

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1993

Introduced by Assembly Member Ma

February 23, 2012

~~An act to amend Section 22651 of the Vehicle Code, relating to vehicles.~~ *An act to amend Sections 14602.6 and 14607.6 of, and to add Section 22651.10 to, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1993, as amended, Ma. ~~Vehicles: removal: multiple violations.~~ *Vehicles: towing and impoundment: unlicensed drivers.*

(1) Existing law authorizes a peace officer to impound for 30 days a vehicle driven by a person who had never been issued a driver's license. Existing law subjects to forfeiture, and requires the impoundment of, a vehicle driven by an unlicensed driver who is a registered owner of the vehicle and who has a previous misdemeanor conviction of operating a vehicle without a driver's license.

This bill would prohibit a peace officer from towing and impounding, or causing the towing and impoundment of, a vehicle driven by a person who does not have a valid driver's license, as specified, if the vehicle is, or could be, legally parked at a location near the scene of the traffic stop or if control of the vehicle is, or could be, relinquished to a licensed driver. If a licensed driver is not present at the time of the traffic stop, the bill would require the peace officer to inform the driver that the vehicle will not be towed and impounded if a licensed driver can retrieve the vehicle within a reasonable amount of time of the traffic stop. The

bill would require a peace officer to obtain the approval of a supervisory officer before the towing and impoundment of a vehicle subject to these provisions. By requiring a higher level of service by a local law enforcement agency, this bill would impose a state-mandated local program. The bill would require the release of the impounded vehicle upon the presentation of the registered owner's, or his or her agent's, currently valid driver's license and proof of current vehicle registration, or upon order of a court.

This bill would also make conforming changes.

(2) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law authorizes the impoundment of a vehicle found upon a highway or public land if the vehicle has been issued 5 or more notices of parking violations to which the owner or person in control of the vehicle has not respond within a specified time period or if the registered owner of the vehicle is known to have been issued 5 or more notices for failure to pay or failure to appear in court for traffic violations. The vehicle may be impounded until that person furnishes specified information, including, among other things, evidence of his or her identity.~~

~~This bill would specify that the evidence of identity may include a matricula consular, passport, birth certificate, or other similar document.~~

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

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

1 *SECTION 1. Section 14602.6 of the Vehicle Code is amended*
 2 *to read:*

3 14602.6. (a) (1) Whenever a peace officer determines that a
 4 person was driving a vehicle while his or her driving privilege was
 5 suspended or revoked, *or driving a vehicle while his or her driving*
 6 *privilege is restricted pursuant to Section 13352 or 23575 and the*
 7 *vehicle is not equipped with a functioning, certified interlock*

1 ~~device, or driving a vehicle without ever having been issued a~~
2 ~~driver's license~~, the peace officer may either immediately arrest
3 that person and cause the removal and seizure of that vehicle or,
4 if the vehicle is involved in a traffic collision, cause the removal
5 and seizure of the vehicle without the necessity of arresting the
6 person in accordance with Chapter 10 (commencing with Section
7 22650) of Division 11. A vehicle so impounded shall be impounded
8 for 30 days.

9 (2) The impounding agency, within two working days of
10 impoundment, shall send a notice by certified mail, return receipt
11 requested, to the legal owner of the vehicle, at the address obtained
12 from the department, informing the owner that the vehicle has
13 been impounded. Failure to notify the legal owner within two
14 working days shall prohibit the impounding agency from charging
15 for more than 15 days' impoundment when the legal owner
16 redeems the impounded vehicle. The impounding agency shall
17 maintain a published telephone number that provides information
18 24 hours a day regarding the impoundment of vehicles and the
19 rights of a registered owner to request a hearing. The law
20 enforcement agency shall be open to issue a release to the registered
21 owner or legal owner, or the agent of either, whenever the agency
22 is open to serve the public for regular, nonemergency business.

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

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

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

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

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

38 (C) When the license of the driver was suspended or revoked
39 for an offense other than those included in Article 2 (commencing

1 with Section 13200) of Chapter 2 of Division 6 or Article 3
2 (commencing with Section 13350) of Chapter 2 of Division 6.

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

5 (E) When the driver reinstates his or her driver's license or
6 acquires a driver's license and proper insurance.

7 (2) ~~No~~A vehicle shall *not* be released pursuant to this
8 subdivision without presentation of the registered owner's or
9 agent's currently valid driver's license to operate the vehicle and
10 proof of current vehicle registration, or upon order of a court.

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

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

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

22 (2) (A) The legal owner or the legal owner's agent pays all
23 towing and storage fees related to the seizure of the vehicle. ~~No~~ A
24 lien sale processing ~~fees~~ *fee* shall *not* be charged to the legal owner
25 who redeems the vehicle prior to the 15th day of impoundment.
26 Neither the impounding authority nor ~~any~~ a person having
27 possession of the vehicle shall collect from the legal owner of the
28 type specified in paragraph (1), or the legal owner's agent any
29 administrative charges imposed pursuant to Section 22850.5 unless
30 the legal owner voluntarily requested a poststorage hearing.

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

1 (C) A person operating or in charge of a storage facility
2 described in subparagraph (B) who violates subparagraph (B) shall
3 be civilly liable to the owner of the vehicle or to the person who
4 tendered the fees for four times the amount of the towing, storage,
5 and related fees, but not to exceed five hundred dollars (\$500).

