification certificate.~~

23 ~~SEC. 3.~~

24 ~~SEC. 2.~~ Section 7505.1 of the Business and Professions Code
25 is amended to read:

26 7505.1. Every office licensed as a repossession agency shall
27 be under the active charge of a qualified certificate holder. Nothing
28 in this chapter prohibits a licensee from having more than one
29 qualified certificate holder in an office.

30 ~~SEC. 4.~~

31 ~~SEC. 3.~~ Section 7507.10 of the Business and Professions Code
32 is amended to read:

33 7507.10. A licensee shall serve a debtor with a notice of seizure
34 as soon as possible after the recovery of collateral and not later
35 than 48 hours, except that if the 48-hour period encompasses a
36 Saturday, Sunday, or postal holiday, the notice of seizure shall be
37 provided not later than 72 hours or, if the 48-hour period
38 encompasses a Saturday or Sunday and a postal holiday, the notice
39 of seizure shall be provided not later than 96 hours, after the

1 repossession of collateral. The notice shall include all of the
2 following:

3 (a) The name, address, and telephone number of the legal owner
4 to be contacted regarding the repossession.

5 (b) The name, address, and telephone number of the repossession
6 agency to be contacted regarding the repossession.

7 (c) A statement printed on the notice containing the following:
8 “Repossessors are regulated by the Bureau of Security and
9 Investigative Services, Department of Consumer Affairs,
10 Sacramento, CA. Repossessors are required to provide you, not
11 later than 48 hours after the recovery of collateral, with an
12 inventory of personal effects or other personal property recovered
13 during repossession unless the 48-hour period encompasses a
14 Saturday, Sunday, or a postal holiday, then the inventory shall be
15 provided no later than 96 hours after the recovery of collateral.”

16 (d) A disclosure that “Damage to a vehicle during or subsequent
17 to a repossession and only while the vehicle is in possession of the
18 repossession agency and which is caused by the repossession
19 agency is the liability of the repossession agency. A mechanical,
20 electrical, or tire failure, or any damage to, or caused by, or loss
21 of, any aftermarket parts and accessories not in compliance with
22 Section 24008 of the Vehicle Code, or damage resulting from a
23 condition or circumstance beyond the control of the repossession
24 *electrical, or tire failure, or the loss of, or any damage to, or as a*
25 *result of, or caused by, any aftermarket parts and accessories not*
26 *in compliance with Section 24008 of the Vehicle Code* shall not
27 be the responsibility of the repossession agency unless the failure,
28 damage, or loss is due to the negligence of the repossession
29 agency.”

30 (e) If applicable, a disclosure that “Environmental, Olympic,
31 special interest, or other license plates issued pursuant to Article
32 8 (commencing with Section 5000), Article 8.4 (commencing with
33 Section 5060) or Article 8.5 (commencing with Section 5100) of
34 Chapter 1 of Division 3 of the Vehicle Code that remain the
35 personal effects of the debtor will be removed from the collateral
36 and inventoried, and that if the plates are not claimed by the debtor
37 within 60 days, they will be destroyed.”

38 (f) A disclosure of the charges payable by the debtor to the
39 repossession agency for the storage of the collateral and personal

1 effects from the date of repossession until release of the property
2 from storage.

3 The notice may be given by regular mail addressed to the last
4 known address of the debtor or by personal service at the option
5 of the repossession agency.

6 ~~SEC. 5.— Section 3068 of the Civil Code is amended to read:~~

7 ~~3068. (a) Every person has a lien dependent upon possession~~
8 ~~for the compensation to which the person is legally entitled for~~
9 ~~making repairs or performing labor upon, and furnishing supplies~~
10 ~~or materials for, and for the storage, repair, or safekeeping of, and~~
11 ~~for the rental of parking space for, any vehicle of a type subject to~~
12 ~~registration under the Vehicle Code, subject to the limitations set~~
13 ~~forth in this chapter. The lien shall be deemed to arise at the time~~
14 ~~a written statement of charges for completed work or services is~~
15 ~~presented to the registered owner or 15 days after the work or~~
16 ~~services are completed, whichever occurs first. Upon completion~~
17 ~~of the work or services, the lienholder shall not dismantle,~~
18 ~~disengage, remove, or strip from the vehicle the parts used to~~
19 ~~complete the work or services.~~

20 ~~(b) (1) Any lien under this section that arises because work or~~
21 ~~services have been performed on a vehicle with the consent of the~~
22 ~~registered owner shall be extinguished and no lien sale shall be~~
23 ~~conducted unless either of the following occurs:~~

24 ~~(A) The lienholder applies for an authorization to conduct a lien~~
25 ~~sale within 30 days after the lien has arisen.~~

26 ~~(B) An action in court is filed within 30 days after the lien has~~
27 ~~arisen.~~

28 ~~(2) A person whose lien for work or services on a vehicle has~~
29 ~~been extinguished shall turn over possession of the vehicle, at the~~
30 ~~place where the work or services were performed, to the legal~~
31 ~~owner or the lessor upon demand of the legal owner or lessor, and~~
32 ~~upon tender by the legal owner or lessor, by cashier's check or in~~
33 ~~cash, of only the amount for storage, safekeeping, or parking space~~
34 ~~rental for the vehicle to which the person is entitled by subdivision~~
35 ~~(c).~~

36 ~~(3) Any lien under this section that arises because work or~~
37 ~~services have been performed on a vehicle with the consent of the~~
38 ~~registered owner shall be extinguished, and no lien sale shall be~~
39 ~~conducted, if the lienholder, after written demand made by either~~
40 ~~personal service or certified mail with return receipt requested by~~

1 the legal owner or the lessor to inspect and photograph the vehicle,
2 fails to permit that inspection and photography by the legal owner
3 or lessor, or his or her agent, promptly after the receipt of that
4 written demand, during the normal business hours of the lienholder.
5 The lienholder, law enforcement agency, impound agency, or any
6 person acting on behalf of those agencies shall not require a release
7 from a law enforcement agency or any documents other than a
8 repossession order.

9 ~~(4) Any lien under this section that arises because work or~~
10 ~~services have been performed on a vehicle with the consent of the~~
11 ~~registered owner shall be extinguished, and no lien sale shall be~~
12 ~~conducted, if the lienholder, after written demand made by either~~
13 ~~personal service or certified mail with return receipt requested by~~
14 ~~the legal owner or the lessor to receive a written copy of the work~~
15 ~~order or invoice reflecting the services or repairs performed on the~~
16 ~~vehicle and the authorization from the registered owner requesting~~
17 ~~the lienholder to perform the services or repairs, fails to provide~~
18 ~~that copy to the legal owner or lessor, or his or her agent, within~~
19 ~~10 days after the receipt of that written demand.~~

20 ~~(e) The lienholder shall not charge the legal owner or lessor any~~
21 ~~amount for release of the vehicle in excess of the amounts~~
22 ~~authorized by this subdivision.~~

23 ~~(1) That portion of the lien in excess of one thousand five~~
24 ~~hundred dollars (\$1,500) for any work or services, or that amount,~~
25 ~~subject to the limitations contained in Section 10652.5 of the~~
26 ~~Vehicle Code, in excess of one thousand twenty-five dollars~~
27 ~~(\$1,025) for any storage, safekeeping, or rental of parking space~~
28 ~~or, if an application for an authorization to conduct a lien sale has~~
29 ~~been filed pursuant to Section 3071 within 30 days after the~~
30 ~~commencement of the storage or safekeeping, in excess of one~~
31 ~~thousand two hundred fifty dollars (\$1,250) for any storage or~~
32 ~~safekeeping, rendered or performed at the request of any person~~
33 ~~other than the legal owner or lessor, is invalid, unless prior to~~
34 ~~commencing any work, services, storage, safekeeping, or rental~~
35 ~~of parking space, the person claiming the lien gives actual notice~~
36 ~~in writing either by personal service or by registered letter~~
37 ~~addressed to the legal owner named in the registration certificate,~~
38 ~~and the written consent of that legal owner is obtained before any~~
39 ~~work, services, storage, safekeeping, or rental of parking space~~
40 ~~are performed.~~

1 ~~(2) Subject to the limitations contained in Section 10652.5 of~~
2 ~~the Vehicle Code, if any portion of a lien includes charges for the~~
3 ~~care, storage, or safekeeping of, or for the rental of parking space~~
4 ~~for, a vehicle for a period in excess of 60 days, the portion of the~~
5 ~~lien that accrued after the expiration of that period is invalid unless~~
6 ~~Sections 10650 and 10652 of the Vehicle Code have been complied~~
7 ~~with by the holder of the lien.~~

8 ~~(3) The charge for the care, storage, or safekeeping of a vehicle~~
9 ~~which may be charged to the legal owner or lessor shall not exceed~~
10 ~~that for one day of storage if, 24 hours or less after the vehicle is~~
11 ~~placed in storage, a request is made for the release of the vehicle.~~
12 ~~If the request is made more than 24 hours after the vehicle is placed~~
13 ~~in storage, charges may be imposed on a full, calendar-day basis~~
14 ~~for each day, or part thereof, that the vehicle is in storage.~~

15 ~~(d) In any action brought by or on behalf of the legal owner or~~
16 ~~lessor, or the agent of the legal owner or lessor, to recover a vehicle~~
17 ~~alleged to be wrongfully withheld by the person claiming a lien~~
18 ~~pursuant to this section, the prevailing party shall be entitled to~~
19 ~~reasonable attorney's fees and costs, not to exceed one thousand~~
20 ~~seven hundred fifty dollars (\$1,750).~~

21 ~~SEC. 6. Section 14602.6 of the Vehicle Code is amended to~~
22 ~~read:~~

23 ~~14602.6. (a) (1) Whenever a peace officer determines that a~~
24 ~~person was driving a vehicle while his or her driving privilege was~~
25 ~~suspended or revoked, driving a vehicle while his or her driving~~
26 ~~privilege is restricted pursuant to Section 13352 or 23575 and the~~
27 ~~vehicle is not equipped with a functioning, certified interlock~~
28 ~~device, or driving a vehicle without ever having been issued a~~
29 ~~driver's license, the peace officer may either immediately arrest~~
30 ~~that person and cause the removal and seizure of that vehicle or,~~
31 ~~if the vehicle is involved in a traffic collision, cause the removal~~
32 ~~and seizure of the vehicle without the necessity of arresting the~~
33 ~~person in accordance with Chapter 10 (commencing with Section~~
34 ~~22650) of Division 11. A vehicle so impounded shall be impounded~~
35 ~~for 30 days.~~

36 ~~(2) The impounding agency, within two business days of~~
37 ~~impoundment, shall send a notice by certified mail, return receipt~~
38 ~~requested, to the legal owner of the vehicle, at the address obtained~~
39 ~~from the department, informing the owner that the vehicle has~~
40 ~~been impounded. Failure to notify the legal owner within two~~

1 business days shall prohibit the impounding agency from charging
2 for more than 15 days' impoundment when the legal owner
3 redeems the impounded vehicle. The impounding agency shall
4 maintain a published telephone number that provides information
5 24 hours a day regarding the impoundment of vehicles, operating
6 hours when vehicles may be removed from impound, and the rights
7 of a registered owner to request a hearing. The law enforcement
8 agency shall be open, without the necessity of making an
9 appointment, to issue a release to the registered owner or legal
10 owner, or the agent of either, at least every business day from 8
11 a.m. until 5 p.m. Any person having possession of the vehicle shall
12 be open, without the necessity of making an appointment, to release
13 vehicles every business day at least from 8 a.m. until 5 p.m. No
14 storage fees may be charged for any business day on which the
15 person having possession of the vehicle was not open to release
16 vehicles during the hours specified in this subdivision. For purposes
17 of this paragraph, "business day" means any calendar day except
18 Saturday or Sunday or any of the following business holidays:
19 New Year's Day, Washington's Birthday, Memorial Day,
20 Independence Day, Labor Day, Columbus Day, Veterans Day,
21 Thanksgiving Day, and Christmas Day.

22 (b) The registered and legal owner of a vehicle that is removed
23 and seized under subdivision (a) or their agents shall be provided
24 the opportunity for a storage hearing to determine the validity of,
25 or consider any mitigating circumstances attendant to, the storage,
26 in accordance with Section 22852.

27 (c) Any period in which a vehicle is subjected to storage under
28 this section shall be included as part of the period of impoundment
29 ordered by the court under subdivision (a) of Section 14602.5.

30 (d) (1) An impounding agency shall release a vehicle to the
31 registered owner or his or her agent prior to the end of 30 days'
32 impoundment under any of the following circumstances:

33 (A) When the vehicle is a stolen vehicle.

34 (B) When the vehicle is subject to bailment and is driven by an
35 unlicensed employee of a business establishment, including a
36 parking service or repair garage.

37 (C) When the license of the driver was suspended or revoked
38 for an offense other than those included in Article 2 (commencing
39 with Section 13200) of Chapter 2 of Division 6 or Article 3
40 (commencing with Section 13350) of Chapter 2 of Division 6.

