

AMENDED IN ASSEMBLY JUNE 13, 2011

AMENDED IN ASSEMBLY MAY 23, 2011

SENATE BILL

No. 565

Introduced by Senator DeSaulnier

February 17, 2011

An act to amend Sections 14602.8, 22511.57, and 22651 of, to amend and repeal Section 42007 of, and to add Section 24017 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 565, as amended, DeSaulnier. Vehicles.

(1) Existing law prescribes certain standards for a transit bus operated by a motor carrier, whether the motor carrier is a private company or a public agency, that provides public transportation services. A violation of these provisions is a crime.

This bill would additionally require that the transit bus be equipped with a speedometer that is maintained in good working order. By creating a new crime, the bill would impose a state-mandated local program.

(2) Existing law authorizes a local authority, by ordinance or resolution, to prohibit the parking or standing of a vehicle displaying a distinguishing placard or special license plate in a disabled person's parking stall or space on streets or highways or in a disabled person's parking stall or space in a privately or publicly owned or operated offstreet parking facility under specified conditions.

This bill would instead authorize a local authority, by ordinance or resolution, to prohibit the parking or standing of those vehicles on streets or highways or in any parking stall or space in a privately or publicly owned or operated offstreet parking facility under those conditions.

(3) Existing law authorizes a peace officer or other specified public employees to remove a vehicle if the vehicle is found or operated upon a highway, public land, or an offstreet parking facility under specified conditions. Existing law requires the release of those removed vehicles to the owner or person in control of the vehicle only after the owner or person in control provides the storing law enforcement agency with proof of current registration and a currently valid driver's license to operate the vehicle.

This bill would additionally require the release of the vehicle to the legal owner or the legal owner's agent, without the payment of fees, fines, or penalties for parking tickets or registration and without proof of current registration, if the vehicle is being repossessed and transported to a storage facility of a reposessor, and from that facility to the legal owner or a licensed motor vehicle auction. *The bill in this case would require the legal owner of the vehicle to do certain things before the vehicle would be released to him or her, including completing an affidavit that states that the vehicle was not in possession of the legal owner at the time of the occurrence of an offense relating to standing or parking. The bill would provide that the impounding agency has a lien on any surplus that remains upon sale of the vehicle to which the registered owner is or may be entitled, as security for the full amount of any parking penalties and that impounding agency also has a deficiency claim against the registered owner for the full amount of any parking penalties.* Because a failure to release the vehicle as provided is a crime, this bill would impose a state-mandated local program.

(4) Existing law requires the clerk of the court to collect a fee from a person ordered or permitted by the court to attend a traffic violator school and authorizes the clerk to accept a payment of at least 10% of a specified amount upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court.

This bill would recast the above provision and repeal a similar provision in the Vehicle Code that would have become operative on July 1, 2011.

(5) Existing law authorizes a peace officer to remove and seize a vehicle under specified circumstances if the peace officer determines that the person operating the vehicle has been convicted of driving under the influence in the preceding 10 years. Existing law authorizes the impounding agency to release the vehicle seized to the legal owner of the vehicle or the legal owner's agent before the end of the impoundment

period under specified conditions. Existing law prohibits the legal owner or the legal owner’s agent from releasing or relinquishing the vehicle to the registered owner or the registered owner’s agent unless specified conditions are met. A violation of this prohibition is an infraction.

This bill would, instead, provide that a legal owner who knowingly violates the above prohibition is guilty of a misdemeanor and subject to a fine of \$2,000. By making the violation a misdemeanor this bill would impose a state-mandated local program.

(6) 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 no reimbursement is required by this act for a specified reason.

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 14602.8 of the Vehicle Code is amended
2 to read:

3 14602.8. (a) (1) If a peace officer determines that a person
4 has been convicted of a violation of Section 23140, 23152, or
5 23153, that the violation occurred within the preceding 10 years,
6 and that one or more of the following circumstances applies to that
7 person, the officer may immediately cause the removal and seizure
8 of the vehicle that the person was driving, under either of the
9 following circumstances:

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

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

14 (2) A vehicle impounded pursuant to paragraph (1) shall be
15 impounded for the following period of time:

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

19 (B) Fifteen days, if the person has been convicted two or more
20 times of violating Section 23140, 23152, or 23153, or any
21 combination thereof, and the violations occurred within the
22 preceding 10 years.