6 (D) A person operating or in charge of a storage facility
7 described in subparagraph (B) shall have sufficient funds on the
8 premises of the primary storage facility during normal business
9 hours to accommodate, and make change in, a reasonable monetary
10 transaction.

11 (E) Credit charges for towing and storage services shall comply
12 with Section 1748.1 of the Civil Code. Law enforcement agencies
13 may include the costs of providing for payment by credit when
14 making agreements with towing companies on rates.

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

38 ~~No administrative~~

39 *Administrative* costs authorized under subdivision (a) of Section
40 22850.5 shall *not* be charged to the legal owner of the type

1 specified in paragraph (1), who redeems the vehicle unless the
 2 legal owner voluntarily requests a poststorage hearing. ~~No~~ A city,
 3 county, city and county, or state agency shall *not* require a legal
 4 owner or a legal owner’s agent to request a poststorage hearing as
 5 a requirement for release of the vehicle to the legal owner or the
 6 legal owner’s agent. The law enforcement agency, impounding
 7 agency, or other governmental agency, or any person acting on
 8 behalf of those agencies, shall not require any documents other
 9 than those specified in this paragraph. The law enforcement agency,
 10 impounding agency, or other governmental agency, or any person
 11 acting on behalf of those agencies, shall not require any documents
 12 to be notarized. The legal owner or the legal owner’s agent shall
 13 be given a copy of any documents he or she is required to sign,
 14 except for a vehicle evidentiary hold logbook. The law enforcement
 15 agency, impounding agency, or any person acting on behalf of
 16 those agencies, or any person in possession of the vehicle, may
 17 photocopy and retain the copies of any documents presented by
 18 the legal owner or legal owner’s agent.

19 (4) A failure by a storage facility to comply with any applicable
 20 conditions set forth in this subdivision shall not affect the right of
 21 the legal owner or the legal owner’s agent to retrieve the vehicle,
 22 provided all conditions required of the legal owner or legal owner’s
 23 agent under this subdivision are satisfied.

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

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

1 who was involved in the original impoundment proceeding until
2 the expiration of the impoundment 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 any administrative charges
6 authorized under Section 22850.5 that were incurred by the legal
7 owner in connection with obtaining custody of the vehicle.

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

15 (5) The legal owner, registered owner, or person in possession
16 of the vehicle shall not change or attempt to change the name of
17 the legal owner or the registered owner on the records of the
18 department until the vehicle is released from the impoundment.

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

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

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

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

1 (j) The law enforcement agency and the impounding agency,
 2 including any storage facility acting on behalf of the law
 3 enforcement agency or impounding agency, shall comply with this
 4 section and shall not be liable to the registered owner for the
 5 improper release of the vehicle to the legal owner or the legal
 6 owner’s agent provided the release complies with the provisions
 7 of this section. The legal owner shall indemnify and hold harmless
 8 a storage facility from any claims arising out of the release of the
 9 vehicle to the legal owner or the legal owner’s agent and from any
 10 damage to the vehicle after its release, including the reasonable
 11 costs associated with defending any such claims. A law
 12 enforcement agency shall not refuse to issue a release to a legal
 13 owner or the agent of a legal owner on the grounds that it
 14 previously issued a release.

15 *SEC. 2. Section 14607.6 of the Vehicle Code is amended to*
 16 *read:*

17 14607.6. (a) Notwithstanding any other ~~provision of law, and~~
 18 ~~except as provided in this section,~~ a motor vehicle is subject to
 19 forfeiture as a nuisance if it is driven on a highway in this state by
 20 a driver with a suspended or revoked license, ~~or by an unlicensed~~
 21 ~~driver,~~ who is a registered owner of the vehicle at the time of
 22 impoundment and has a previous misdemeanor conviction for a
 23 violation of subdivision (a) of Section 12500 or Section 14601,
 24 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5.

25 (b) A peace officer shall not stop a vehicle for the sole reason
 26 of determining whether the driver is properly licensed.

27 (c) (1) If a driver is unable to produce a valid driver’s license
 28 on the demand of a peace officer enforcing the provisions of this
 29 code, as required by subdivision (b) of Section 12951, the vehicle
 30 shall be impounded regardless of ownership, unless the peace
 31 officer is reasonably able, by other means, to verify that the driver
 32 is properly licensed. Prior to impounding a vehicle, a peace officer
 33 shall attempt to verify the license status of a driver who claims to
 34 be properly licensed but is unable to produce the license on demand
 35 of the peace officer.

36 ~~(2) A peace officer shall not impound a vehicle pursuant to this~~
 37 ~~subdivision if the license of the driver expired within the preceding~~
 38 ~~30 days and the driver would otherwise have been properly~~
 39 ~~licensed.~~

40 (3)

1 (2) A peace officer may exercise discretion in a situation ~~where~~
2 *in which* the driver without a valid license is an employee driving
3 a vehicle registered to the employer in the course of employment.
4 A peace officer may also exercise discretion in a situation ~~where~~
5 *in which* the driver without a valid license is the employee of a
6 bona fide business establishment or is a person otherwise controlled
7 ~~by such an~~ *that* establishment and it reasonably appears that an
8 owner of the vehicle, or an agent of the owner, relinquished
9 possession of the vehicle to the business establishment solely for
10 servicing or parking of the vehicle or other reasonably similar
11 situations, and ~~where if~~ the vehicle was not to be driven except as
12 directly necessary to accomplish that business purpose. In this
13 event, if the vehicle can be returned to or be retrieved by the
14 business establishment or registered owner, the peace officer may
15 release and not impound the vehicle.