1 ~~(D) When the vehicle was seized under this section for an~~
2 ~~offense that does not authorize the seizure of the vehicle.~~

3 ~~(E) When the driver reinstates his or her driver's license or~~
4 ~~acquires a driver's license and proper insurance.~~

5 ~~(2) No vehicle shall be released pursuant to this subdivision~~
6 ~~without presentation of the registered owner's or agent's currently~~
7 ~~valid driver's license to operate the vehicle and proof of current~~
8 ~~vehicle registration, or upon order of a court.~~

9 ~~(e) The registered owner or his or her agent is responsible for~~
10 ~~all towing and storage charges related to the impoundment, and~~
11 ~~any administrative charges authorized under Section 22850.5.~~

12 ~~(f) A vehicle removed and seized under subdivision (a) shall be~~
13 ~~released to the legal owner of the vehicle or the legal owner's agent~~
14 ~~prior to the end of 30 days' impoundment if all of the following~~
15 ~~conditions are met:~~

16 ~~(1) The legal owner is a motor vehicle dealer, bank, credit union,~~
17 ~~acceptance corporation, or other licensed financial institution~~
18 ~~legally operating in this state or is another person, not the registered~~
19 ~~owner, holding a security interest in the vehicle.~~

20 ~~(2) The legal owner or the legal owner's agent pays only the~~
21 ~~towing and storage fees related to the seizure of the vehicle. No~~
22 ~~lien sale processing fees shall be charged to the legal owner who~~
23 ~~redeems the vehicle prior to the 15th day of impoundment. Neither~~
24 ~~the impounding authority nor any person having possession of the~~
25 ~~vehicle shall collect from the legal owner of the type specified in~~
26 ~~paragraph (1), or the legal owner's agent any administrative charges~~
27 ~~imposed pursuant to Section 22850.5 unless the legal owner~~
28 ~~voluntarily requested a poststorage hearing.~~

29 ~~(3) The legal owner or the legal owner's agent presents a copy~~
30 ~~of the assignment, as defined in subdivision (b) of Section 7500.1~~
31 ~~of the Business and Professions Code, and any one of the~~
32 ~~following, as determined by the legal owner or the legal owner's~~
33 ~~agent: a certificate of repossession for the vehicle, a security~~
34 ~~agreement for the vehicle, a release from the law enforcement~~
35 ~~agency or impounding agency, or title showing proof of legal~~
36 ~~ownership for the vehicle. Any documents presented may be~~
37 ~~originals, photocopies, or facsimile copies, or may be transmitted~~
38 ~~electronically. The law enforcement agency, impounding agency,~~
39 ~~or any person acting on behalf of those agencies shall not require~~
40 ~~any documents to be notarized. The law enforcement agency,~~

1 ~~impounding agency, or any person acting on behalf of those~~
2 ~~agencies may require the agent of the legal owner to produce a~~
3 ~~photocopy or facsimile copy of its repossession agency license or~~
4 ~~registration issued pursuant to Chapter 11 (commencing with~~
5 ~~Section 7500) of Division 3 of the Business and Professions Code,~~
6 ~~or to demonstrate, to the satisfaction of the law enforcement~~
7 ~~agency, impounding agency, or any person acting on behalf of~~
8 ~~those agencies that the agent is exempt from licensure pursuant to~~
9 ~~Section 7500.2 or 7500.3 of the Business and Professions Code.~~

10 ~~No administrative costs authorized under subdivision (a) of~~
11 ~~Section 22850.5 shall be charged to the legal owner of the type~~
12 ~~specified in paragraph (1), who redeems the vehicle unless the~~
13 ~~legal owner voluntarily requests a poststorage hearing. No city,~~
14 ~~county, city or county, or state agency shall require a legal owner~~
15 ~~or a legal owner's agent to request a poststorage hearing as a~~
16 ~~requirement for release of the vehicle to the legal owner or the~~
17 ~~legal owner's agent. The law enforcement agency, impounding~~
18 ~~agency, or any person acting on behalf of those agencies shall not~~
19 ~~require any documents, including any hold harmless documents~~
20 ~~or 30-day early release forms, other than those specified in this~~
21 ~~paragraph. The law enforcement agency, impounding agency, or~~
22 ~~any person acting on behalf of those agencies shall not require any~~
23 ~~documents to be notarized.~~

24 ~~The legal owner or the legal owner's agent, without obtaining~~
25 ~~a release from a law enforcement agency or presenting any~~
26 ~~documents other than a repossession order, shall have the right to~~
27 ~~inspect and photograph an impounded vehicle, unless it is on an~~
28 ~~evidence hold, prior to paying any lien and prior to signing any~~
29 ~~documents. If the vehicle is on an evidence hold, it may be~~
30 ~~inspected and photographed with the consent of the law~~
31 ~~enforcement agency. The legal owner or the legal owner's agent~~
32 ~~shall be given a copy of any documents he or she is required to~~
33 ~~sign.~~

34 ~~(g) (1) A legal owner or the legal owner's agent that obtains~~
35 ~~release of the vehicle pursuant to subdivision (f) shall not release~~
36 ~~the vehicle to the registered owner of the vehicle or to the person~~
37 ~~who was listed as the registered owner when the vehicle was~~
38 ~~impounded or any agents of the registered owner, unless the~~
39 ~~registered owner is a rental car agency, until after the termination~~
40 ~~of the 30-day impoundment period.~~

1 ~~(2) The legal owner or the legal owner's agent shall not~~
2 ~~relinquish the vehicle to the registered owner or to the person who~~
3 ~~was listed as the registered owner when the vehicle was impounded~~
4 ~~until the registered owner or that owner's agent presents his or her~~
5 ~~valid driver's license or valid temporary driver's license to the~~
6 ~~legal owner or the legal owner's agent. The legal owner or the~~
7 ~~legal owner's agent or the person in possession of the vehicle shall~~
8 ~~make every reasonable effort to ensure that the license presented~~
9 ~~is valid and that possession of the vehicle will not be given to a~~
10 ~~driver who was involved in the original impound proceeding until~~
11 ~~the expiration of the impoundment period.~~

12 ~~(3) Prior to relinquishing the vehicle, the legal owner may~~
13 ~~require the registered owner to pay all towing and storage charges~~
14 ~~related to the impoundment and any administrative charges~~
15 ~~authorized under Section 22850.5 that were incurred by the legal~~
16 ~~owner in connection with obtaining custody of the vehicle.~~

17 ~~(4) Any legal owner who releases or causes the release of a~~
18 ~~vehicle to a registered owner or the person in possession of the~~
19 ~~vehicle at the time of the impound or any agents of the registered~~
20 ~~owner in violation of this subdivision shall be guilty of a~~
21 ~~misdemeanor and subject to a fine in the amount of two thousand~~
22 ~~dollars (\$2,000) in addition to any other penalties established by~~
23 ~~law.~~

24 ~~(5) The department shall not change the name of the legal owner~~
25 ~~or the registered owner on its records until the vehicle is released~~
26 ~~from the impound.~~

27 ~~(h) (1) A vehicle removed and seized under subdivision (a)~~
28 ~~shall be released to a rental car agency prior to the end of 30 days'~~
29 ~~impoundment if the agency is either the legal owner or registered~~
30 ~~owner of the vehicle and the agency pays all towing and storage~~
31 ~~fees related to the seizure of the vehicle.~~

32 ~~(2) The owner of a rental vehicle that was seized under this~~
33 ~~section may continue to rent the vehicle upon recovery of the~~
34 ~~vehicle. However, the rental car agency may not rent another~~
35 ~~vehicle to the driver of the vehicle that was seized until 30 days~~
36 ~~after the date that the vehicle was seized.~~

37 ~~(3) The rental car agency may require the person to whom the~~
38 ~~vehicle was rented to pay all towing and storage charges related~~
39 ~~to the impoundment and any administrative charges authorized~~

1 under Section 22850.5 that were incurred by the rental car agency
2 in connection with obtaining custody of the vehicle.

3 (i) Notwithstanding any other provision of this section, the
4 registered owner and not the legal owner shall remain responsible
5 for any towing and storage charges related to the impoundment,
6 any administrative charges authorized under Section 22850.5, and
7 any parking fines, penalties, and administrative fees incurred by
8 the registered owner.

9 (j) The law enforcement agency and the impounding agency,
10 including any tow yard acting on behalf of the law enforcement
11 agency or impounding agency, shall comply with this section and
12 shall not be liable to the registered owner for the improper release
13 of the vehicle to the legal owner or the legal owner's agent
14 provided the release complies with the provisions of this section.
15 A law enforcement agency shall not refuse to issue a release to a
16 legal owner or the agent of a legal owner on the grounds that it
17 previously issued a release.

18 SEC. 7. Section 14602.7 of the Vehicle Code is amended to
19 read:

20 14602.7. (a) A magistrate presented with the affidavit of a
21 peace officer establishing reasonable cause to believe that a vehicle,
22 described by vehicle type and license number, was an
23 instrumentality used in the peace officer's presence in violation
24 of Section 2800.1, 2800.2, 2800.3, or 23103, shall issue a warrant
25 or order authorizing any peace officer to immediately seize and
26 cause the removal of the vehicle. The warrant or court order may
27 be entered into a computerized database. A vehicle so impounded
28 may be impounded for a period not to exceed 30 days.

29 The impounding agency, within two business days of
30 impoundment, shall send a notice by certified mail, return receipt
31 requested, to the legal owner of the vehicle, at the address obtained
32 from the department, informing the owner that the vehicle has
33 been impounded and providing the owner with a copy of the
34 warrant or court order. Failure to notify the legal owner within
35 two business days shall prohibit the impounding agency from
36 charging for more than 15 days impoundment when a legal owner
37 redeems the impounded vehicle. The impounding agency shall
38 maintain a published telephone number that provides information
39 24 hours a day regarding the impoundment of vehicles, operating
40 hours when vehicles may be removed from impound, and the rights

1 of a registered owner to request a hearing. The law enforcement
2 agency shall be open, without the necessity of making an
3 appointment, to issue a release to the registered owner or legal
4 owner, or the agent of either, at least every business day from 8
5 a.m. to 5 p.m. Any person having possession of the vehicle shall
6 be open, without the necessity of making an appointment, to release
7 vehicles every business day at least from 8 a.m. until 5 p.m. No
8 storage fees may be charged for any business day on which the
9 person having possession of the vehicle was not open to release
10 vehicles during the hours specified in this subdivision. For purposes
11 of this subdivision, "business day" means any calendar day except
12 Saturday or Sunday or any of the following business holidays:
13 New Year's Day, Washington's Birthday, Memorial Day,
14 Independence Day, Labor Day, Columbus Day, Veterans Day,
15 Thanksgiving Day, and Christmas Day.

16 (b) (1) An impounding agency shall release a vehicle to the
17 registered owner or his or her agent prior to the end of the
18 impoundment period and without the permission of the magistrate
19 authorizing the vehicle's seizure under any of the following
20 circumstances:

21 (A) When the vehicle is a stolen vehicle.

22 (B) When the vehicle is subject to bailment and is driven by an
23 unlicensed employee of the business establishment, including a
24 parking service or repair garage.

25 (C) When the registered owner of the vehicle causes a peace
26 officer to reasonably believe, based on the totality of the
27 circumstances, that the registered owner was not the driver who
28 violated Section 2800.1, 2800.2, or 2800.3, the agency shall
29 immediately release the vehicle to the registered owner or his or
30 her agent.

31 (2) No vehicle shall be released pursuant to this subdivision,
32 except upon presentation of the registered owner's or agent's
33 currently valid driver's license to operate the vehicle and proof of
34 current vehicle registration, or upon order of the court.

35 (e) (1) Whenever a vehicle is impounded under this section,
36 the magistrate ordering the storage shall provide the vehicle's
37 registered and legal owners of record, or their agents, with the
38 opportunity for a poststorage hearing to determine the validity of
39 the storage.

