

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1978

Introduced by Assembly Member Galgiani
(Coauthor: Assembly Member Dickinson)

February 23, 2012

An act to add Section 151.5 to the Welfare and Institutions Code, relating to unattended collection boxes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1978, as amended, Galgiani. Salvageable personal property: collection boxes.

Existing law regulates the placement of collection boxes and requires specified information to be displayed on the front of each collection box. Existing law authorizes a city, county, or city and county to declare a collection box in violation of these provisions a public nuisance.

This bill would require the ~~express~~ *written* consent of a property owner before a collection box may be placed on his or her property. *If the property owner rescinds his or her consent, this bill would require the property owner to provide written notice of the rescission to the collection box owner or operator.* This bill would shield an owner of private property, who acts reasonably, from civil liability to a collection box owner or operator for the removal of an unauthorized collection box. This bill would also shield a tow truck operator, who acts reasonably, from civil liability to a collection box owner or operator for the removal of an unauthorized collection box. The bill would provide that a person in lawful possession of private property who causes the removal of a collection box, or otherwise disposes of it, and *the* collection box is on the property with the property owner's ~~express~~

written consent, is civilly liable to the owner or operator of the collection box for 4 times the amount of the towing and storage charges, or \$1,000, whichever is higher.

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

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

1 SECTION 1. Section 151.5 is added to the Welfare and
2 Institutions Code, to read:

3 151.5. (a) (1) A person may not place or maintain a collection
4 box on private property unless the owner or operator of the
5 collection box first obtains the ~~express written~~ consent of the
6 property owner, ~~which may be in writing~~.

7 (2) An owner of private property, who has given written consent
8 for the placement of a collection box on his or her private property,
9 may rescind his or her consent by providing written notice of the
10 rescission to the collection box owner or operator.

11 (b) (1) (A) An owner of private property, who acts reasonably,
12 shall not be civilly liable to a collection box owner or operator for
13 the removal of a collection box placed on the property owner's
14 private property without the owner's ~~express written~~ consent.

15 (B) An owner of property who has rescinded his or her written
16 consent shall not be civilly liable to the owner or operator of the
17 collection box if the property owner acted reasonably in the
18 removal or disposal of the collection box.

19 (2) A tow truck operator, who acts reasonably, shall not be
20 civilly liable to a collection box owner or operator for the removal
21 of a collection box from private property if the tow truck operator
22 first obtains authorization from the property owner.

23 (c) A person in lawful possession of private property who causes
24 the removal of a collection box to a storage facility, or otherwise
25 disposes of a collection box, and the collection box was placed on
26 the property with the property owner's ~~express written~~ consent,
27 shall be civilly liable to the owner or operator of the collection
28 box for four times the amount of the towing and storage charges,
29 or one thousand dollars (\$1,000), whichever is higher.

O