1 (3) Within two working 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 working 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 law
12 enforcement agency shall be open to issue a release to the registered
13 owner or legal owner, or the agent of either, whenever the agency
14 is open to serve the public for regular, nonemergency business.

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

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

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

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

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

30 (C) When the driver of the vehicle is not the sole registered
31 owner of the vehicle and the vehicle is being released to another
32 registered owner of the vehicle who agrees not to allow the driver
33 to use the vehicle until after the end of the impoundment period.

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

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

1 (f) A vehicle removed and seized under subdivision (a) shall be
2 released to the legal owner of the vehicle or the legal owner’s agent
3 prior to the end of the impoundment period if all of the following
4 conditions are met:

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

9 (2) (A) The legal owner or the legal owner’s agent pays all
10 towing and storage fees related to the seizure of the vehicle. A lien
11 sale processing fee shall not be charged to the legal owner who
12 redeems the vehicle prior to the 10th day of impoundment. The
13 impounding authority or any person having possession of the
14 vehicle shall not collect from the legal owner of the type specified
15 in paragraph (1) or the legal owner’s agent any administrative
16 charges imposed pursuant to Section 22850.5 unless the legal
17 owner voluntarily requested a poststorage hearing.

18 (B) A person operating or in charge of a storage facility where
19 vehicles are stored pursuant to this section shall accept a valid
20 bank credit card or cash for payment of towing, storage, and related
21 fees by a legal or registered owner or the owner’s agent claiming
22 the vehicle. A credit card shall be in the name of the person
23 presenting the card. “Credit card” means “credit card” as defined
24 in subdivision (a) of Section 1747.02 of the Civil Code, except,
25 for the purposes of this section, credit card does not include a credit
26 card issued by a retail seller.

27 (C) A person operating or in charge of a storage facility
28 described in subparagraph (B) who violates subparagraph (B) shall
29 be civilly liable to the owner of the vehicle or to the person who
30 tendered the fees for four times the amount of the towing, storage,
31 and other related fees, but not to exceed five hundred dollars
32 (\$500).

33 (D) A person operating or in charge of a storage facility
34 described in subparagraph (B) shall have sufficient funds on the
35 premises of the primary storage facility during normal business
36 hours to accommodate, and make change in, a reasonable monetary
37 transaction.

38 (E) Credit charges for towing and storage services shall comply
39 with Section 1748.1 of the Civil Code. Law enforcement agencies

1 may include the costs of providing for payment by credit when
2 making agreements with towing companies on rates.

3 (3) (A) The legal owner or the legal owner's agent presents to
4 the law enforcement agency or impounding agency, or any person
5 acting on behalf of those agencies, a copy of the assignment, as
6 defined in subdivision (b) of Section 7500.1 of the Business and
7 Professions Code; a release from the one responsible governmental
8 agency, only if required by the agency; a government-issued
9 photographic identification card; and any one of the following as
10 determined by the legal owner or the legal owner's agent: a
11 certificate of repossession for the vehicle, a security agreement
12 for the vehicle, or title, whether paper or electronic, showing proof
13 of legal ownership for the vehicle. The law enforcement agency,
14 impounding agency, or any other governmental agency, or any
15 person acting on behalf of those agencies, shall not require the
16 presentation of any other documents.

17 (B) The legal owner or the legal owner's agent presents to the
18 person in possession of the vehicle, or any person acting on behalf
19 of the person in possession, a copy of the assignment, as defined
20 in subdivision (b) of Section 7500.1 of the Business and
21 Professions Code; a release from the one responsible governmental
22 agency, only if required by the agency; a government-issued
23 photographic identification card; and any one of the following as
24 determined by the legal owner or the legal owner's agent: a
25 certificate of repossession for the vehicle, a security agreement
26 for the vehicle, or title, whether paper or electronic, showing proof
27 of legal ownership for the vehicle. The person in possession of the
28 vehicle, or any person acting on behalf of the person in possession,
29 shall not require the presentation of any other documents.