1 ~~(2) A notice of the storage shall be mailed or personally~~
2 ~~delivered to the registered and legal owners within 48 hours after~~
3 ~~issuance of the warrant or court order, excluding weekends and~~
4 ~~holidays, by the person or agency executing the warrant or court~~
5 ~~order, and shall include all of the following information:~~

6 ~~(A) The name, address, and telephone number of the agency~~
7 ~~providing the notice.~~

8 ~~(B) The location of the place of storage and a description of the~~
9 ~~vehicle, which shall include, if available, the name or make, the~~
10 ~~manufacturer, the license plate number, and the mileage of the~~
11 ~~vehicle.~~

12 ~~(C) A copy of the warrant or court order and the peace officer's~~
13 ~~affidavit, as described in subdivision (a).~~

14 ~~(D) A statement that, in order to receive their poststorage~~
15 ~~hearing, the owners, or their agents, are required to request the~~
16 ~~hearing from the magistrate issuing the warrant or court order in~~
17 ~~person, in writing, or by telephone, within 10 days of the date of~~
18 ~~the notice.~~

19 ~~(3) The poststorage hearing shall be conducted within two court~~
20 ~~days after receipt of the request for the hearing.~~

21 ~~(4) At the hearing, the magistrate may order the vehicle released~~
22 ~~if he or she finds any of the circumstances described in subdivision~~
23 ~~(b) or (c) that allow release of a vehicle by the impounding agency.~~
24 ~~The magistrate may also consider releasing the vehicle when the~~
25 ~~continued impoundment will cause undue hardship to persons~~
26 ~~dependent upon the vehicle for employment or to a person with a~~
27 ~~community property interest in the vehicle.~~

28 ~~(5) Failure of either the registered or legal owner, or his or her~~
29 ~~agent, to request, or to attend, a scheduled hearing satisfies the~~
30 ~~poststorage hearing requirement.~~

31 ~~(6) The agency employing the peace officer who caused the~~
32 ~~magistrate to issue the warrant or court order shall be responsible~~
33 ~~for the costs incurred for towing and storage if it is determined in~~
34 ~~the poststorage hearing that reasonable grounds for the storage are~~
35 ~~not established.~~

36 ~~(d) The registered owner or his or her agent is responsible for~~
37 ~~all towing and storage charges related to the impoundment, and~~
38 ~~any administrative charges authorized under Section 22850.5.~~

39 ~~(e) A vehicle removed and seized under subdivision (a) shall~~
40 ~~be released to the legal owner of the vehicle or the legal owner's~~

1 agent prior to the end of the impoundment period and without the
2 permission of the magistrate authorizing the seizure of the vehicle
3 if all of the following conditions are met:

4 (1) ~~The legal owner is a motor vehicle dealer, bank, credit union,
5 acceptance corporation, or other licensed financial institution
6 legally operating in this state or is another person, not the registered
7 owner, holding a financial interest in the vehicle.~~

8 (2) ~~The legal owner or the legal owner's agent pays only the
9 towing and storage fees related to the seizure of the vehicle. No
10 lien sale processing fees shall be charged to the legal owner who
11 redeems the vehicle prior to the 15th day of impoundment. Neither
12 the impounding authority nor any person having possession of the
13 vehicle shall collect from the legal owner of the type specified in
14 paragraph (1), or the legal owner's agent any administrative charges
15 imposed pursuant to Section 22850.5 unless the legal owner
16 voluntarily requested a poststorage hearing.~~

17 (3) ~~The legal owner or the legal owner's agent presents to the
18 law enforcement agency, impounding agency, person in possession
19 of the vehicle, or any person acting on behalf of those agencies, a
20 copy of the assignment, as defined in subdivision (b) of Section
21 7500.1 of the Business and Professions Code, and any one of the
22 following, as determined by the legal owner or the legal owner's
23 agent: a certificate of repossession for the vehicle, a security
24 agreement for the vehicle, a release from the law enforcement
25 agency or impounding agency, or title showing proof of legal
26 ownership for the vehicle. Any documents presented may be
27 originals, photocopies, or facsimile copies, or may be transmitted
28 electronically. The law enforcement agency, impounding agency,
29 or any person acting on behalf of those agencies shall not require
30 any documents to be notarized. The law enforcement agency,
31 impounding agency, or any person acting on behalf of those
32 agencies may require the agent of the legal owner to produce a
33 photocopy or facsimile copy of its repossession agency license or
34 registration issued pursuant to Chapter 11 (commencing with
35 Section 7500) of Division 3 of the Business and Professions Code,
36 or to demonstrate, to the satisfaction of the law enforcement
37 agency, impounding agency, or any person acting on behalf of
38 those agencies that the agent is exempt from licensure pursuant to
39 Section 7500.2 or 7500.3 of the Business and Professions Code.~~

1 ~~No administrative costs authorized under subdivision (a) of~~
2 ~~Section 22850.5 shall be charged to the legal owner of the type~~
3 ~~specified in paragraph (1), who redeems the vehicle unless the~~
4 ~~legal owner voluntarily requests a poststorage hearing. No city,~~
5 ~~county, city and county, or state agency shall require a legal owner~~
6 ~~or a legal owner's agent to request a poststorage hearing as a~~
7 ~~requirement for release of the vehicle to the legal owner or the~~
8 ~~legal owner's agent. The law enforcement agency, impounding~~
9 ~~agency, or any person acting on behalf of those agencies shall not~~
10 ~~require any documents, including any hold harmless documents~~
11 ~~or 30-day early release forms, other than those specified in this~~
12 ~~paragraph. The law enforcement agency, impounding agency, or~~
13 ~~any person acting on behalf of those agencies shall not require any~~
14 ~~documents to be notarized.~~

15 ~~The legal owner or the legal owner's agent, without obtaining~~
16 ~~a release from a law enforcement agency or presenting any~~
17 ~~documents other than a repossession order, shall have the right to~~
18 ~~inspect and photograph an impounded vehicle, unless it is on an~~
19 ~~evidence hold, prior to paying any lien and prior to signing any~~
20 ~~documents. If the vehicle is on an evidence hold, it may be~~
21 ~~inspected and photographed with the consent of the law~~
22 ~~enforcement agency. The legal owner or the legal owner's agent~~
23 ~~shall be given a copy of any documents he or she is required to~~
24 ~~sign.~~

25 ~~(f) (1) A legal owner or the legal owner's agent that obtains~~
26 ~~release of the vehicle pursuant to subdivision (e) shall not release~~
27 ~~the vehicle to the registered owner of the vehicle or the person~~
28 ~~who was listed as the registered owner when the vehicle was~~
29 ~~impounded or any agents of the registered owner, unless a~~
30 ~~registered owner is a rental car agency, until the termination of the~~
31 ~~impoundment period.~~

32 ~~(2) The legal owner or the legal owner's agent shall not~~
33 ~~relinquish the vehicle to the registered owner or the person who~~
34 ~~was listed as the registered owner when the vehicle was impounded~~
35 ~~until the registered owner or that owner's agent presents his or her~~
36 ~~valid driver's license or valid temporary driver's license to the~~
37 ~~legal owner or the legal owner's agent. The legal owner or the~~
38 ~~legal owner's agent shall make every reasonable effort to ensure~~
39 ~~that the license presented is valid and that possession of the vehicle~~
40 ~~will not be given to a driver who was involved in the original~~

1 ~~impound proceeding until the expiration of the impoundment~~
2 ~~period.~~

3 ~~(3) Prior to relinquishing the vehicle, the legal owner may~~
4 ~~require the registered owner to pay all towing and storage charges~~
5 ~~related to the impoundment and the administrative charges~~
6 ~~authorized under Section 22850.5 that were incurred by the legal~~
7 ~~owner in connection with obtaining the custody of the vehicle.~~

8 ~~(4) Any legal owner who releases or causes the release of a~~
9 ~~vehicle to a registered owner or the person in possession of the~~
10 ~~vehicle at the time of the impound or any agents of the registered~~
11 ~~owner in violation of this subdivision shall be guilty of a~~
12 ~~misdemeanor and subject to a fine in the amount of two thousand~~
13 ~~dollars (\$2,000) in addition to any other penalties established by~~
14 ~~law.~~

15 ~~(5) The department shall not change the name of the legal owner~~
16 ~~or the registered owner on its records until the vehicle is released~~
17 ~~from the impound.~~

18 ~~(g) (1) A vehicle impounded and seized under subdivision (a)~~
19 ~~shall be released to a rental car agency prior to the end of the~~
20 ~~impoundment period if the agency is either the legal owner or~~
21 ~~registered owner of the vehicle and the agency pays all towing and~~
22 ~~storage fees related to the seizure of the vehicle.~~

23 ~~(2) The owner of a rental vehicle that was seized under this~~
24 ~~section may continue to rent the vehicle upon recovery of the~~
25 ~~vehicle. However, the rental car agency shall not rent another~~
26 ~~vehicle to the driver who used the vehicle that was seized to evade~~
27 ~~a police officer until 30 days after the date that the vehicle was~~
28 ~~seized.~~

29 ~~(3) The rental car agency may require the person to whom the~~
30 ~~vehicle was rented and who evaded the peace officer to pay all~~
31 ~~towing and storage charges related to the impoundment and any~~
32 ~~administrative charges authorized under Section 22850.5 that were~~
33 ~~incurred by the rental car agency in connection with obtaining~~
34 ~~custody of the vehicle.~~

35 ~~(h) Notwithstanding any other provision of this section, the~~
36 ~~registered owner and not the legal owner shall remain responsible~~
37 ~~for any towing and storage charges related to the impoundment~~
38 ~~and the administrative charges authorized under Section 22850.5~~
39 ~~and any parking fines, penalties, and administrative fees incurred~~
40 ~~by the registered owner.~~

1 (i) ~~(1) This section does not apply to vehicles abated under the~~
2 ~~Abandoned Vehicle Abatement Program pursuant to Sections~~
3 ~~22660 to 22668, inclusive, and Section 22710, or to vehicles~~
4 ~~impounded for investigation pursuant to Section 22655, or to~~
5 ~~vehicles removed from private property pursuant to Section 22658.~~

6 ~~(2) This section does not apply to abandoned vehicles removed~~
7 ~~pursuant to Section 22669 that are determined by the public agency~~
8 ~~to have an estimated value of three hundred dollars (\$300) or less.~~

9 ~~(j) The law enforcement agency and the impounding agency,~~
10 ~~including any tow yard acting on behalf of the law enforcement~~
11 ~~agency or impounding agency, shall comply with this section and~~
12 ~~shall not be liable to the registered owner for the improper release~~
13 ~~of the vehicle to the legal owner or the legal owner's agent~~
14 ~~provided the release complies with the provisions of this section.~~
15 ~~A law enforcement agency shall not refuse to issue a release to a~~
16 ~~legal owner or the agent of a legal owner on the grounds that it~~
17 ~~previously issued a release.~~

18 ~~SEC. 8. Section 14602.8 of the Vehicle Code is amended to~~
19 ~~read:~~

20 ~~14602.8. (a) (1) If a peace officer determines that a person~~
21 ~~has been convicted of a violation of Section 23140, 23152, or~~
22 ~~23153, that the violation occurred within the preceding 10 years,~~
23 ~~and that one or more of the following circumstances applies to that~~
24 ~~person, the officer may immediately cause the removal and seizure~~
25 ~~of the vehicle that the person was driving, under either of the~~
26 ~~following circumstances:~~

27 ~~(A) The person was driving a vehicle when the person had 0.10~~
28 ~~percent or more, by weight, of alcohol in his or her blood.~~

29 ~~(B) The person driving the vehicle refused to submit to or~~
30 ~~complete a chemical test requested by the peace officer.~~

31 ~~(2) A vehicle impounded pursuant to paragraph (1) shall be~~
32 ~~impounded for the following period of time:~~

33 ~~(A) Five days, if the person has been convicted once of violating~~
34 ~~Section 23140, 23152, or 23153, and the violation occurred within~~
35 ~~the preceding 10 years.~~

36 ~~(B) Fifteen days, if the person has been convicted two or more~~
37 ~~times of violating Section 23140, 23152, or 23153, or any~~
38 ~~combination thereof, and the violations occurred within the~~
39 ~~preceding 10 years.~~

1 ~~(3) Within two business days after impoundment, the~~
2 ~~impounding agency shall send a notice by certified mail, return~~
3 ~~receipt requested, to the legal owner of the vehicle, at the address~~
4 ~~obtained from the department, informing the owner that the vehicle~~
5 ~~has been impounded. Failure to notify the legal owner within two~~
6 ~~business days shall prohibit the impounding agency from charging~~
7 ~~for more than five days' impoundment when the legal owner~~
8 ~~redeems the impounded vehicle. The impounding agency shall~~
9 ~~maintain a published telephone number that provides information~~
10 ~~24 hours a day regarding the impoundment of vehicles and the~~
11 ~~rights of a registered owner to request a hearing. The impounding~~
12 ~~agency shall maintain a published telephone number that provides~~
13 ~~information 24 hours a day regarding the impoundment of vehicles,~~
14 ~~operating hours when vehicles may be removed from impound,~~
15 ~~and the rights of a registered owner to request a hearing. The law~~
16 ~~enforcement agency shall be open, without the necessity of making~~
17 ~~an appointment, to issue a release to the registered owner or legal~~
18 ~~owner, or the agent of either, at least every business day from 8~~
19 ~~a.m. to 5 p.m. Any person having possession of the vehicle shall~~
20 ~~be open, without the necessity of making an appointment, to release~~
21 ~~vehicles every business day at least from 8 a.m. until 5 p.m. No~~
22 ~~storage fees may be charged for any business day on which the~~
23 ~~person having possession of the vehicle was not open to release~~
24 ~~vehicles during the hours specified in this subdivision. For purposes~~
25 ~~of this paragraph, "business day" means any calendar day except~~
26 ~~Saturday or Sunday or any of the following business holidays:~~
27 ~~New Year's Day, Washington's Birthday, Memorial Day,~~
28 ~~Independence Day, Labor Day, Columbus Day, Veterans Day,~~
29 ~~Thanksgiving Day, and Christmas Day.~~

30 ~~(b) The registered and legal owner of a vehicle that is removed~~
31 ~~and seized under subdivision (a) or his or her agent shall be~~
32 ~~provided the opportunity for a storage hearing to determine the~~
33 ~~validity of, or consider any mitigating circumstances attendant to,~~
34 ~~the storage, in accordance with Section 22852.~~

35 ~~(c) Any period during which a vehicle is subjected to storage~~
36 ~~under this section shall be included as part of the period of~~
37 ~~impoundment ordered by the court under Section 23594.~~

38 ~~(d) (1) The impounding agency shall release the vehicle to the~~
39 ~~registered owner or his or her agent prior to the end of the~~
40 ~~impoundment period under any of the following circumstances:~~

