

AMENDED IN ASSEMBLY APRIL 17, 2012

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 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 *property owner or 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 written consent~~ *despite valid written consent from the property owner at the time of removal*, 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. *This bill would shield a person from civil liability for the removal of a collection box where removal is necessary to comply with local zoning ordinances.*

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 written consent of the property
6 owner.

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 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) (1) *A property owner or person in lawful possession of*
24 *private property who causes the removal of a collection box to a*
25 *storage facility, or otherwise disposes of a collection box,* ~~and the~~
26 ~~collection box was placed on the property with the property~~
27 ~~owner's written consent~~ *despite valid written consent from the*

1 *property owner pursuant to paragraph (1) of subdivision (a) at*
2 *the time of removal, shall be civilly liable to the owner or operator*
3 *of the collection box for four times the amount of the towing and*
4 *storage charges, or one thousand dollars (\$1,000), whichever is*
5 *higher.*

6 *(2) Paragraph (1) shall not apply to make a person liable for*
7 *removal of a collection box where removal is necessary to comply*
8 *with enforcement of applicable permitting, zoning, or other local*
9 *ordinances.*

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