30 (C) All presented documents may be originals, photocopies, or
31 facsimile copies, or may be transmitted electronically. The law
32 enforcement agency, impounding agency, or any person acting on
33 behalf of them, shall not require a document to be notarized. The
34 law enforcement agency, impounding agency, or any person in
35 possession of the vehicle, or anyone acting on behalf of those
36 agencies may require the agent of the legal owner to produce a
37 photocopy or facsimile copy of its repossession agency license or
38 registration issued pursuant to Chapter 11 (commencing with
39 Section 7500) of Division 3 of the Business and Professions Code,
40 or to demonstrate, to the satisfaction of the law enforcement

1 agency, the impounding agency, any other governmental agency,
2 or any person in possession of the vehicle, or anyone acting on
3 behalf of them, that the agent is exempt from licensure pursuant
4 to Section 7500.2 or 7500.3 of the Business and Professions Code.

5 (D) Administrative costs authorized under subdivision (a) of
6 Section 22850.5 shall not be charged to the legal owner of the type
7 specified in paragraph (1) who redeems the vehicle unless the legal
8 owner voluntarily requests a poststorage hearing. A city, county,
9 city and county, or state agency shall not require a legal owner or
10 a legal owner's agent to request a poststorage hearing as a
11 requirement for release of the vehicle to the legal owner or the
12 legal owner's agent. The law enforcement agency, the impounding
13 agency, any governmental agency, or any person acting on behalf
14 of those agencies shall not require any documents other than those
15 specified in this paragraph. The law enforcement agency,
16 impounding agency, or other governmental agency, or any person
17 acting on behalf of those agencies, shall not require any documents
18 to be notarized. The legal owner or the legal owner's agent shall
19 be given a copy of any documents he or she is required to sign,
20 except for a vehicle evidentiary hold logbook. The law enforcement
21 agency, impounding agency, or any person acting on behalf of
22 those agencies, or any person in possession of the vehicle, may
23 photocopy and retain the copies of any documents presented by
24 the legal owner or legal owner's agent.

25 (4) A failure by a storage facility to comply with any applicable
26 conditions set forth in this subdivision shall not affect the right of
27 the legal owner or the legal owner's agent to retrieve the vehicle,
28 provided all conditions required of the legal owner or legal owner's
29 agent under this subdivision are satisfied.

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

37 (2) The legal owner or the legal owner's agent shall not
38 relinquish the vehicle to the registered owner or the person who
39 was listed as the registered owner when the vehicle was impounded
40 until the registered owner or that owner's agent presents his or her

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

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

13 (4) A legal owner who knowingly releases or causes the release
14 of a vehicle to a registered owner or the person in possession of
15 the vehicle at the time of the impoundment or an agent of the
16 registered owner in violation of this subdivision is guilty of a
17 misdemeanor and subject to a fine in the amount of two thousand
18 dollars (\$2,000) in addition to any other penalties established by
19 law.

20 (5) The legal owner, registered owner, or person in possession
21 of the vehicle shall not change or attempt to change the name of
22 the legal owner or the registered owner on the records of the
23 department until the vehicle is released from the impoundment.

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

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

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

39 (i) Notwithstanding any other provision of this section, the
40 registered owner, and not the legal owner, shall remain responsible

1 for any towing and storage charges related to the impoundment,
2 any administrative charges authorized under Section 22850.5, and
3 any parking fines, penalties, and administrative fees incurred by
4 the registered owner.

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

19 SEC. 2. Section 22511.57 of the Vehicle Code is amended to
20 read:

21 22511.57. A local authority may, by ordinance or resolution,
22 prohibit or restrict the parking or standing of a vehicle on streets
23 or highways or in a parking stall or space in a privately or publicly
24 owned or operated offstreet parking facility within its jurisdiction
25 when the vehicle displays, in order to obtain special parking
26 privileges, a distinguishing placard or special license plate, issued
27 pursuant to Section 5007, 22511.55, or 22511.59, and any of the
28 following conditions are met:

29 (a) The records of the Department of Motor Vehicles for the
30 identification number assigned to the placard or license plate
31 indicate that the placard or license plate has been reported as lost,
32 stolen, surrendered, canceled, revoked, or expired, or was issued
33 to a person who has been reported as deceased for a period
34 exceeding 60 days.