1 ~~(A) When the vehicle is a stolen vehicle.~~

2 ~~(B) When the vehicle is subject to bailment and is driven by an~~
3 ~~unlicensed employee of a business establishment, including a~~
4 ~~parking service or repair garage.~~

5 ~~(C) When the driver of the vehicle is not the sole registered~~
6 ~~owner of the vehicle and the vehicle is being released to another~~
7 ~~registered owner of the vehicle who agrees not to allow the driver~~
8 ~~to use the vehicle until after the end of the impoundment period.~~

9 ~~(2) A vehicle shall not be released pursuant to this subdivision~~
10 ~~without presentation of the registered owner's or agent's currently~~
11 ~~valid driver's license to operate the vehicle and proof of current~~
12 ~~vehicle registration, or upon order of a court.~~

13 ~~(e) The registered owner or his or her agent is responsible for~~
14 ~~all towing and storage charges related to the impoundment, and~~
15 ~~any administrative charges authorized under Section 22850.5.~~

16 ~~(f) A vehicle removed and seized under subdivision (a) shall be~~
17 ~~released to the legal owner of the vehicle or the legal owner's agent~~
18 ~~prior to the end of the impoundment period if all of the following~~
19 ~~conditions are met:~~

20 ~~(1) The legal owner is a motor vehicle dealer, bank, credit union,~~
21 ~~acceptance corporation, or other licensed financial institution~~
22 ~~legally operating in this state, or is another person who is not the~~
23 ~~registered owner and holds a security interest in the vehicle.~~

24 ~~(2) The legal owner or the legal owner's agent pays only the~~
25 ~~towing and storage fees related to the seizure of the vehicle. A lien~~
26 ~~sale processing fee shall not be charged to the legal owner who~~
27 ~~redeems the vehicle prior to the 10th day of impoundment. The~~
28 ~~impounding authority or any person having possession of the~~
29 ~~vehicle shall not collect from the legal owner of the type specified~~
30 ~~in paragraph (1), or the legal owner's agent any administrative~~
31 ~~charges imposed pursuant to Section 22850.5 unless the legal~~
32 ~~owner voluntarily requested a poststorage hearing.~~

33 ~~(3) (A) The legal owner or the legal owner's agent presents to~~
34 ~~the law enforcement agency, impounding agency, person in~~
35 ~~possession of the vehicle, or any person acting on behalf of those~~
36 ~~agencies, a copy of the assignment, as defined in subdivision (b)~~
37 ~~of Section 7500.1 of the Business and Professions Code, and any~~
38 ~~one of the following, as determined by the legal owner or the legal~~
39 ~~owner's agent: a certificate of repossession for the vehicle, a~~
40 ~~security agreement for the vehicle, a release from the law~~

1 enforcement agency or impounding agency, or title showing proof
2 of legal ownership for the vehicle. All presented documents may
3 be originals, photocopies, or facsimile copies, or may be
4 transmitted electronically. The law enforcement agency,
5 impounding agency, or any person acting on behalf of those
6 agencies shall not require a document to be notarized. The law
7 enforcement agency, impounding agency, or any person acting on
8 behalf of those agencies may require the agent of the legal owner
9 to produce a photocopy or facsimile copy of its repossession agency
10 license or registration issued pursuant to Chapter 11 (commencing
11 with Section 7500) of Division 3 of the Business and Professions
12 Code, or to demonstrate, to the satisfaction of the law enforcement
13 agency, impounding agency, or any person acting on behalf of
14 those agencies that the agent is exempt from licensure pursuant to
15 Section 7500.2 or 7500.3 of the Business and Professions Code.

16 (B) Administrative costs authorized under subdivision (a) of
17 Section 22850.5 shall not be charged to the legal owner of the type
18 specified in paragraph (1), who redeems the vehicle unless the
19 legal owner voluntarily requests a poststorage hearing. A city,
20 county, city or county, or state agency shall not require a legal
21 owner or a legal owner's agent to request a poststorage hearing as
22 a requirement for release of the vehicle to the legal owner or the
23 legal owner's agent. The law enforcement agency, impounding
24 agency, or any person acting on behalf of those agencies, shall not
25 require any documents, including any hold harmless or 30-day
26 early release forms, other than those specified in this paragraph.
27 The law enforcement agency, impounding agency, or any person
28 acting on behalf of those agencies, shall not require any documents
29 to be notarized.

30 The legal owner or the legal owner's agent, without obtaining
31 a release from a law enforcement agency or presenting any
32 documents other than a repossession order, shall have the right to
33 inspect and photograph an impounded vehicle, unless it is on an
34 evidence hold, prior to paying any lien and prior to signing any
35 documents. If the vehicle is on an evidence hold, it may be
36 inspected and photographed with the consent of the law
37 enforcement agency. The legal owner or the legal owner's agent
38 shall be given a copy of any documents he or she is required to
39 sign.

1 ~~(g) (1) A legal owner or the legal owner's agent who obtains~~
2 ~~release of the vehicle pursuant to subdivision (f) shall not release~~
3 ~~the vehicle to the registered owner of the vehicle or the person~~
4 ~~who was listed as the registered owner when the vehicle was~~
5 ~~impounded or any agents of the registered owner, unless the~~
6 ~~registered owner is a rental car agency, until after the termination~~
7 ~~of the impoundment period.~~

8 ~~(2) The legal owner or the legal owner's agent shall not~~
9 ~~relinquish the vehicle to the registered owner or the person who~~
10 ~~was listed as the registered owner when the vehicle was impounded~~
11 ~~until the registered owner or that owner's agent presents his or her~~
12 ~~valid driver's license or valid temporary driver's license to the~~
13 ~~legal owner or the legal owner's agent. The legal owner or the~~
14 ~~legal owner's agent or the person in possession of the vehicle shall~~
15 ~~make every reasonable effort to ensure that the license presented~~
16 ~~is valid and that possession of the vehicle will not be given to a~~
17 ~~driver who was involved in the original impound proceeding until~~
18 ~~the expiration of the impoundment period.~~

19 ~~(3) Prior to relinquishing the vehicle, the legal owner may~~
20 ~~require the registered owner to pay all towing and storage charges~~
21 ~~related to the impoundment and any administrative charges~~
22 ~~authorized under Section 22850.5 that were incurred by the legal~~
23 ~~owner in connection with obtaining custody of the vehicle.~~

24 ~~(4) The department shall not change the name of the legal owner~~
25 ~~or the registered owner on its records until the vehicle is released~~
26 ~~from the impound.~~

27 ~~(h) (1) A vehicle removed and seized under subdivision (a)~~
28 ~~shall be released to a rental car agency prior to the end of the~~
29 ~~impoundment period if the agency is either the legal owner or~~
30 ~~registered owner of the vehicle and the agency pays all towing and~~
31 ~~storage fees related to the seizure of the vehicle.~~

32 ~~(2) The owner of a rental vehicle that was seized under this~~
33 ~~section may continue to rent the vehicle upon recovery of the~~
34 ~~vehicle. However, the rental car agency shall not rent another~~
35 ~~vehicle to the driver of the vehicle that was seized until the~~
36 ~~impoundment period has expired.~~

37 ~~(3) The rental car agency may require the person to whom the~~
38 ~~vehicle was rented to pay all towing and storage charges related~~
39 ~~to the impoundment and any administrative charges authorized~~

1 under Section 22850.5 that were incurred by the rental car agency
2 in connection with obtaining custody of the vehicle.

3 ~~(4) Any legal owner who releases or causes the release of a~~
4 ~~vehicle to a registered owner or the person in possession of the~~
5 ~~vehicle at the time of the impound or any agents of the registered~~
6 ~~owner in violation of this subdivision shall be guilty of a~~
7 ~~misdemeanor and subject to a fine in the amount of two thousand~~
8 ~~dollars (\$2,000) in addition to any other penalties established by~~
9 ~~law.~~

10 ~~(i) Notwithstanding any other provision of this section, the~~
11 ~~registered owner, and not the legal owner, shall remain responsible~~
12 ~~for any towing and storage charges related to the impoundment,~~
13 ~~any administrative charges authorized under Section 22850.5, and~~
14 ~~any parking fines, penalties, and administrative fees incurred by~~
15 ~~the registered owner.~~

16 ~~(j) The law enforcement agency and the impounding agency,~~
17 ~~including any tow yard acting on behalf of the law enforcement~~
18 ~~agency or impounding agency, shall comply with this section and~~
19 ~~shall not be liable to the registered owner for the improper release~~
20 ~~of the vehicle to the legal owner or the legal owner's agent~~
21 ~~provided the release complies with the provisions of this section.~~
22 ~~A law enforcement agency shall not refuse to issue a release to a~~
23 ~~legal owner or the agent of a legal owner on the grounds that it~~
24 ~~previously issued a release.~~

25 ~~SEC. 9. Section 21100.4 of the Vehicle Code is amended to~~
26 ~~read:~~

27 ~~21100.4. (a) (1) A magistrate presented with the affidavit of~~
28 ~~a peace officer establishing reasonable cause to believe that a~~
29 ~~vehicle, described by vehicle type and license number, is being~~
30 ~~operated as a taxicab or other passenger vehicle for hire in violation~~
31 ~~of licensing requirements adopted by a local authority under~~
32 ~~subdivision (b) of Section 21100 shall issue a warrant or order~~
33 ~~authorizing any peace officer to immediately seize and cause the~~
34 ~~removal of the vehicle.~~

35 ~~(2) The warrant or court order may be entered into a~~
36 ~~computerized database.~~

37 ~~(3) A vehicle so impounded may be impounded for a period not~~
38 ~~to exceed 30 days.~~

39 ~~(4) The impounding agency, within two business days of~~
40 ~~impoundment, shall send a notice by certified mail, return receipt~~

1 requested, to the legal owner of the vehicle, at an address obtained
2 from the department, informing the owner that the vehicle has
3 been impounded and providing the owner with a copy of the
4 warrant or court order. Failure to notify the legal owner within
5 two business days shall prohibit the impounding agency from
6 charging for more than 15 days impoundment when a legal owner
7 redeems the impounded vehicle. The impounding agency shall
8 maintain a published telephone number that provides information
9 24 hours a day regarding the impoundment of vehicles, operating
10 hours when vehicles may be removed from impound, and the rights
11 of a registered owner to request a hearing. The law enforcement
12 agency shall be open, without the necessity of making an
13 appointment, to issue a release to the registered owner or legal
14 owner, or the agent of either, at least every business day from 8
15 a.m. to 5 p.m. Any person having possession of the vehicle shall
16 be open, without the necessity of making an appointment, to release
17 vehicles every business day at least from 8 a.m. until 5 p.m. No
18 storage fees may be charged for any business day on which the
19 person having possession of the vehicle was not open to release
20 vehicles during the hours specified in this subdivision. For purposes
21 of this paragraph, "business day" means any calendar day except
22 Saturday or Sunday or any of the following business holidays:
23 New Year's Day, Washington's Birthday, Memorial Day,
24 Independence Day, Labor Day, Columbus Day, Veterans Day,
25 Thanksgiving Day, and Christmas Day.

26 (b) (1) An impounding agency shall release a vehicle to the
27 registered owner or his or her agent prior to the end of the
28 impoundment period and without the permission of the magistrate
29 authorizing the vehicle's seizure under any of the following
30 circumstances:

31 (A) When the vehicle is a stolen vehicle.

32 (B) When the vehicle was seized under this section for an
33 offense that does not authorize the seizure of the vehicle.

34 (2) No vehicle may be released under this subdivision, except
35 upon presentation of the registered owner's or agent's currently
36 valid license to operate the vehicle under the licensing requirements
37 adopted by the local authority under subdivision (b) of Section
38 21100, and proof of current vehicle registration, or upon order of
39 the court.