16 (4) A registered or legal owner of record at the time of
17 impoundment may request a hearing to determine the validity of
18 the impoundment pursuant to subdivision (n).

19 (5) If the driver of a vehicle impounded pursuant to this
20 subdivision was not a registered owner of the vehicle at the time
21 of impoundment, or if the driver of the vehicle was a registered
22 owner of the vehicle at the time of impoundment but the driver
23 does not have a previous conviction for a violation of subdivision
24 (a) of Section 12500 or Section 14601, 14601.1, 14601.2, 14601.3,
25 14601.4, or 14601.5, the vehicle shall be released pursuant to this
26 code and is not subject to forfeiture.

27 (d) (1) This subdivision applies only if the driver of the vehicle
28 is a registered owner of the vehicle at the time of impoundment.
29 Except as provided in paragraph (5) of subdivision (c), if the driver
30 of a vehicle impounded pursuant to subdivision (c) was a registered
31 owner of the vehicle at the time of impoundment, the impounding
32 agency shall authorize release of the vehicle if, within three days
33 of impoundment, the driver of the vehicle at the time of
34 impoundment presents his or her valid driver's license, including
35 a valid temporary California driver's license or permit, to the
36 impounding agency. The vehicle shall then be released to a
37 registered owner of record at the time of impoundment, or an agent
38 of that owner authorized in writing, upon payment of towing and
39 storage charges related to the impoundment, and any administrative
40 charges authorized by Section 22850.5, ~~providing that if~~ the person

1 claiming the vehicle is properly licensed and the vehicle is properly
2 registered. A vehicle impounded pursuant to the circumstances
3 described in paragraph (3) of subdivision (c) shall be released to
4 a registered owner whether or not the driver of the vehicle at the
5 time of impoundment presents a valid driver's license.

6 (2) If there is a community property interest in the vehicle
7 impounded pursuant to subdivision (c), owned at the time of
8 impoundment by a person other than the driver, and the vehicle is
9 the only vehicle available to the driver's immediate family that
10 may be operated with a class C driver's license, the vehicle shall
11 be released to a registered owner or to the community property
12 interest owner upon compliance with all of the following
13 requirements:

14 (A) The registered owner or the community property interest
15 owner requests release of the vehicle and the owner of the
16 community property interest submits proof of that interest.

17 (B) The registered owner or the community property interest
18 owner submits proof that he or she, or an authorized driver, is
19 properly licensed and that the impounded vehicle is properly
20 registered pursuant to this code.

21 (C) All towing and storage charges related to the impoundment
22 and any administrative charges authorized pursuant to Section
23 22850.5 are paid.

24 (D) The registered owner or the community property interest
25 owner signs a stipulated vehicle release agreement, as described
26 in paragraph (3), in consideration for the nonforfeiture of the
27 vehicle. This requirement applies only if the driver requests release
28 of the vehicle.

29 (3) A stipulated vehicle release agreement shall provide for the
30 consent of the signator to the automatic future forfeiture and
31 transfer of title to the state of any vehicle registered to that person,
32 if the vehicle is driven by a driver with a suspended or revoked
33 license, or by an unlicensed driver. The agreement shall be in effect
34 for only as long as it is noted on a driving record maintained by
35 the department pursuant to Section 1806.1.

36 (4) The stipulated vehicle release agreement described in
37 paragraph (3) shall be reported by the impounding agency to the
38 department not later than 10 days after the day the agreement is
39 signed.

1 (5) No vehicle shall be released pursuant to paragraph (2) if the
2 driving record of a registered owner indicates that a prior stipulated
3 vehicle release agreement was signed by that person.

4 (e) (1) The impounding agency, in the case of a vehicle that
5 has not been redeemed pursuant to subdivision (d), or that has not
6 been otherwise released, shall promptly ascertain from the
7 department the names and addresses of all legal and registered
8 owners of the vehicle.

9 (2) The impounding agency, within two days of impoundment,
10 shall send a notice by certified mail, return receipt requested, to
11 all legal and registered owners of the vehicle, at the addresses
12 obtained from the department, informing them that the vehicle is
13 subject to forfeiture and will be sold or otherwise disposed of
14 pursuant to this section. The notice shall also include instructions
15 for filing a claim with the district attorney, and the time limits for
16 filing a claim. The notice shall also inform any legal owner of its
17 right to conduct the sale pursuant to subdivision (g). If a registered
18 owner was personally served at the time of impoundment with a
19 notice containing all the information required to be provided by
20 this paragraph, no further notice is required to be sent to a
21 registered owner. However, a notice shall still be sent to the legal
22 owners of the vehicle, if any. If notice was not sent to the legal
23 owner within two working days, the impounding agency shall not
24 charge the legal owner for more than 15-days' impoundment when
25 the legal owner redeems the impounded vehicle.