35 (b) The placard or license plate is displayed on a vehicle that is
36 not being used to transport, and is not in the reasonable proximity
37 of, the person to whom the license plate or placard was issued or
38 a person who is authorized to be transported in the vehicle
39 displaying that placard or license plate.

- 1 (c) The placard or license plate is counterfeit, forged, altered,
2 or mutilated.
- 3 SEC. 3. Section 22651 of the Vehicle Code is amended to read:
4 22651. A peace officer, as defined in Chapter 4.5 (commencing
5 with Section 830) of Title 3 of Part 2 of the Penal Code, or a
6 regularly employed and salaried employee, who is engaged in
7 directing traffic or enforcing parking laws and regulations, of a
8 city, county, or jurisdiction of a state agency in which a vehicle is
9 located, may remove a vehicle located within the territorial limits
10 in which the officer or employee may act, under the following
11 circumstances:
 - 12 (a) When a vehicle is left unattended upon a bridge, viaduct, or
13 causeway or in a tube or tunnel where the vehicle constitutes an
14 obstruction to traffic.
 - 15 (b) When a vehicle is parked or left standing upon a highway
16 in a position so as to obstruct the normal movement of traffic or
17 in a condition so as to create a hazard to other traffic upon the
18 highway.
 - 19 (c) When a vehicle is found upon a highway or public land and
20 a report has previously been made that the vehicle is stolen or a
21 complaint has been filed and a warrant thereon is issued charging
22 that the vehicle was embezzled.
 - 23 (d) When a vehicle is illegally parked so as to block the entrance
24 to a private driveway and it is impractical to move the vehicle from
25 in front of the driveway to another point on the highway.
 - 26 (e) When a vehicle is illegally parked so as to prevent access
27 by firefighting equipment to a fire hydrant and it is impracticable
28 to move the vehicle from in front of the fire hydrant to another
29 point on the highway.
 - 30 (f) When a vehicle, except highway maintenance or construction
31 equipment, is stopped, parked, or left standing for more than four
32 hours upon the right-of-way of a freeway that has full control of
33 access and no crossings at grade and the driver, if present, cannot
34 move the vehicle under its own power.
 - 35 (g) When the person in charge of a vehicle upon a highway or
36 public land is, by reason of physical injuries or illness,
37 incapacitated to an extent so as to be unable to provide for its
38 custody or removal.
 - 39 (h) (1) When an officer arrests a person driving or in control
40 of a vehicle for an alleged offense and the officer is, by this code

1 or other law, required or permitted to take, and does take, the
2 person into custody.

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

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

22 (A) Evidence of his or her identity.

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

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

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

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

1 and who has jurisdiction of the offenses and is nearest or most
2 accessible with reference to the place where the vehicle is
3 impounded. Evidence of current registration shall be produced
4 after a vehicle has been impounded, or, at the discretion of the
5 impounding law enforcement agency, a notice to appear for
6 violation of subdivision (a) of Section 4000 shall be issued to that
7 person.

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

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

11 (B) Submits evidence of payment of fees as provided in Section
12 9561.

13 (C) Completes an affidavit in a form acceptable to the
14 impounding law enforcement agency stating that the vehicle was
15 not in possession of the legal owner at the time of occurrence of
16 the offenses relating to standing or parking. A vehicle released to
17 a legal owner under this subdivision is a repossessed vehicle for
18 purposes of disposition or sale. The impounding agency shall have
19 a lien on any surplus that remains upon sale of the vehicle to which
20 the registered owner is or may be entitled, as security for 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. The legal owner shall
24 promptly remit to, and deposit with, the agency responsible for
25 processing notices of parking violations from that surplus, on
26 receipt of that surplus, the full amount of the parking penalties for
27 all notices of parking violations issued for the vehicle and for all
28 local administrative charges imposed pursuant to Section 22850.5.

29 (5) The impounding agency that has a lien on the surplus that
30 remains upon the sale of a vehicle to which a registered owner is
31 entitled pursuant to paragraph (4) has a deficiency claim against
32 the registered owner for the full amount of the parking penalties
33 for all notices of parking violations issued for the vehicle and for
34 all local administrative charges imposed pursuant to Section
35 22850.5, less the amount received from the sale of the vehicle.