1 ~~(e) (1) Whenever a vehicle is impounded under this section,~~
2 ~~the magistrate ordering the storage shall provide the vehicle's~~
3 ~~registered and legal owners of record, or their agents, with the~~
4 ~~opportunity for a poststorage hearing to determine the validity of~~
5 ~~the storage.~~
6 ~~(2) A notice of the storage shall be mailed or personally~~
7 ~~delivered to the registered and legal owners within 48 hours after~~
8 ~~issuance of the warrant or court order, excluding weekends and~~
9 ~~holidays, by the person or agency executing the warrant or court~~
10 ~~order, and shall include all of the following information:~~
11 ~~(A) The name, address, and telephone number of the agency~~
12 ~~providing the notice.~~
13 ~~(B) The location of the place of storage and a description of the~~
14 ~~vehicle, which shall include, if available, the name or make, the~~
15 ~~manufacturer, the license plate number, and the mileage of the~~
16 ~~vehicle.~~
17 ~~(C) A copy of the warrant or court order and the peace officer's~~
18 ~~affidavit, as described in subdivision (a).~~
19 ~~(D) A statement that, in order to receive their poststorage~~
20 ~~hearing, the owners, or their agents, are required to request the~~
21 ~~hearing from the magistrate issuing the warrant or court order in~~
22 ~~person, in writing, or by telephone, within 10 days of the date of~~
23 ~~the notice.~~
24 ~~(3) The poststorage hearing shall be conducted within two court~~
25 ~~days after receipt of the request for the hearing.~~
26 ~~(4) At the hearing, the magistrate may order the vehicle released~~
27 ~~if he or she finds any of the circumstances described in subdivision~~
28 ~~(b) or (c) that allow release of a vehicle by the impounding agency.~~
29 ~~(5) Failure of either the registered or legal owner, or his or her~~
30 ~~agent, to request, or to attend, a scheduled hearing satisfies the~~
31 ~~poststorage hearing requirement.~~
32 ~~(6) The agency employing the peace officer who caused the~~
33 ~~magistrate to issue the warrant or court order shall be responsible~~
34 ~~for the costs incurred for towing and storage if it is determined in~~
35 ~~the poststorage hearing that reasonable grounds for the storage are~~
36 ~~not established.~~
37 ~~(d) The registered owner or his or her agent is responsible for~~
38 ~~all towing and storage charges related to the impoundment, and~~
39 ~~any administrative charges authorized under Section 22850.5.~~

1 ~~(e) A vehicle removed and seized under subdivision (a) shall~~
2 ~~be released to the legal owner of the vehicle or the legal owner's~~
3 ~~agent prior to the end of the impoundment period and without the~~
4 ~~permission of the magistrate authorizing the seizure of the vehicle~~
5 ~~if all of the following conditions are met:~~

6 ~~(1) The legal owner is a motor vehicle dealer, bank, credit union,~~
7 ~~acceptance corporation, or other licensed financial institution~~
8 ~~legally operating in this state or is another person, not the registered~~
9 ~~owner, holding a security interest in the vehicle.~~

10 ~~(2) The legal owner or the legal owner's agent pays only the~~
11 ~~towing and storage fees related to the seizure of the vehicle. No~~
12 ~~lien sale processing fees shall be charged to the legal owner who~~
13 ~~redeems the vehicle prior to the 15th day of impoundment. Neither~~
14 ~~the impounding authority nor any person having possession of the~~
15 ~~vehicle shall collect from the legal owner of the type specified in~~
16 ~~paragraph (1), or the legal owner's agent any administrative charges~~
17 ~~imposed pursuant to Section 22850.5 unless the legal owner~~
18 ~~voluntarily requested a poststorage hearing.~~

19 ~~(3) (A) The legal owner or the legal owner's agent presents to~~
20 ~~the law enforcement agency, impounding agency, person in~~
21 ~~possession of the vehicle, or any person acting on behalf of those~~
22 ~~agencies, a copy of the assignment, as defined in subdivision (b)~~
23 ~~of Section 7500.1 of the Business and Professions Code, and any~~
24 ~~one of the following, as determined by the legal owner or the legal~~
25 ~~owner's agent: a certificate of repossession for the vehicle, a~~
26 ~~security agreement for the vehicle, a release from the law~~
27 ~~enforcement agency or impounding agency, or title showing proof~~
28 ~~of legal ownership for the vehicle. Any documents presented may~~
29 ~~be originals, photocopies, or facsimile copies, or may be~~
30 ~~transmitted electronically. The law enforcement agency,~~
31 ~~impounding agency, or any person acting on behalf of those~~
32 ~~agencies, shall not require any documents to be notarized. The law~~
33 ~~enforcement agency, impounding agency, or any person acting on~~
34 ~~behalf of those agencies may require the agent of the legal owner~~
35 ~~to produce a photocopy or facsimile copy of its repossession agency~~
36 ~~license or registration issued pursuant to Chapter 11 (commencing~~
37 ~~with Section 7500) of Division 3 of the Business and Professions~~
38 ~~Code, or to demonstrate, to the satisfaction of the law enforcement~~
39 ~~agency, impounding agency, or any person acting on behalf of~~

1 those agencies that the agent is exempt from licensure pursuant to
2 Section 7500.2 or 7500.3 of the Business and Professions Code.

3 ~~(B) No administrative costs authorized under subdivision (a) of~~
4 ~~Section 22850.5 shall be charged to the legal owner of the type~~
5 ~~specified in paragraph (1), who redeems the vehicle unless the~~
6 ~~legal owner voluntarily requests a poststorage hearing. No city,~~
7 ~~county, city and county, or state agency shall require a legal owner~~
8 ~~or a legal owner's agent to request a poststorage hearing as a~~
9 ~~requirement for release of the vehicle to the legal owner or the~~
10 ~~legal owner's agent. The law enforcement agency, impounding~~
11 ~~agency, or any person acting on behalf of those agencies, shall not~~
12 ~~require any documents, including any hold harmless documents~~
13 ~~or 30-day early release forms, other than those specified in this~~
14 ~~paragraph. The law enforcement agency, impounding agency, or~~
15 ~~any person acting on behalf of those agencies may not require any~~
16 ~~documents to be notarized.~~

17 ~~The legal owner or the legal owner's agent, or an insurance~~
18 ~~adjuster, without obtaining a release from a law enforcement~~
19 ~~agency or presenting any documents other than a repossession~~
20 ~~order, shall have the right to inspect and photograph an impounded~~
21 ~~vehicle, unless it is on an evidence hold, and prior to paying any~~
22 ~~lien and prior to signing any documents. If the vehicle is on an~~
23 ~~evidence hold, it may be inspected and photographed with the~~
24 ~~consent of the law enforcement agency. The legal owner or the~~
25 ~~legal owner's agent shall be given a copy of any documents he or~~
26 ~~she is required to sign.~~

27 ~~(f) (1) A legal owner or the legal owner's agent that obtains~~
28 ~~release of the vehicle pursuant to subdivision (e) shall not release~~
29 ~~the vehicle to the registered owner of the vehicle or to the person~~
30 ~~who was listed as the registered owner when the vehicle was~~
31 ~~impounded or any agents of the registered owner until the~~
32 ~~termination of the impoundment period.~~

33 ~~(2) The legal owner or the legal owner's agent shall not~~
34 ~~relinquish the vehicle to the registered owner or the person who~~
35 ~~was listed as the registered owner when the vehicle was impounded~~
36 ~~until the registered owner or that owner's agent presents his or her~~
37 ~~valid driver's license or valid temporary driver's license, and an~~
38 ~~operator's license that is in compliance with the licensing~~
39 ~~requirements adopted by the local authority under subdivision (b)~~
40 ~~of Section 21100, to the legal owner or the legal owner's agent.~~

1 ~~The legal owner or the legal owner's agent or the person in~~
2 ~~possession of the vehicle shall make every reasonable effort to~~
3 ~~ensure that the licenses presented are valid and that possession of~~
4 ~~the vehicle will not be given to a driver who was involved in the~~
5 ~~original impound proceeding until the expiration of the~~
6 ~~impoundment period.~~

7 ~~(3) Prior to relinquishing the vehicle, the legal owner may~~
8 ~~require the registered owner to pay all towing and storage charges~~
9 ~~related to the impoundment and the administrative charges~~
10 ~~authorized under Section 22850.5 that were incurred by the legal~~
11 ~~owner in connection with obtaining the custody of the vehicle.~~

12 ~~(4) Any legal owner who releases or causes the release of a~~
13 ~~vehicle to a registered owner or the person in possession of the~~
14 ~~vehicle at the time of the impound or any agents of the registered~~
15 ~~owner in violation of this subdivision shall be guilty of a~~
16 ~~misdemeanor and subject to a fine in the amount of two thousand~~
17 ~~dollars (\$2,000) in addition to any other penalties established by~~
18 ~~law.~~

19 ~~(5) The department shall not change the name of the legal owner~~
20 ~~or the registered owner on its records until the vehicle is released~~
21 ~~from the impound.~~

22 ~~(g) Notwithstanding any other provision of this section, the~~
23 ~~registered owner and not the legal owner shall remain responsible~~
24 ~~for any towing and storage charges related to the impoundment~~
25 ~~and the administrative charges authorized under Section 22850.5~~
26 ~~and any parking fines, penalties, and administrative fees incurred~~
27 ~~by the registered owner.~~

28 ~~(h) The law enforcement agency and the impounding agency,~~
29 ~~including any tow yard acting on behalf of the law enforcement~~
30 ~~agency or impounding agency, shall comply with this section and~~
31 ~~shall not be liable to the registered owner for the improper release~~
32 ~~of the vehicle to the legal owner or the legal owner's agent~~
33 ~~provided the release complies with the provisions of this section.~~
34 ~~A law enforcement agency shall not refuse to issue a release to a~~
35 ~~legal owner or the agent of a legal owner on the grounds that it~~
36 ~~previously issued a release.~~

37 ~~SEC. 10. Section 22651 of the Vehicle Code, as amended by~~
38 ~~Section 4.5 of Chapter 749 of the Statutes of 2007, is amended to~~
39 ~~read:~~

1 ~~22651. A peace officer, as defined in Chapter 4.5 (commencing~~
2 ~~with Section 830) of Title 3 of Part 2 of the Penal Code, or a~~
3 ~~regularly employed and salaried employee, who is engaged in~~
4 ~~directing traffic or enforcing parking laws and regulations, of a~~
5 ~~city, county, or jurisdiction of a state agency in which a vehicle is~~
6 ~~located, may remove a vehicle located within the territorial limits~~
7 ~~in which the officer or employee may act, under the following~~
8 ~~circumstances:~~

9 ~~(a) When a vehicle is left unattended upon a bridge, viaduct, or~~
10 ~~causeway or in a tube or tunnel where the vehicle constitutes an~~
11 ~~obstruction to traffic:~~

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

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

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

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

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

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

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

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

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

20 ~~(A) Evidence of his or her identity.~~

21 ~~(B) An address within this state at which he or she can be~~
22 ~~located.~~

23 ~~(C) Satisfactory evidence that all parking penalties due for the~~
24 ~~vehicle and all other vehicles registered to the registered owner of~~
25 ~~the impounded vehicle, and all traffic violations of the registered~~
26 ~~owner, have been cleared.~~

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

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

1 impounded. Evidence of current registration shall be produced
2 after a vehicle has been impounded, or, at the discretion of the
3 impounding law enforcement agency, a notice to appear for
4 violation of subdivision (a) of Section 4000 shall be issued to that
5 person.

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

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

9 (B) Submits evidence of payment of fees as provided in Section
10 9561.

11 (C) A vehicle released to a legal owner under this subdivision
12 is a repossessed vehicle for purposes of disposition or sale. The
13 impounding agency shall have a lien on any surplus that remains
14 upon sale of the vehicle to which the registered owner is or may
15 be entitled, as security for the full amount of the parking penalties
16 for all notices of parking violations issued for the vehicle and for
17 all local administrative charges imposed pursuant to Section
18 22850.5. The legal owner shall promptly remit to, and deposit
19 with, the agency responsible for processing notices of parking
20 violations from that surplus, on receipt of that surplus, the full
21 amount of the parking penalties for all notices of parking violations
22 issued for the vehicle and for all local administrative charges
23 imposed pursuant to Section 22850.5.

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

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

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

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

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

16 ~~(n) Whenever a vehicle is parked or left standing where local~~
17 ~~authorities, by resolution or ordinance, have prohibited parking~~
18 ~~and have authorized the removal of vehicles. A vehicle shall not~~
19 ~~be removed unless signs are posted giving notice of the removal.~~

20 ~~(o) (1) When a vehicle is found or operated upon a highway,~~
21 ~~public land, or an offstreet parking facility under the following~~
22 ~~circumstances:~~

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

26 ~~(B) Displaying in, or upon, the vehicle, a registration card,~~
27 ~~identification card, temporary receipt, license plate, special plate,~~
28 ~~registration sticker, device issued pursuant to Section 4853, or~~
29 ~~permit that was not issued for that vehicle, or is not otherwise~~
30 ~~lawfully used on that vehicle under this code.~~

31 ~~(C) Displaying in, or upon, the vehicle, an altered, forged,~~
32 ~~counterfeit, or falsified registration card, identification card,~~
33 ~~temporary receipt, license plate, special plate, registration sticker,~~
34 ~~device issued pursuant to Section 4853, or permit.~~

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

39 ~~(3) For the purposes of this subdivision, the vehicle shall be~~
40 ~~released to the registered owner or person in control of the vehicle~~

1 only after the owner or person furnishes the storing law
2 enforcement agency with proof of current registration and a
3 currently valid driver's license to operate the vehicle. The vehicle
4 shall be released to the legal owner or the legal owner's agent
5 without proof of current registration, provided that the vehicle will
6 only be transported pursuant to the exemption contained in Section
7 4022.