26 (3) No processing charges shall be imposed on a legal owner
27 who redeems an impounded vehicle within 15 days of the
28 impoundment of that vehicle. If no claims are filed and served
29 within 15 days after the mailing of the notice in paragraph (2), or
30 if no claims are filed and served within five days of personal
31 service of the notice specified in paragraph (2), when no other
32 mailed notice is required pursuant to paragraph (2), the district
33 attorney shall prepare a written declaration of forfeiture of the
34 vehicle to the state. A written declaration of forfeiture signed by
35 the district attorney under this subdivision shall be deemed to
36 provide good and sufficient title to the forfeited vehicle. A copy
37 of the declaration shall be provided on request to any person
38 informed of the pending forfeiture pursuant to paragraph (2). A
39 claim that is filed and is later withdrawn by the claimant shall be
40 deemed not to have been filed.

1 (4) If a claim is timely filed and served, then the district attorney
2 shall file a petition of forfeiture with the appropriate juvenile or
3 superior court within 10 days of the receipt of the claim. The
4 district attorney shall establish an expedited hearing date in
5 accordance with instructions from the court, and the court shall
6 hear the matter without delay. The court filing fee of one hundred
7 dollars (\$100) shall be paid by the claimant, but shall be reimbursed
8 by the impounding agency if the claimant prevails. To the extent
9 practicable, the civil and criminal cases shall be heard at the same
10 time in an expedited, consolidated proceeding. A proceeding in
11 the civil case is a limited civil case.

12 (5) The burden of proof in the civil case shall be on the
13 prosecuting agency, by a preponderance of the evidence. All
14 questions that may arise shall be decided and all other proceedings
15 shall be conducted as in an ordinary civil action. A judgment of
16 forfeiture does not require as a condition precedent the conviction
17 of a defendant of an offense which made the vehicle subject to
18 forfeiture. The filing of a claim within the time limits specified in
19 paragraph (3) is considered a jurisdictional prerequisite for the
20 availing of the action authorized by that paragraph.

21 (6) All right, title, and interest in the vehicle shall vest in the
22 state upon commission of the act giving rise to the forfeiture.

23 (7) The filing fee in paragraph (4) shall be distributed as follows:

24 (A) To the county law library fund as provided in Section 6320
25 of the Business and Professions Code, the amount specified in
26 Sections 6321 and 6322.1 of the Business and Professions Code.

27 (B) To the Trial Court Trust Fund, the remainder of the fee.

28 (f) ~~Any~~A vehicle impounded that is not redeemed pursuant to
29 subdivision (d) and is subsequently forfeited pursuant to this
30 section shall be sold once an order of forfeiture is issued by the
31 district attorney of the county of the impounding agency or a court,
32 as the case may be, pursuant to subdivision (e).

33 (g) ~~Any~~A legal owner who is a motor vehicle dealer, bank,
34 credit union, acceptance corporation, or other licensed financial
35 institution legally operating in this state, or the agent of that legal
36 owner, may take possession and conduct the sale of the forfeited
37 vehicle if the legal owner or agent notifies the agency impounding
38 the vehicle of its intent to conduct the sale within 15 days of the
39 mailing of the notice pursuant to subdivision (e). Sale of the vehicle
40 after forfeiture pursuant to this subdivision may be conducted at

1 the time, in the manner, and on the notice usually given for the
2 sale of repossessed or surrendered vehicles. The proceeds of any
3 sale conducted by or on behalf of the legal owner shall be disposed
4 of as provided in subdivision (i). A notice pursuant to this
5 subdivision may be presented in person, by certified mail, by
6 facsimile transmission, or by electronic mail.

7 (h) If the legal owner or agent of the owner does not notify the
8 agency impounding the vehicle of its intent to conduct the sale as
9 provided in subdivision (g), the agency shall offer the forfeited
10 vehicle for sale at public auction within 60 days of receiving title
11 to the vehicle. Low value vehicles shall be disposed of pursuant
12 to subdivision (k).

13 (i) The proceeds of a sale of a forfeited vehicle shall be disposed
14 of in the following priority:

15 (1) To satisfy the towing and storage costs following
16 impoundment, the costs of providing notice pursuant to subdivision
17 (e), the costs of sale, and the unfunded costs of judicial
18 proceedings, if any.

19 (2) To the legal owner in an amount to satisfy the indebtedness
20 owed to the legal owner remaining as of the date of sale, including
21 accrued interest or finance charges and delinquency charges,
22 providing that the principal indebtedness was incurred prior to the
23 date of impoundment.

24 (3) To the holder of ~~any~~ a subordinate lien or encumbrance on
25 the vehicle, other than a registered or legal owner, to satisfy any
26 indebtedness so secured if written notification of demand is
27 received before distribution of the proceeds is completed. The
28 holder of a subordinate lien or encumbrance, if requested, shall
29 furnish reasonable proof of its interest and, unless it does so upon
30 request, is not entitled to distribution pursuant to this paragraph.

31 (4) To ~~any other~~ another person, other than a registered or legal
32 owner, who can reasonably establish an interest in the vehicle,
33 including a community property interest, to the extent of his or
34 her provable interest, if written notification is received before
35 distribution of the proceeds is completed.

36 (5) Of the remaining proceeds, funds shall be made available
37 to pay any local agency and court costs, that are reasonably related
38 to the implementation of this section, that remain unsatisfied.