36 (j) When a vehicle is found illegally parked and there are no
37 license plates or other evidence of registration displayed, the
38 vehicle may be impounded until the owner or person in control of
39 the vehicle furnishes the impounding law enforcement agency

1 evidence of his or her identity and an address within this state at
2 which he or she can be located.

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

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

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

21 (n) Whenever a vehicle is parked or left standing where local
22 authorities, by resolution or ordinance, have prohibited parking
23 and have authorized the removal of vehicles. Except as provided
24 in subdivision (v), a vehicle shall not be removed unless signs are
25 posted giving notice of the removal.

26 (o) (1) When a vehicle is found or operated upon a highway,
27 public land, or an offstreet parking facility under the following
28 circumstances:

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

32 (B) Displaying in, or upon, the vehicle, a registration card,
33 identification card, temporary receipt, license plate, special plate,
34 registration sticker, device issued pursuant to Section 4853, or
35 permit that was not issued for that vehicle, or is not otherwise
36 lawfully used on that vehicle under this code.

37 (C) Displaying in, or upon, the vehicle, an altered, forged,
38 counterfeit, or falsified registration card, identification card,
39 temporary receipt, license plate, special plate, registration sticker,
40 device issued pursuant to Section 4853, or permit.

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

5 (3) For the purposes of this subdivision, the vehicle shall be
6 released under either of the following circumstances:

7 (A) To the registered owner or person in control of the vehicle
8 only after the owner or person furnishes the storing law
9 enforcement agency with proof of current registration and a
10 currently valid driver's license to operate the vehicle.

11 (B) To the legal owner or the legal owner's agent, without
12 payment of any fees, fines, or penalties for parking tickets or
13 registration and without proof of current registration, if the vehicle
14 will only be transported pursuant to the exemption specified in
15 Section 4022 *and if the legal owner does all of the following:*

16 *(i) Pays the cost of towing and storing the vehicle.*

17 *(ii) Completes an affidavit in a form acceptable to the*
18 *impounding law enforcement agency stating that the vehicle was*
19 *not in possession of the legal owner at the time of occurrence of*
20 *an offense relating to standing or parking. A vehicle released to*
21 *a legal owner under this subdivision is a repossessed vehicle for*
22 *purposes of disposition or sale. The impounding agency has a lien*
23 *on any surplus that remains upon sale of the vehicle to which the*
24 *registered owner is or may be entitled, as security for the full*
25 *amount of parking penalties for any notices of parking violations*
26 *issued for the vehicle and for all local administrative charges*
27 *imposed pursuant to Section 22850.5. Upon receipt of any surplus,*
28 *the legal owner shall promptly remit to, and deposit with, the*
29 *agency responsible for processing notices of parking violations*
30 *from that surplus, the full amount of the parking penalties for all*
31 *notices of parking violations issued for the vehicle and for all local*
32 *administrative charges imposed pursuant to Section 22850.5.*

33 *(4) The impounding agency that has a lien on the surplus that*
34 *remains upon the sale of a vehicle to which a registered owner is*
35 *entitled has a deficiency claim against the registered owner for*
36 *the full amount of parking penalties for any notices of parking*
37 *violations issued for the vehicle and for all local administrative*
38 *charges imposed pursuant to Section 22850.5, less the amount*
39 *received from the sale of the vehicle.*

40 ~~(4)~~

1 (5) As used in this subdivision, “offstreet parking facility” means
2 an offstreet facility held open for use by the public for parking
3 vehicles and includes a publicly owned facility for offstreet
4 parking, and a privately owned facility for offstreet parking if a
5 fee is not charged for the privilege to park and it is held open for
6 the common public use of retail customers.

7 (p) When the peace officer issues the driver of a vehicle a notice
8 to appear for a violation of Section 12500, 14601, 14601.1,
9 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle is
10 not impounded pursuant to Section 22655.5. A vehicle so removed
11 from the highway or public land, or from private property after
12 having been on a highway or public land, shall not be released to
13 the registered owner or his or her agent, except upon presentation
14 of the registered owner’s or his or her agent’s currently valid
15 driver’s license to operate the vehicle and proof of current vehicle
16 registration, or upon order of a court.