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

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

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

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

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

39 (2) For purposes of this subdivision, a roadside rest area or
40 viewpoint is a publicly maintained vehicle parking area, adjacent

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

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

9 ~~SEC. 11. Section 22651.1 of the Vehicle Code is amended to~~
10 ~~read:~~

11 ~~22651.1. Persons operating or in charge of any storage facility~~
12 ~~where vehicles are stored pursuant to Section 22651 shall accept~~
13 ~~a valid bank credit card or cash for payment of towing and storage~~
14 ~~by the registered owner, legal owner, or the owner's agent claiming~~
15 ~~the vehicle. A person operating or in charge of any storage facility~~
16 ~~who refuses to accept a valid bank credit card shall be liable for~~
17 ~~four times the amount of the towing and storage charges, but not~~
18 ~~to exceed five hundred dollars (\$500). In addition, persons~~
19 ~~operating or in charge of the storage facility shall have sufficient~~
20 ~~funds on the premises to accommodate and make change in a~~
21 ~~reasonable monetary transaction.~~

22 ~~Credit charges for towing and storage services shall comply with~~
23 ~~Section 1748.1 of the Civil Code. Law enforcement agencies may~~
24 ~~include the costs of providing for payment by credit when agreeing~~
25 ~~with a towing or storage provider on rates.~~

26 ~~SEC. 12. Section 22658 of the Vehicle Code is amended to~~
27 ~~read:~~

28 ~~22658. (a) The owner or person in lawful possession of private~~
29 ~~property, including an association of a common interest~~
30 ~~development as defined in Section 1351 of the Civil Code, may~~
31 ~~cause the removal of a vehicle parked on the property to a storage~~
32 ~~facility that meets the requirements of subdivision (n) under any~~
33 ~~of the following circumstances:~~

34 ~~(1) There is displayed, in plain view at all entrances to the~~
35 ~~property, a sign not less than 17 inches by 22 inches in size, with~~
36 ~~lettering not less than one inch in height, prohibiting public parking~~
37 ~~and indicating that vehicles will be removed at the owner's~~
38 ~~expense, and containing the telephone number of the local traffic~~
39 ~~law enforcement agency and the name and telephone number of~~
40 ~~each towing company that is a party to a written general towing~~

1 authorization agreement with the owner or person in lawful
2 possession of the property. The sign may also indicate that a
3 citation may also be issued for the violation.

4 (2) ~~The vehicle has been issued a notice of parking violation,
5 and 96 hours have elapsed since the issuance of that notice.~~

6 (3) ~~The vehicle is on private property and lacks an engine,
7 transmission, wheels, tires, doors, windshield, or any other major
8 part or equipment necessary to operate safely on the highways,
9 the owner or person in lawful possession of the private property
10 has notified the local traffic law enforcement agency, and 24 hours
11 have elapsed since that notification.~~

12 (4) ~~The lot or parcel upon which the vehicle is parked is
13 improved with a single-family dwelling.~~

14 (b) ~~The tow truck operator removing the vehicle, if the operator
15 knows or is able to ascertain from the property owner, person in
16 lawful possession of the property, or the registration records of
17 the Department of Motor Vehicles the name and address of the
18 registered and legal owner of the vehicle, shall immediately give,
19 or cause to be given, notice in writing to the registered and legal
20 owner of the fact of the removal, the grounds for the removal, and
21 indicate the place to which the vehicle has been removed. If the
22 vehicle is stored in a storage facility, a copy of the notice shall be
23 given to the proprietor of the storage facility. The notice provided
24 for in this section shall include the amount of mileage on the
25 vehicle at the time of removal and the time of the removal from
26 the property. If the tow truck operator does not know and is not
27 able to ascertain the name of the owner or for any other reason is
28 unable to give the notice to the owner as provided in this section,
29 the tow truck operator shall comply with the requirements of
30 subdivision (c) of Section 22853 relating to notice in the same
31 manner as applicable to an officer removing a vehicle from private
32 property.~~

33 (e) ~~This section does not limit or affect any right or remedy that
34 the owner or person in lawful possession of private property may
35 have by virtue of other provisions of law authorizing the removal
36 of a vehicle parked upon private property.~~

37 (d) ~~The owner of a vehicle removed from private property
38 pursuant to subdivision (a) may recover for any damage to the
39 vehicle resulting from any intentional or negligent act of a person
40 causing the removal of, or removing, the vehicle.~~

1 ~~(e) (1) An owner or person in lawful possession of private~~
2 ~~property, or an association of a common interest development,~~
3 ~~causing the removal of a vehicle parked on that property is liable~~
4 ~~for double the storage or towing charges whenever there has been~~
5 ~~a failure to comply with paragraph (1), (2), or (3) of subdivision~~
6 ~~(a) or to state the grounds for the removal of the vehicle if requested~~
7 ~~by the legal or registered owner of the vehicle as required by~~
8 ~~subdivision (f).~~

9 ~~(2) A property owner or owner's agent or lessee who causes the~~
10 ~~removal of a vehicle parked on that property pursuant to the~~
11 ~~exemption set forth in subparagraph (A) of paragraph (1) of~~
12 ~~subdivision (l) and fails to comply with that subdivision is guilty~~
13 ~~of an infraction, punishable by a fine of one thousand dollars~~
14 ~~(\$1,000).~~

15 ~~(f) An owner or person in lawful possession of private property,~~
16 ~~or an association of a common interest development, causing the~~
17 ~~removal of a vehicle parked on that property shall notify by~~
18 ~~telephone or, if impractical, by the most expeditious means~~
19 ~~available, the local traffic law enforcement agency within one hour~~
20 ~~after authorizing the tow. An owner or person in lawful possession~~
21 ~~of private property, an association of a common interest~~
22 ~~development, causing the removal of a vehicle parked on that~~
23 ~~property, or the tow truck operator who removes the vehicle, shall~~
24 ~~state the grounds for the removal of the vehicle if requested by the~~
25 ~~legal or registered owner of that vehicle. A towing company that~~
26 ~~removes a vehicle from private property in compliance with~~
27 ~~subdivision (l) is not responsible in a situation relating to the~~
28 ~~validity of the removal. A towing company that removes the~~
29 ~~vehicle under this section shall be responsible for the following:~~

30 ~~(1) Damage to the vehicle in the transit and subsequent storage~~
31 ~~of the vehicle.~~

32 ~~(2) The removal of a vehicle other than the vehicle specified by~~
33 ~~the owner or other person in lawful possession of the private~~
34 ~~property.~~

35 ~~(g) (1) (A) Possession of a vehicle under this section shall be~~
36 ~~deemed to arise when a vehicle is removed from private property~~
37 ~~and is in transit.~~

38 ~~(B) Upon the request of the owner of the vehicle or that owner's~~
39 ~~agent, the towing company or its driver shall immediately and~~

1 unconditionally release a vehicle that is not yet removed from the
2 private property and in transit.

3 (C) A person failing to comply with subparagraph (B) is guilty
4 of a misdemeanor.

5 (2) If a vehicle is released to a person in compliance with
6 subparagraph (B) of paragraph (1), the vehicle owner or authorized
7 agent shall immediately move that vehicle to a lawful location.

8 (h) A towing company may impose a charge of not more than
9 one-half of the regular towing charge for the towing of a vehicle
10 at the request of the owner, the owner’s agent, or the person in
11 lawful possession of the private property pursuant to this section
12 if the owner of the vehicle or the vehicle owner’s agent returns to
13 the vehicle after the vehicle is coupled to the tow truck by means
14 of a regular hitch, coupling device, drawbar, portable dolly, or is
15 lifted off the ground by means of a conventional trailer, and before
16 it is removed from the private property. The regular towing charge
17 may only be imposed after the vehicle has been removed from the
18 property and is in transit.

19 (i) (1) (A) A charge for towing or storage, or both, of a vehicle
20 under this section is excessive if the charge exceeds the greater of
21 the following:

22 (i) That which would have been charged for that towing or
23 storage, or both, made at the request of a law enforcement agency
24 under an agreement between a towing company and the law
25 enforcement agency that exercises primary jurisdiction in the city
26 in which is located the private property from which the vehicle
27 was, or was attempted to be, removed, or if the private property
28 is not located within a city, then the law enforcement agency that
29 exercises primary jurisdiction in the county in which the private
30 property is located.

31 (ii) That which would have been charged for that towing or
32 storage, or both, under the rate approved for that towing operator
33 by the California Highway Patrol for the jurisdiction in which the
34 private property is located and from which the vehicle was, or was
35 attempted to be, removed.

36 (B) A towing operator shall make available for inspection and
37 copying his or her rate approved by the California Highway Patrol,
38 if any, within 24 hours of a request without a warrant to law
39 enforcement, the Attorney General, district attorney, or city
40 attorney.

1 ~~(2) If a vehicle is released within 24 hours from the time the~~
2 ~~vehicle is brought into the storage facility, regardless of the~~
3 ~~calendar date, the storage charge shall be for only one day. Not~~
4 ~~more than one day's storage charge may be required for a vehicle~~
5 ~~released the same day that it is stored.~~

6 ~~(3) If a request to release a vehicle is made and the appropriate~~
7 ~~fees are tendered and documentation establishing that the person~~
8 ~~requesting release is entitled to possession of the vehicle, or is the~~
9 ~~owner's insurance representative, is presented within the initial~~
10 ~~24 hours of storage, and the storage facility fails to comply with~~
11 ~~the request to release the vehicle or is not open for business during~~
12 ~~normal business hours, then only one day's storage charge may~~
13 ~~be required to be paid until after the first business day. A business~~
14 ~~day is any day in which the lienholder is open for business to the~~
15 ~~public for at least eight hours. If a request is made more than 24~~
16 ~~hours after the vehicle is placed in storage, charges may be imposed~~
17 ~~on a full calendar day basis for each day, or part thereof, that the~~
18 ~~vehicle is in storage.~~

19 ~~(j) (1) A person who charges a vehicle owner a towing, service,~~
20 ~~or storage charge at an excessive rate, as described in subdivision~~
21 ~~(h) or (i), is civilly liable to the vehicle owner for four times the~~
22 ~~amount charged.~~

23 ~~(2) A person who knowingly charges a vehicle owner a towing,~~
24 ~~service, or storage charge at an excessive rate, as described in~~
25 ~~subdivision (h) or (i), or who fails to make available his or her rate~~
26 ~~as required in subparagraph (B) of paragraph (1) of subdivision~~
27 ~~(i), is guilty of a misdemeanor, punishable by a fine of not more~~
28 ~~than two thousand five hundred dollars (\$2,500), or by~~
29 ~~imprisonment in the county jail for not more than three months,~~
30 ~~or by both that fine and imprisonment.~~

31 ~~(k) (1) A person operating or in charge of a storage facility~~
32 ~~where vehicles are stored pursuant to this section shall accept a~~
33 ~~valid credit card or cash for payment of towing and storage by a~~
34 ~~registered owner or the owner's agent claiming the vehicle. "Credit~~
35 ~~card" means "credit card" as defined in subdivision (a) of Section~~
36 ~~1747.02 of the Civil Code, except for the purposes of this section,~~
37 ~~credit card does not include a credit card issued by a retail seller.~~

38 ~~(2) A person described in paragraph (1) shall conspicuously~~
39 ~~display, in that portion of the storage facility office where business~~

1 is conducted with the public, a notice advising that all valid credit
2 cards and cash are acceptable means of payment.

3 ~~(3) A person operating or in charge of a storage facility who~~
4 ~~refuses to accept a valid credit card or who fails to post the required~~
5 ~~notice under paragraph (2) is guilty of a misdemeanor, punishable~~
6 ~~by a fine of not more than two thousand five hundred dollars~~
7 ~~(\$2,500), or by imprisonment in the county jail for not more than~~
8 ~~three months, or by both that fine and imprisonment.~~

9 ~~(4) A person described in paragraph (1) who violates paragraph~~
10 ~~(1) or (2) is civilly liable to the registered owner of the vehicle or~~
11 ~~the person who tendered the fees for four times the amount of the~~
12 ~~towing and storage charges.~~

13 ~~(5) A person operating or in charge of the storage facility shall~~
14 ~~have sufficient moneys on the premises of the primary storage~~
15 ~~facility during normal business hours to accommodate, and make~~
16 ~~change in, a reasonable monetary transaction.~~

17 ~~(6) Credit charges for towing and storage services shall comply~~
18 ~~with Section 1748.1 of the Civil Code. Law enforcement agencies~~
19 ~~may include the costs of providing for payment by credit when~~
20 ~~making agreements with towing companies as described in~~
21 ~~subdivision (i).~~

22 ~~(i) (1) (A) A towing company shall not remove or commence~~
23 ~~the removal of a vehicle from private property without first~~
24 ~~obtaining the written authorization from the property owner or~~
25 ~~lessee, including an association of a common interest development,~~
26 ~~or an employee or agent thereof, who shall be present at the time~~
27 ~~of removal and verify the alleged violation, except that presence~~
28 ~~and verification is not required if the person authorizing the tow~~
29 ~~is the property owner, or the owner's agent who is not a tow~~
30 ~~operator, of a residential rental property of 15 or fewer units that~~
31 ~~does not have an onsite owner, owner's agent or employee, and~~
32 ~~the tenant has verified the violation, requested the tow from that~~
33 ~~tenant's assigned parking space, and provided a signed request or~~
34 ~~electronic mail, or has called and provides a signed request or~~
35 ~~electronic mail within 24 hours, to the property owner or owner's~~
36 ~~agent, which the owner or agent shall provide to the towing~~
37 ~~company within 48 hours of authorizing the tow. The signed~~
38 ~~request or electronic mail shall contain the name and address of~~
39 ~~the tenant, and the date and time the tenant requested the tow. A~~
40 ~~towing company shall obtain within 48 hours of receiving the~~

1 ~~written authorization to tow a copy of a tenant request required~~
2 ~~pursuant to this subparagraph. For the purpose of this subparagraph,~~
3 ~~a person providing the written authorization who is required to be~~
4 ~~present on the private property at the time of the tow does not have~~
5 ~~to be physically present at the specified location of where the~~
6 ~~vehicle to be removed is located on the private property.~~

7 ~~(B) The written authorization under subparagraph (A) shall~~
8 ~~include all of the following:~~