39 (6) Of the remaining proceeds, half shall be transferred to the
40 Controller for deposit in the Vehicle Inspection and Repair Fund

1 for the high-polluter repair assistance and removal program created
 2 by Article 9 (commencing with Section 44090) of Chapter 5 of
 3 Part 5 of Division 26 of the Health and Safety Code, and half shall
 4 be transferred to the general fund of the city or county of the
 5 impounding agency, or the city or county where the impoundment
 6 occurred. A portion of the local funds may be used to establish a
 7 reward fund for persons coming forward with information leading
 8 to the arrest and conviction of hit-and-run drivers and to publicize
 9 the availability of the reward fund.

10 (j) The person conducting the sale shall disburse the proceeds
 11 of the sale as provided in subdivision (i) and shall provide a written
 12 accounting regarding the disposition to the impounding agency
 13 and, on request, to any person entitled to or claiming a share of
 14 the proceeds, within 15 days after the sale is conducted.

15 (k) If the vehicle to be sold pursuant to this section is not of the
 16 type that can readily be sold to the public generally, the vehicle
 17 shall be conveyed to a licensed dismantler or donated to an
 18 eleemosynary institution. License plates shall be removed from
 19 any vehicle conveyed to a dismantler pursuant to this subdivision.

20 (l) ~~No~~A vehicle shall *not* be sold pursuant to this section if the
 21 impounding agency determines the vehicle to have been stolen.
 22 In this event, the vehicle may be claimed by the registered owner
 23 at any time after impoundment, providing the vehicle registration
 24 is current and the registered owner has no outstanding traffic
 25 violations or parking penalties on his or her driving record or on
 26 the registration record of any vehicle registered to the person. If
 27 the identity of the legal and registered owners of the vehicle cannot
 28 be reasonably ascertained, the vehicle may be sold.

29 (m) ~~Any~~An owner of a vehicle who suffers any loss due to the
 30 impoundment or forfeiture of any vehicle pursuant to this section
 31 may recover the amount of the loss from the unlicensed, suspended,
 32 or revoked driver. If possession of a vehicle has been tendered to
 33 a business establishment in good faith, and an unlicensed driver
 34 employed or otherwise directed by the business establishment is
 35 the cause of the impoundment of the vehicle, a registered owner
 36 of the impounded vehicle may recover damages for the loss of use
 37 of the vehicle from the business establishment.

38 (n) (1) The impounding agency, if requested to do so not later
 39 than 10 days after the date the vehicle was impounded, shall
 40 provide the opportunity for a poststorage hearing to determine the

1 validity of the storage to the persons who were the registered and
2 legal owners of the vehicle at the time of impoundment, except
3 that the hearing shall be requested within three days after the date
4 the vehicle was impounded if personal service was provided to a
5 registered owner pursuant to paragraph (2) of subdivision (e) and
6 no mailed notice is required.

7 (2) The poststorage hearing shall be conducted not later than
8 two days after the date it was requested. The impounding agency
9 may authorize its own officer or employee to conduct the hearing
10 if the hearing officer is not the same person who directed the
11 storage of the vehicle. Failure of either the registered or legal owner
12 to request a hearing as provided in paragraph (1) or to attend a
13 scheduled hearing shall satisfy the poststorage hearing requirement.

14 (3) The agency employing the person who directed the storage
15 is responsible for the costs incurred for towing and storage if it is
16 determined that the driver at the time of impoundment had a valid
17 driver's license.

18 (o) As used in this section, "days" means workdays not including
19 weekends and holidays.

20 (p) Charges for towing and storage for any vehicle impounded
21 pursuant to this section shall not exceed the normal towing and
22 storage rates for other vehicle towing and storage conducted by
23 the impounding agency in the normal course of business.

24 (q) The Judicial Council and the Department of Justice may
25 prescribe standard forms and procedures for implementation of
26 this section to be used by all jurisdictions throughout the state.

27 (r) The impounding agency may act as the agent of the state in
28 carrying out this section.

29 (s) ~~No~~A vehicle shall *not* be impounded pursuant to this section
30 if the driver has a valid license but the license is for a class of
31 vehicle other than the vehicle operated by the driver.

32 (t) This section does not apply to vehicles subject to Sections
33 14608 and 14609, if there has been compliance with the procedures
34 in those sections.

35 (u) As used in this section, "district attorney" includes a city
36 attorney charged with the duty of prosecuting misdemeanor
37 offenses.

38 (v) The agent of a legal owner acting pursuant to subdivision
39 (g) shall be licensed, or exempt from licensure, pursuant to Chapter

1 11 (commencing with Section 7500) of Division 3 of the Business
2 and Professions Code.

