

Assembly Bill No. 1978

Passed the Assembly August 29, 2012

Chief Clerk of the Assembly

Passed the Senate August 27, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law regulates the placement of collection boxes and requires specified information, including the name, address, and telephone number of the collection box owner and operator, 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, effective March 1, 2013, would require the written consent of a property owner or the property owner's authorized agent before a collection box may be placed on the property owner's property. If the property owner or property owner's authorized agent rescinds his or her consent, this bill would require the property owner or property owner's authorized agent to provide written notice of the rescission to the collection box owner or operator. This bill would shield an owner of private property or his or her authorized agent, who acts reasonably, from civil liability to a collection box owner or operator for the removal of an unauthorized collection box. This bill would require a property owner or property owner's authorized agent who causes the removal of a collection box to provide written notice of removal to the address displayed on the front of the collection box, unless no address is displayed. 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, property owner's authorized agent, or person in lawful possession of private property who causes the removal of a collection box, or otherwise disposes of it, despite valid written consent from the property owner or property owner's authorized agent 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 more. 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.

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

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

151.5. (a) (1) A person may not place or maintain a collection box on private property unless the owner or operator of the collection box first obtains the written consent of the property owner.

(2) An owner of private property, who has given written consent for the placement of a collection box on his or her private property, may rescind his or her consent by providing written notice of the rescission to the collection box owner or operator. For purposes of this section, consent shall be deemed rescinded 10 calendar days after the owner of private property deposits a written notice of rescission in the United States mail, postage prepaid, addressed to the address displayed on the collection box pursuant to Section 151.

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

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

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

(c) (1) A property owner or person in lawful possession of private property who causes the removal of a collection box to a storage facility, or otherwise disposes of a collection box, despite valid written consent from the property owner pursuant to paragraph (1) of subdivision (a) at the time of removal, shall be civilly liable to the owner or operator of the collection box for four

times the amount of the towing and storage charges, or one thousand dollars (\$1,000), whichever is higher.

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

(d) A property owner who causes the removal of a collection box shall send a written notice of removal to the address that is conspicuously displayed on the front of every collection box pursuant to Section 151. That notice shall be mailed within five days of removal and include the current location of the box. This section shall not apply if no address appears on the front of the collection box.

(e) (1) For purposes of this section, a property owner's authorized agent may provide written consent for the placement of the collection box pursuant to paragraph (1) of subdivision (a) if that consent is consistent with the authority conferred upon the agent by the property owner in writing. That agent may also rescind his or her consent pursuant to paragraph (2) of subdivision (a).

(2) A property owner's authorized agent shall be entitled to the same rights and protections as the property owner for purposes of subdivisions (b), (c), and (d) provided that the requirements of the subdivisions are otherwise met.

(f) This section shall become operative on March 1, 2013.

Approved _____, 2012

Governor