9 ~~(i) The make, model, vehicle identification number, and license~~
10 ~~plate number of the removed vehicle.~~

11 ~~(ii) The name, signature, job title, residential or business address~~
12 ~~and working telephone number of the person, described in~~
13 ~~subparagraph (A), authorizing the removal of the vehicle.~~

14 ~~(iii) The grounds for the removal of the vehicle.~~

15 ~~(iv) The time when the vehicle was first observed parked at the~~
16 ~~private property.~~

17 ~~(v) The time that authorization to tow the vehicle was given.~~

18 ~~(C) (i) When the vehicle owner or his or her agent claims the~~
19 ~~vehicle, the towing company prior to payment of a towing or~~
20 ~~storage charge shall provide a photocopy of the written~~
21 ~~authorization to the vehicle owner or the agent.~~

22 ~~(ii) If the vehicle was towed from a residential property, the~~
23 ~~towing company shall redact the information specified in clause~~
24 ~~(ii) of subparagraph (B) in the photocopy of the written~~
25 ~~authorization provided to the vehicle owner or the agent pursuant~~
26 ~~to clause (i).~~

27 ~~(iii) The towing company shall also provide to the vehicle owner~~
28 ~~or the agent a separate notice that provides the telephone number~~
29 ~~of the appropriate local law enforcement or prosecuting agency~~
30 ~~by stating “If you believe that you have been wrongfully towed,~~
31 ~~please contact the local law enforcement or prosecuting agency at~~
32 ~~[insert appropriate telephone number].” The notice shall be in~~
33 ~~English and in the most populous language, other than English,~~
34 ~~that is spoken in the jurisdiction.~~

35 ~~(D) A towing company shall not remove or commence the~~
36 ~~removal of a vehicle from private property described in subdivision~~
37 ~~(a) of Section 22953 unless the towing company has made a good~~
38 ~~faith inquiry to determine that the owner or the property owner’s~~
39 ~~agent complied with Section 22953.~~

1 ~~(E) (i) General authorization to remove or commence removal~~
2 ~~of a vehicle at the towing company's discretion shall not be~~
3 ~~delegated to a towing company or its affiliates except in the case~~
4 ~~of a vehicle unlawfully parked within 15 feet of a fire hydrant or~~
5 ~~in a fire lane, or in a manner which interferes with an entrance to,~~
6 ~~or exit from, the private property.~~

7 ~~(ii) In those cases in which general authorization is granted to~~
8 ~~a towing company or its affiliate to undertake the removal or~~
9 ~~commence the removal of a vehicle that is unlawfully parked within~~
10 ~~15 feet of a fire hydrant or in a fire lane, or that interferes with an~~
11 ~~entrance to, or exit from, private property, the towing company~~
12 ~~and the property owner, or owner's agent, or person in lawful~~
13 ~~possession of the private property shall have a written agreement~~
14 ~~granting that general authorization.~~

15 ~~(2) If a towing company removes a vehicle under a general~~
16 ~~authorization described in subparagraph (E) of paragraph (1) and~~
17 ~~that vehicle is unlawfully parked within 15 feet of a fire hydrant~~
18 ~~or in a fire lane, or in a manner that interferes with an entrance to,~~
19 ~~or exit from, the private property, the towing company shall take,~~
20 ~~prior to the removal of that vehicle, a photograph of the vehicle~~
21 ~~that clearly indicates that parking violation. Prior to accepting~~
22 ~~payment, the towing company shall keep one copy of the~~
23 ~~photograph taken pursuant to this paragraph, and shall present that~~
24 ~~photograph and provide, without charge, a photocopy to the owner~~
25 ~~or an agent of the owner, when that person claims the vehicle.~~

26 ~~(3) A towing company shall maintain the original written~~
27 ~~authorization, or the general authorization described in~~
28 ~~subparagraph (E) of paragraph (1) and the photograph of the~~
29 ~~violation, required pursuant to this section, and any written requests~~
30 ~~from a tenant to the property owner or owner's agent required by~~
31 ~~subparagraph (A) of paragraph (1), for a period of three years and~~
32 ~~shall make them available for inspection and copying within 24~~
33 ~~hours of a request without a warrant to law enforcement, the~~
34 ~~Attorney General, district attorney, or city attorney.~~

35 ~~(4) A person who violates this subdivision is guilty of a~~
36 ~~misdemeanor, punishable by a fine of not more than two thousand~~
37 ~~five hundred dollars (\$2,500), or by imprisonment in the county~~
38 ~~jail for not more than three months, or by both that fine and~~
39 ~~imprisonment.~~

1 ~~(5) A person who violates this subdivision is civilly liable to~~
2 ~~the owner of the vehicle or his or her agent for four times the~~
3 ~~amount of the towing and storage charges.~~

4 ~~(m) (1) A towing company that removes a vehicle from private~~
5 ~~property under this section shall notify the local law enforcement~~
6 ~~agency of that tow after the vehicle is removed from the private~~
7 ~~property and is in transit.~~

8 ~~(2) A towing company is guilty of a misdemeanor if the towing~~
9 ~~company fails to provide the notification required under paragraph~~
10 ~~(1) within 60 minutes after the vehicle is removed from the private~~
11 ~~property and is in transit or 15 minutes after arriving at the storage~~
12 ~~facility, whichever time is less.~~

13 ~~(3) A towing company that does not provide the notification~~
14 ~~under paragraph (1) within 30 minutes after the vehicle is removed~~
15 ~~from the private property and is in transit is civilly liable to the~~
16 ~~registered owner of the vehicle, or the person who tenders the fees,~~
17 ~~for three times the amount of the towing and storage charges.~~

18 ~~(4) If notification is impracticable, the times for notification, as~~
19 ~~required pursuant to paragraphs (2) and (3), shall be tolled for the~~
20 ~~time period that notification is impracticable. This paragraph is an~~
21 ~~affirmative defense.~~

22 ~~(n) A vehicle removed from private property pursuant to this~~
23 ~~section shall be stored in a facility that meets all of the following~~
24 ~~requirements:~~

25 ~~(1) (A) Is located within a 10-mile radius of the property from~~
26 ~~where the vehicle was removed.~~

27 ~~(B) The 10-mile radius requirement of subparagraph (A) does~~
28 ~~not apply if a towing company has prior general written approval~~
29 ~~from the law enforcement agency that exercises primary~~
30 ~~jurisdiction in the city in which is located the private property from~~
31 ~~which the vehicle was removed, or if the private property is not~~
32 ~~located within a city, then the law enforcement agency that~~
33 ~~exercises primary jurisdiction in the county in which is located the~~
34 ~~private property.~~

35 ~~(2) (A) Remains open during normal business hours and releases~~
36 ~~vehicles after normal business hours.~~

37 ~~(B) A gate fee may be charged for releasing a vehicle after~~
38 ~~normal business hours, weekends, and state holidays. However,~~
39 ~~the maximum hourly charge for releasing a vehicle after normal~~

1 business hours shall be one-half of the hourly tow rate charged for
2 initially towing the vehicle, or less.

3 (C) Notwithstanding any other provision of law and for purposes
4 of this paragraph, “normal business hours” are Monday to Friday,
5 inclusive, from 8 a.m. to 5 p.m., inclusive, except state holidays.

6 ~~(3) Has a public pay telephone in the office area that is open
7 and accessible to the public.~~

8 ~~(o) (1) It is the intent of the Legislature in the adoption of
9 subdivision (k) to assist vehicle owners or their agents by, among
10 other things, allowing payment by credit cards for towing and
11 storage services, thereby expediting the recovery of towed vehicles
12 and concurrently promoting the safety and welfare of the public.~~

13 ~~(2) It is the intent of the Legislature in the adoption of
14 subdivision (l) to further the safety of the general public by
15 ensuring that a private property owner or lessee has provided his
16 or her authorization for the removal of a vehicle from his or her
17 property, thereby promoting the safety of those persons involved
18 in ordering the removal of the vehicle as well as those persons
19 removing, towing, and storing the vehicle.~~

20 ~~(3) It is the intent of the Legislature in the adoption of
21 subdivision (g) to promote the safety of the general public by
22 requiring towing companies to unconditionally release a vehicle
23 that is not lawfully in their possession, thereby avoiding the
24 likelihood of dangerous and violent confrontation and physical
25 injury to vehicle owners and towing operators, the stranding of
26 vehicle owners and their passengers at a dangerous time and
27 location, and impeding expedited vehicle recovery, without wasting
28 law enforcement’s limited resources.~~

29 ~~(p) The remedies, sanctions, restrictions, and procedures
30 provided in this section are not exclusive and are in addition to
31 other remedies, sanctions, restrictions, or procedures that may be
32 provided in other provisions of law, including, but not limited to,
33 those that are provided in Sections 12110 and 34660.~~

34 ~~(q) A vehicle removed and stored pursuant to this section shall
35 be released by the law enforcement agency, impounding agency,
36 person in possession of the vehicle, or any person acting on behalf
37 of those agencies to the legal owner or the legal owner’s agent
38 upon presentation of the assignment, as defined in subdivision (b)
39 of Section 7500.1 of the Business and Professions Code, and any
40 one of the following as determined by the legal owner or the legal~~

1 owner's agent; a certificate of repossession for the vehicle, a
2 security agreement for the vehicle, or title showing proof of legal
3 ownership for the vehicle. Any documents presented may be
4 originals, photocopies, or facsimile copies, or may be transmitted
5 electronically. The storage facility shall not require any documents
6 to be notarized. The storage facility may require the agent of the
7 legal owner to produce a photocopy or facsimile copy of its
8 repossession agency license or registration issued pursuant to
9 Chapter 11 (commencing with Section 7500) of Division 3 of the
10 Business and Professions Code, or to demonstrate, to the
11 satisfaction of the storage facility that the agent is exempt from
12 licensure pursuant to Section 7500.2 or 7500.3 of the Business and
13 Professions Code.

14 SEC. 13. Section 22850.4 is added to the Vehicle Code, to
15 read:

16 22850.4. (a) (1) A peace officer, as defined in Chapter 4.5
17 (commencing with Section 830) of Title 3 of Part 2 of the Penal
18 Code, or a regularly employed and salaried employee who is
19 engaged in directing traffic or enforcing parking laws and
20 regulations, of a city, county, or jurisdiction of a state agency in
21 which a vehicle is located, may seize, remove, and store personal
22 property or a vehicle located within the territorial limits in which
23 the officer or employee may act if the officer or employee has
24 reasonable cause to believe that the property or vehicle is being
25 used or operated in violation of Section 7502.1 of the Business
26 and Professions Code.

27 (2) Any personal property or vehicle so impounded may be
28 impounded until such time as the owner of the property, or the
29 person in possession of the property at the time of the impound,
30 produces proof of licensure pursuant to Chapter 11 (commencing
31 with Section 7500) of Division 3 of the Business and Professions
32 Code, or proof of an exemption from licensure pursuant to Section
33 7500.2 or 7500.3 of the Business and Professions Code.

34 (3) The impounding agency, within two business days of
35 impoundment, shall send a notice by certified mail, return receipt
36 requested, to the legal owner of the vehicle, at an address obtained
37 from the department, informing the owner that the vehicle has
38 been impounded and providing the owner with a copy of the
39 warrant or court order. Failure to notify the legal owner within
40 two business days shall prohibit the impounding agency from

1 charging for more than 15 days impoundment when a legal owner
2 redeems the impounded vehicle. The impounding agency shall
3 maintain a published telephone number that provides information
4 24 hours a day regarding the impoundment of vehicles, operating
5 hours when vehicles may be removed from impound, and the rights
6 of a registered owner to request a hearing. The law enforcement
7 agency shall be open, without the necessity of making an
8 appointment, to issue a release to the registered owner or legal
9 owner, or the agent of either, at least every business day from 8
10 a.m. until 5 p.m. Any person having possession of the vehicle shall
11 be open, without the necessity of making an appointment, to release
12 vehicles every business day at least from 8 a.m. until 5 p.m. No
13 storage fees may be charged for any business day on which the
14 person having possession of the vehicle was not open to release
15 vehicles during the hours specified this subdivision. For purposes
16 of this paragraph, "business day" means any calendar day except
17 Saturday or Sunday or any of the following business holidays:
18 New Year's Day, Washington's Birthday, Memorial Day,
19 Independence Day, Labor Day, Columbus Day, Veterans Day,
20 Thanksgiving Day, and Christmas Day.

21 (b) (1) An impounding agency shall release personal property
22 or a vehicle to the registered owner or his or her agent prior to the
23 end of the impoundment period under either of the following
24 circumstances:

25 (A) When the vehicle is a stolen vehicle.

26 (B) When the vehicle was seized under this section for an
27 offense that does not authorize the seizure of the vehicle.

28 (2) No vehicle may be released under this subdivision except
29 upon presentation of the registered owner's or agent's currently
30 valid license to operate the vehicle and proof of current vehicle
31 registration, or upon order of the court.

32 (c) (1) Whenever a vehicle is impounded under this section,
33 the law enforcement agency ordering the storage shall provide the
34 vehicle's registered and legal owners of record, or their agents,
35 with the opportunity for a poststorage hearing to determine the
36 validity of the storage.

37 (2) A notice of the storage shall be mailed or personally
38 delivered to the registered and legal owners within 48 hours after
39 seizure, excluding weekends and holidays, by the person or agency

1 causing the seizure, removal, and storage, and shall include all of
2 the following information:

3 (A) The name, address, and telephone number of the agency
4 providing the notice.