3 *SEC. 3. Section 22651.10 is added to the Vehicle Code, to*
4 *read:*

5 *22651.10. (a) Except for a vehicle driven by a driver with a*
6 *revoked or suspended driver’s license, a peace officer shall not,*
7 *pursuant to subdivision (p) of Section 22651 or any other provision*
8 *of this Code, tow and impound, or cause the towing and*
9 *impoundment of, a vehicle driven by a person who does not have*
10 *a valid driver’s license under either of the following circumstances:*

11 *(1) The vehicle is legally parked at the scene of the traffic stop*
12 *or can be moved to a readily available location near the scene of*
13 *the traffic stop where the vehicle can be legally parked, and the*
14 *driver signed an agreement releasing and indemnifying the peace*
15 *officer and his or her employer from any harm or damage resulting*
16 *from the implementation of this paragraph. The peace officer or*
17 *his or her employer shall not be liable for any harm or damage*
18 *resulting from the implementation of this paragraph.*

19 *(2) (A) The control of the vehicle is relinquished to a person*
20 *in possession of a valid driver’s license who is with the driver at*
21 *the time of the traffic stop or who can appear at the scene of the*
22 *traffic stop within a reasonable amount of time of the traffic stop.*

23 *(B) If a licensed driver is not present at the time of the traffic*
24 *stop, the peace officer shall inform the driver of the vehicle that*
25 *the vehicle will not be towed and impounded if a licensed driver*
26 *can retrieve the vehicle within a reasonable amount of time after*
27 *the traffic stop.*

28 *(C) The peace officer, in his or her discretion, may allow a*
29 *licensed driver who appears after a reasonable time period to*
30 *retrieve the vehicle if the vehicle has not been towed into a lane*
31 *of traffic by an authorized towing company.*

32 *(D) If the driver of the vehicle does not have any means of*
33 *communication to contact a licensed driver to retrieve the vehicle,*
34 *the peace officer, in his or her discretion and subject to available*
35 *resources, may assist the driver in contacting the licensed driver.*

36 *(E) Prior to assuming control over the vehicle, the licensed*
37 *driver shall provide evidence of financial responsibility as required*
38 *pursuant to Section 16020.*

39 *(F) Prior to the relinquishing control of a vehicle, the registered*
40 *owner of the vehicle shall authorize the licensed driver to operate*

1 *the vehicle or, if the registered owner is unavailable and the vehicle*
2 *is not reported stolen, the driver of the vehicle shall authorize the*
3 *licensed driver to operate the vehicle and shall sign an agreement*
4 *to hold harmless the peace officer and his or her employer. The*
5 *peace officer and his or her employer shall not be liable for any*
6 *harm or damage resulting from the operation of the vehicle by the*
7 *licensed driver.*

8 (b) (1) *Prior to the towing and impoundment of a vehicle driven*
9 *by a person who has never been issued a driver's license, the peace*
10 *officer shall obtain approval from a supervisory officer.*

11 (2) *The peace officer shall include in the incident report the*
12 *reasons for, and the name of the supervisory officer who approved,*
13 *the towing and impoundment.*

14 (c) *A vehicle driven by a person who has never been issued a*
15 *driver's license, which is impounded, shall be released pursuant*
16 *to subdivision (p) of Section 22651.*

17 *SEC. 4. If the Commission on State Mandates determines that*
18 *this act contains costs mandated by the state, reimbursement to*
19 *local agencies and school districts for those costs shall be made*
20 *pursuant to Part 7 (commencing with Section 17500) of Division*
21 *4 of Title 2 of the Government Code.*

22 ~~SECTION 1. Section 22651 of the Vehicle Code is amended~~
23 ~~to read:~~

24 ~~22651. A peace officer, as defined in Chapter 4.5 (commencing~~
25 ~~with Section 830) of Title 3 of Part 2 of the Penal Code, or a~~
26 ~~regularly employed and salaried employee, who is engaged in~~
27 ~~directing traffic or enforcing parking laws and regulations, of a~~
28 ~~city, county, or jurisdiction of a state agency in which a vehicle is~~
29 ~~located, may remove a vehicle located within the territorial limits~~
30 ~~in which the officer or employee may act, under the following~~
31 ~~circumstances:~~

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

35 ~~(b) When a vehicle is parked or left standing upon a highway~~
36 ~~in a position so as to obstruct the normal movement of traffic or~~
37 ~~in a condition so as to create a hazard to other traffic upon the~~
38 ~~highway:~~

39 ~~(c) When a vehicle is found upon a highway or public land and~~
40 ~~a report has previously been made that the vehicle is stolen or a~~

1 complaint has been filed and a warrant based on the complaint is
2 issued charging that the vehicle was embezzled.

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

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

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

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

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

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

25 ~~(i) (1) When a vehicle, other than a rented vehicle, is found
26 upon a highway or public land, or is removed pursuant to this code,
27 and it is known that the vehicle has been issued five or more notices
28 of parking violations to which the owner or person in control of
29 the vehicle has not responded within 21 calendar days of notice
30 of citation issuance or citation issuance or 14 calendar days of the
31 mailing of a notice of delinquent parking violation to the agency
32 responsible for processing notices of parking violations, or the
33 registered owner of the vehicle is known to have been issued five
34 or more notices for failure to pay or failure to appear in court for
35 traffic violations for which a certificate has not been issued by the
36 magistrate or clerk of the court hearing the case showing that the
37 case has been adjudicated or concerning which the registered
38 owner's record has not been cleared pursuant to Chapter 6
39 (commencing with Section 41500) of Division 17, the vehicle may~~

1 be impounded until that person furnishes to the impounding law
2 enforcement agency all of the following:

3 (A) Evidence of his or her identity that may include a matricula
4 consular, passport, birth certificate, or other similar document.

5 (B) An address within this state at which he or she can be
6 located.

7 (C) Satisfactory evidence that all parking penalties due for the
8 vehicle and all other vehicles registered to the registered owner of
9 the impounded vehicle, and all traffic violations of the registered
10 owner, have been cleared.

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

15 (3) A notice of parking violation issued for an unlawfully parked
16 vehicle shall be accompanied by a warning that repeated violations
17 may result in the impounding of the vehicle. In lieu of furnishing
18 satisfactory evidence that the full amount of parking penalties or
19 bail has been deposited, that person may demand to be taken
20 without unnecessary delay before a magistrate, for traffic offenses;
21 or a hearing examiner, for parking offenses, within the county in
22 which the offenses charged are alleged to have been committed
23 and who has jurisdiction of the offenses and is nearest or most
24 accessible with reference to the place where the vehicle is
25 impounded. Evidence of current registration shall be produced
26 after a vehicle has been impounded, or, at the discretion of the
27 impounding law enforcement agency, a notice to appear for
28 violation of subdivision (a) of Section 4000 shall be issued to that
29 person.

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

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

33 (B) Submits evidence of payment of fees as provided in Section
34 9561.

35 (C) Completes an affidavit in a form acceptable to the
36 impounding law enforcement agency stating that the vehicle was
37 not in possession of the legal owner at the time of occurrence of
38 the offenses relating to standing or parking. A vehicle released to
39 a legal owner under this subdivision is a repossessed vehicle for
40 purposes of disposition or sale. The impounding agency shall have

1 a lien on any surplus that remains upon sale of the vehicle to which
2 the registered owner is or may be entitled, as security for the full
3 amount of the parking penalties for all notices of parking violations
4 issued for the vehicle and for all local administrative charges
5 imposed pursuant to Section 22850.5. The legal owner shall
6 promptly remit to, and deposit with, the agency responsible for
7 processing notices of parking violations from that surplus, on
8 receipt of that surplus, the full amount of the parking penalties for
9 all notices of parking violations issued for the vehicle and for all
10 local administrative charges imposed pursuant to Section 22850.5.

11 (5) ~~The impounding agency that has a lien on the surplus that~~
12 ~~remains upon the sale of a vehicle to which a registered owner is~~
13 ~~entitled pursuant to paragraph (4) has a deficiency claim against~~
14 ~~the registered owner for the full amount of the parking penalties~~
15 ~~for all notices of parking violations issued for the vehicle and for~~
16 ~~all local administrative charges imposed pursuant to Section~~
17 ~~22850.5, less the amount received from the sale of the vehicle.~~

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

24 (k) ~~When a vehicle is parked or left standing upon a highway~~
25 ~~for 72 or more consecutive hours in violation of a local ordinance~~
26 ~~authorizing removal.~~

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

34 (m) ~~When the use of the highway, or a portion of the highway,~~
35 ~~is authorized by a local authority for a purpose other than the~~
36 ~~normal flow of traffic or for the movement of equipment, articles,~~
37 ~~or structures of unusual size, and the parking of a vehicle would~~
38 ~~prohibit or interfere with that use or movement, and signs giving~~
39 ~~notice that the vehicle may be removed are erected or placed at~~

1 least 24 hours prior to the removal by a local authority pursuant
2 to the ordinance.

3 ~~(n) Whenever a vehicle is parked or left standing where local~~
4 ~~authorities, by resolution or ordinance, have prohibited parking~~
5 ~~and have authorized the removal of vehicles. Except as provided~~
6 ~~in subdivisions (v) and (w), a vehicle shall not be removed unless~~
7 ~~signs are posted giving notice of the removal.~~

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

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

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

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

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

27 ~~(3) For the purposes of this subdivision, the vehicle shall be~~
28 ~~released under either of the following circumstances:~~

29 ~~(A) To the registered owner or person in control of the vehicle~~
30 ~~only after the owner or person furnishes the storing law~~
31 ~~enforcement agency with proof of current registration and a~~
32 ~~currently valid driver's license to operate the vehicle.~~

33 ~~(B) To the legal owner or the legal owner's agency, without~~
34 ~~payment of any fees, fines, or penalties for parking tickets or~~
35 ~~registration and without proof of current registration, if the vehicle~~
36 ~~will only be transported pursuant to the exemption specified in~~
37 ~~Section 4022 and if the legal owner does all of the following:~~

38 ~~(i) Pays the cost of towing and storing the vehicle.~~

39 ~~(ii) Completes an affidavit in a form acceptable to the~~
40 ~~impounding law enforcement agency stating that the vehicle was~~

1 not in possession of the legal owner at the time of occurrence of
2 an offense relating to standing or parking. A vehicle released to a
3 legal owner under this subdivision is a repossessed vehicle for
4 purposes of disposition or sale. The impounding agency has a lien
5 on any surplus that remains upon sale of the vehicle to which the
6 registered owner is or may be entitled, as security for the full
7 amount of parking penalties for any notices of parking violations
8 issued for the vehicle and for all local administrative charges
9 imposed pursuant to Section 22850.5. Upon receipt of any surplus,
10 the legal owner shall promptly remit to, and deposit with, the
11 agency responsible for processing notices of parking violations
12 from that surplus, the full amount of the parking penalties for all
13 notices of parking violations issued for the vehicle and for all local
14 administrative charges imposed pursuant to Section 22850.5.