5 (B) The location of the place of storage and a description of the
6 vehicle, which shall include, if available, the name or make, the
7 manufacturer, the license plate number, and the mileage of the
8 vehicle.

9 (C) A copy of the citation for the violation of Section 7502.1
10 of the Business and Professions Code.

11 (D) A statement that, in order to receive their poststorage
12 hearing, the owners, or their agents, are required to request the
13 hearing from the law enforcement agency in person, in writing, or
14 by telephone, within 10 days of the date of the notice.

15 (3) The poststorage hearing shall be conducted within two
16 business days after receipt of the request for the hearing. For
17 purposes of this paragraph, “business day” means any calendar
18 day except Saturday or Sunday or any of the following business
19 holidays: New Year’s Day, Washington’s Birthday, Memorial
20 Day, Independence Day, Labor Day, Columbus Day, Veterans
21 Day, Thanksgiving Day, and Christmas Day.

22 (4) At the hearing, the law enforcement agency may order the
23 vehicle released if it finds any of the circumstances described in
24 subdivision (b) or (e) that allow release of a vehicle by the
25 impounding agency.

26 (5) Failure of either the registered or legal owner, or his or her
27 agent, to request or to attend a scheduled hearing satisfies the
28 poststorage hearing requirement.

29 (6) The agency employing the peace officer shall be responsible
30 for the costs incurred for towing and storage if it is determined in
31 the poststorage hearing that reasonable grounds for the storage are
32 not established.

33 (d) The registered owner or his or her agent is responsible for
34 all towing and storage charges related to the impoundment and
35 any administrative charges authorized under Section 22850.5.

36 (e) A vehicle removed and seized under subdivision (a) shall
37 be released to the legal owner of the vehicle or the legal owner’s
38 agent prior to the end of the impoundment period if all of the
39 following conditions are met:

1 ~~(1) The legal owner is a motor vehicle dealer, bank, credit union,~~
2 ~~acceptance corporation, or other licensed financial institution~~
3 ~~legally operating in this state or is another person, not the registered~~
4 ~~owner, holding a security interest in the vehicle.~~

5 ~~(2) The legal owner or the legal owner's agent pays only the~~
6 ~~towing and storage fees related to the seizure of the vehicle. No~~
7 ~~lien sale processing fees shall be charged to the legal owner who~~
8 ~~redeems the vehicle prior to the 15th day of impoundment. Neither~~
9 ~~the impounding authority nor any person having possession of the~~
10 ~~vehicle shall collect from the legal owner of the type specified in~~
11 ~~paragraph (1), or the legal owner's agent any administrative charges~~
12 ~~imposed pursuant to Section 22850.5 unless the legal owner~~
13 ~~voluntarily requested a poststorage hearing.~~

14 ~~(3) (A) The legal owner or the legal owner's agent presents to~~
15 ~~the law enforcement agency, impounding agency, person in~~
16 ~~possession of the vehicle, or any person acting on behalf of those~~
17 ~~agencies a copy of the assignment, as defined in subdivision (b)~~
18 ~~of Section 7500.1 of the Business and Professions Code, and any~~
19 ~~one of the following as determined by the legal owner or the legal~~
20 ~~owner's agent: a certificate of repossession for the vehicle, a~~
21 ~~security agreement for the vehicle, a release from the law~~
22 ~~enforcement agency or impounding agency, or title showing proof~~
23 ~~of legal ownership for the vehicle. Any documents presented may~~
24 ~~be originals, photocopies, or facsimile copies, or may be~~
25 ~~transmitted electronically. The law enforcement agency,~~
26 ~~impounding agency, or any person acting on behalf of those~~
27 ~~agencies shall not require any documents to be notarized. The law~~
28 ~~enforcement agency, impounding agency, or any person acting on~~
29 ~~behalf of those agencies may require the agent of the legal owner~~
30 ~~to produce a photocopy or facsimile copy of its repossession agency~~
31 ~~license or registration issued pursuant to Chapter 11 (commencing~~
32 ~~with Section 7500) of Division 3 of the Business and Professions~~
33 ~~Code, or to demonstrate, to the satisfaction of the law enforcement~~
34 ~~agency, impounding agency, or any person acting on behalf of~~
35 ~~those agencies that the agent is exempt from licensure pursuant to~~
36 ~~Section 7500.2 or 7500.3 of the Business and Professions Code.~~

37 ~~(B) No administrative costs authorized under subdivision (a) of~~
38 ~~Section 22850.5 shall be charged to the legal owner of the type~~
39 ~~specified in paragraph (1), who redeems the vehicle unless the~~
40 ~~legal owner voluntarily requests a poststorage hearing. No city,~~

1 county, city and county, or state agency shall require a legal owner
2 or a legal owner's agent to request a poststorage hearing as a
3 requirement for release of the vehicle to the legal owner or the
4 legal owner's agent. The law enforcement agency, impounding
5 agency, or any person acting on behalf of those agencies shall not
6 require any documents, including any hold harmless documents
7 or early release forms, other than those specified in this paragraph.
8 The law enforcement agency, impounding agency, or any person
9 acting on behalf of those agencies may not require any documents
10 to be notarized.

11 The legal owner or the legal owner's agent, without obtaining
12 a release from a law enforcement agency or presenting any
13 documents other than a repossession order, shall have the right to
14 inspect and photograph an impounded vehicle, unless it is on an
15 evidence hold, prior to paying any lien and prior to signing any
16 documents. If the vehicle is on an evidence hold, it may be
17 inspected and photographed with the consent of the law
18 enforcement agency. The legal owner or the legal owner's agent
19 shall be given a copy of any documents he or she is required to
20 sign.

21 (f) (1) A legal owner or the legal owner's agent that obtains
22 release of the vehicle pursuant to subdivision (e) shall not release
23 the vehicle to the registered owner of the vehicle or the person
24 who was listed as the registered owner when the vehicle was
25 impounded or the person in possession of the vehicle at the time
26 of the impound or any agents of the registered owner until the
27 termination of the impoundment period.

28 (2) The legal owner or the legal owner's agent shall not
29 relinquish the vehicle to the registered owner or the person who
30 was listed as the registered owner when the vehicle was impounded
31 until the registered owner or that owner's agent presents his or her
32 valid driver's license or valid temporary driver's license to the
33 legal owner or the legal owner's agent. The legal owner or the
34 legal owner's agent or the person in possession of the vehicle shall
35 make every reasonable effort to ensure that the licenses presented
36 are valid and possession of the vehicle will not be given to the
37 driver who was involved in the original impound proceeding until
38 the expiration of the impoundment period.

39 (3) Prior to relinquishing the vehicle, the legal owner may
40 require the registered owner to pay all towing and storage charges

1 related to the impoundment and the administrative charges
2 authorized under Section 22850.5 that were incurred by the legal
3 owner in connection with obtaining the custody of the vehicle.

4 (4) Any legal owner who releases or causes the release of a
5 vehicle to a registered owner or the person in possession of the
6 vehicle at the time of the impound or any agents of the registered
7 owner in violation of this subdivision shall be guilty of a
8 misdemeanor and subject to a fine in the amount of two thousand
9 dollars (\$2,000) in addition to any other penalties established by
10 law.

11 (5) The department shall not change the name of the legal owner
12 or the registered owner on its records until the vehicle is released
13 from the impound.

14 (g) Notwithstanding any other provision of this section, the
15 registered owner and not the legal owner shall remain responsible
16 for any towing and storage charges related to the impoundment
17 and the administrative charges authorized under Section 22850.5
18 and any parking fines, penalties, and administrative fees incurred
19 by the registered owner.

20 (h) The law enforcement agency and the impounding agency
21 including any tow yard acting on behalf of the law enforcement
22 agency or impounding agency, shall comply with this section and
23 shall not be liable to the registered owner for the improper release
24 of the vehicle to the legal owner or the legal owner's agent
25 provided the release complies with the provisions of this section.
26 A law enforcement agency shall not refuse to issue a release to a
27 legal owner or the agent of a legal owner on the grounds that it
28 previously issued a release.

29 SEC. 14. Section 24605 of the Vehicle Code is amended to
30 read:

31 24605. (a) A tow truck or an automobile dismantler's tow
32 vehicle used to tow a vehicle shall be equipped with and carry a
33 taillamp, a stoplamp, turn signal lamps, and a portable electrical
34 extension cord for use in displaying the lamps on the rear of a
35 towed vehicle.

36 (b) Whenever a tow truck or an automobile dismantler's tow
37 vehicle is towing a vehicle and a stoplamp and turn signal lamps
38 cannot be lighted and displayed on the rear of the towed vehicle,
39 the operator of the tow truck or the automobile dismantler's tow
40 vehicle shall, by means of an extension cord, display to the rear a

1 stoplamp and turn signal lamps mounted on the towed vehicle,
2 except as provided in subdivision (c). During darkness, if a taillamp
3 on the towed vehicle cannot be lighted, the operator of the tow
4 truck or the automobile dismantler's tow vehicle shall, by means
5 of an extension cord, display to the rear a taillamp mounted on the
6 towed vehicle. No other lighting equipment need be displayed on
7 the towed vehicle.

8 (c) ~~Whenever any motor vehicle is towing another motor vehicle,~~
9 ~~stoplamps and turn signal lamps are not required on the towed~~
10 ~~motor vehicle, but only if a stoplamp and a turn signal lamp on~~
11 ~~each side of the rear of the towing vehicle is plainly visible to the~~
12 ~~rear of the towed vehicle. This subdivision does not apply~~
13 ~~to driveaway-towaway operations.~~

14 (d) ~~Whenever a reposessor's tow vehicle is towing a vehicle~~
15 ~~and a stoplamp and turn signal lamps cannot be lighted and~~
16 ~~displayed on the rear of the towed vehicle, the operator of the~~
17 ~~reposessor's tow vehicle shall, by means of an extension cord,~~
18 ~~display to the rear a stoplamp and turn signal lamps mounted on~~
19 ~~the towed vehicle if the vehicle is towed for more than one mile~~
20 ~~on a public highway and the rear taillamps are illuminated. No~~
21 ~~other lighting equipment is required to be displayed on the towed~~
22 ~~vehicle.~~

23 ~~SEC. 15.~~

24 *SEC. 4.* Section 29004 of the Vehicle Code is amended to read:

25 29004. (a) (1) Except as required under paragraph (2), every
26 towed vehicle shall be coupled to the towing vehicle by means of
27 a safety chain, cable, or equivalent device in addition to the regular
28 drawbar, tongue or other connection.

29 (2) Any vehicle towed by a tow truck shall be coupled to the
30 tow truck by means of at least two safety chains in addition to the
31 primary restraining system. The safety chains shall be securely
32 affixed to the truck frame, bed, or towing equipment, independent
33 of the towing sling, wheel lift, or under-reach towing equipment.

34 (3) Any vehicle transported on a slide back carrier or
35 conventional trailer shall be secured by at least four tiedown chains,
36 straps, or an equivalent device, independent of the winch or loading
37 cable. This subdivision shall not apply to vehicle bodies that are
38 being transported in compliance with Sections 1340 to 1344,
39 inclusive, of Title 13 of the California Code of Regulations.

1 (b) All safety connections and attachments shall be of sufficient
2 strength to control the towed vehicle in the event of failure of the
3 regular hitch, coupling device, drawbar, tongue, or other
4 connection. All safety connections and attachments also shall have
5 a positive means of ensuring that the safety connection or
6 attachment does not become dislodged while in transit.

7 (c) No more slack may be left in a safety chain, cable, or
8 equivalent device than is necessary to permit proper turning. When
9 a drawbar is used as the towing connection, the safety chain, cable,
10 or equivalent device shall be connected to the towed and towing
11 vehicle and to the drawbar so as to prevent the drawbar from
12 dropping to the ground if the drawbar fails.

13 (d) Subdivision (a) does not apply to a semitrailer having a
14 connecting device composed of a fifth wheel and kingpin assembly,
15 and it does not apply to a towed motor vehicle when steered by a
16 person who holds a license for the type of vehicle being towed.

17 (e) For purposes of this section, a “tow truck” includes both of
18 the following:

19 (1) A reposessor’s tow vehicle, as defined in subdivision (b)
20 of Section 615.

21 (2) An automobile dismantler’s tow vehicle, as defined in
22 subdivision (c) of Section 615.

23 (f) Vehicles towed by a reposessor’s tow vehicle, as defined
24 in subdivision (b) of Section 615, are exempt from the multisafety
25 chain requirement of paragraph (2) of subdivision (a) so long as
26 the vehicle is not towed more than one mile on a public highway
27 and is secured by one safety chain.

28 ~~SEC. 16.~~

29 *SEC. 5.* No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution for certain
31 costs that may be incurred by a local agency or school district
32 because, in that regard, this act creates a new crime or infraction,
33 eliminates a crime or infraction, or changes the penalty for a crime
34 or infraction, within the meaning of Section 17556 of the
35 Government Code, or changes the definition of a crime within the
36 meaning of Section 6 of Article XIII B of the California
37 Constitution.

38 However, if the Commission on State Mandates determines that
39 this act contains other costs mandated by the state, reimbursement
40 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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