15 (4) ~~The impounding agency that has a lien on the surplus that~~
16 ~~remains upon the sale of a vehicle to which a registered owner is~~
17 ~~entitled has a deficiency claim against the registered owner for the~~
18 ~~full amount of parking penalties for any notices of parking~~
19 ~~violations issued for the vehicle and for all local administrative~~
20 ~~charges imposed pursuant to Section 22850.5, less the amount~~
21 ~~received from the sale of the vehicle.~~

22 (5) ~~As used in this subdivision, “offstreet parking facility” means~~
23 ~~an offstreet facility held open for use by the public for parking~~
24 ~~vehicles and includes a publicly owned facility for offstreet~~
25 ~~parking, and a privately owned facility for offstreet parking if a~~
26 ~~fee is not charged for the privilege to park and it is held open for~~
27 ~~the common public use of retail customers.~~

28 (p) ~~When the peace officer issues the driver of a vehicle a notice~~
29 ~~to appear for a violation of Section 12500, 14601, 14601.1,~~
30 ~~14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle is~~
31 ~~not impounded pursuant to Section 22655.5. A vehicle so removed~~
32 ~~from the highway or public land, or from private property after~~
33 ~~having been on a highway or public land, shall not be released to~~
34 ~~the registered owner or his or her agent, except upon presentation~~
35 ~~of the registered owner’s or his or her agent’s currently valid~~
36 ~~driver’s license to operate the vehicle and proof of current vehicle~~
37 ~~registration, or upon order of a court.~~

38 (q) ~~When a vehicle is parked for more than 24 hours on a portion~~
39 ~~of highway that is located within the boundaries of a common~~
40 ~~interest development, as defined in subdivision (e) of Section 1351~~

1 of the Civil Code, and signs, as required by paragraph (1) of
2 subdivision (a) of Section 22658 of this code, have been posted
3 on that portion of highway providing notice to drivers that vehicles
4 parked thereon for more than 24 hours will be removed at the
5 owner's expense, pursuant to a resolution or ordinance adopted
6 by the local authority.

7 (r) ~~When a vehicle is illegally parked and blocks the movement
8 of a legally parked vehicle.~~

9 (s) (1) ~~When a vehicle, except highway maintenance or
10 construction equipment, an authorized emergency vehicle, or a
11 vehicle that is properly permitted or otherwise authorized by the
12 Department of Transportation, is stopped, parked, or left standing
13 for more than eight hours within a roadside rest area or viewpoint.~~

14 (2) ~~Notwithstanding paragraph (1), when a commercial motor
15 vehicle, as defined in paragraph (1) of subdivision (b) of Section
16 15210, is stopped, parked, or left standing for more than 10 hours
17 within a roadside rest area or viewpoint.~~

18 (3) ~~For purposes of this subdivision, a roadside rest area or
19 viewpoint is a publicly maintained vehicle parking area, adjacent
20 to a highway, utilized for the convenient, safe stopping of a vehicle
21 to enable motorists to rest or to view the scenery. If two or more
22 roadside rest areas are located on opposite sides of the highway,
23 or upon the center divider, within seven miles of each other, then
24 that combination of rest areas is considered to be the same rest
25 area.~~

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

28 (u) ~~When a peace officer issues a citation for a violation of
29 Section 11700 and the vehicle is being offered for sale.~~

30 (v) (1) ~~When a vehicle is a mobile billboard advertising display,
31 as defined in Section 395.5, and is parked or left standing in
32 violation of a local resolution or ordinance adopted pursuant to
33 subdivision (m) of Section 21100, if the registered owner of the
34 vehicle was previously issued a warning citation for the same
35 offense, pursuant to paragraph (2).~~

36 (2) ~~Notwithstanding subdivision (a) of Section 22507, a city or
37 county, in lieu of posting signs noticing a local ordinance
38 prohibiting mobile billboard advertising displays adopted pursuant
39 to subdivision (m) of Section 21100, may provide notice by issuing
40 a warning citation advising the registered owner of the vehicle that~~

1 he or she may be subject to penalties upon a subsequent violation
2 of the ordinance, that may include the removal of the vehicle as
3 provided in paragraph (1). A city or county is not required to
4 provide further notice for a subsequent violation prior to the
5 enforcement of penalties for a violation of the ordinance.

6 (w) (1) ~~When a vehicle is parked or left standing in violation~~
7 ~~of a local ordinance or resolution adopted pursuant to subdivision~~
8 ~~(p) of Section 21100, if the registered owner of the vehicle was~~
9 ~~previously issued a warning citation for the same offense, pursuant~~
10 ~~to paragraph (2).~~

11 (2) ~~Notwithstanding subdivision (a) of Section 22507, a city or~~
12 ~~county, in lieu of posting signs noticing a local ordinance regulating~~
13 ~~advertising signs adopted pursuant to subdivision (p) of Section~~
14 ~~21100, may provide notice by issuing a warning citation advising~~
15 ~~the registered owner of the vehicle that he or she may be subject~~
16 ~~to penalties upon a subsequent violation of the ordinance that may~~
17 ~~include the removal of the vehicle as provided in paragraph (1).~~
18 ~~A city or county is not required to provide further notice for a~~
19 ~~subsequent violation prior to the enforcement of penalties for a~~
20 ~~violation of the ordinance.~~

21

22

23 CORRECTIONS:

24 Digest—vote key line—Page 2.

25

O