17 (q) When a vehicle is parked for more than 24 hours on a portion
18 of highway that is located within the boundaries of a common
19 interest development, as defined in subdivision (c) of Section 1351
20 of the Civil Code, and signs, as required by paragraph (1) of
21 subdivision (a) of Section 22658 of this code, have been posted
22 on that portion of highway providing notice to drivers that vehicles
23 parked thereon for more than 24 hours will be removed at the
24 owner’s expense, pursuant to a resolution or ordinance adopted
25 by the local authority.

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

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

33 (2) Notwithstanding paragraph (1), when a commercial motor
34 vehicle, as defined in paragraph (1) of subdivision (b) of Section
35 15210, is stopped, parked, or left standing for more than 10 hours
36 within a roadside rest area or viewpoint.

37 (3) For purposes of this subdivision, a roadside rest area or
38 viewpoint is a publicly maintained vehicle parking area, adjacent
39 to a highway, utilized for the convenient, safe stopping of a vehicle
40 to enable motorists to rest or to view the scenery. If two or more

1 roadside rest areas are located on opposite sides of the highway,
2 or upon the center divider, within seven miles of each other, then
3 that combination of rest areas is considered to be the same rest
4 area.

5 (t) When a peace officer issues a notice to appear for a violation
6 of Section 25279.

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

9 (v) (1) When a vehicle is a mobile billboard advertising display,
10 as defined in Section 395.5, and is parked or left standing in
11 violation of a local resolution or ordinance adopted pursuant to
12 subdivision (m) of Section 21100, if the registered owner of the
13 vehicle was previously issued a warning citation for the same
14 offense, pursuant to paragraph (2).

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

25 SEC. 4. Section 24017 is added to the Vehicle Code, to read:

26 24017. A transit bus operated by a motor carrier, whether the
27 motor carrier is a private company or a public agency, that provides
28 public transportation services shall be equipped with a speedometer
29 that shall be maintained in good working order.

30 SEC. 5. Section 42007 of the Vehicle Code, as amended by
31 Section 3 of Chapter 720 of the Statutes of 2010, is amended to
32 read:

33 42007. (a) (1) The clerk of the court shall collect a fee from
34 every person who is ordered or permitted to attend a traffic violator
35 school pursuant to Section 41501 or 42005 in an amount equal to
36 the total bail set forth for the eligible offense on the uniform
37 countywide bail schedule. As used in this subdivision, "total bail"
38 means the amount established pursuant to Section 1269b of the
39 Penal Code in accordance with the Uniform-Statewide Bail *and*
40 *Penalty* Schedule adopted by the Judicial Council, including all

1 assessments, surcharges, and penalty amounts. Where multiple
2 offenses are charged in a single notice to appear, the “total bail”
3 is the amount applicable for the greater of the qualifying offenses.
4 However, the court may determine a lesser fee under this
5 subdivision upon a showing that the defendant is unable to pay
6 the full amount.

7 The fee shall not include the cost, or any part thereof, of traffic
8 safety instruction offered by a traffic violator school.

9 (2) The clerk may accept from a defendant who is ordered or
10 permitted to attend traffic violator school a payment of at least 10
11 percent of the fee required by paragraph (1) upon filing a written
12 agreement by the defendant to pay the remainder of the fee
13 according to an installment payment schedule of no more than 90
14 days as agreed upon with the court. The Judicial Council shall
15 prescribe the form of the agreement for payment of the fee in
16 installments. When the defendant signs the Judicial Council form
17 for payment of the fee in installments, the court shall continue the
18 case to the date in the agreement to complete payment of the fee
19 and submit the certificate of completion of traffic violator school
20 to the court. The clerk shall collect a fee of up to thirty-five dollars
21 (\$35) to cover administrative and clerical costs for processing an
22 installment payment of the traffic violator school fee under this
23 paragraph.

24 (3) If a defendant fails to make an installment payment of the
25 fee according to an installment agreement, the court may convert
26 the fee to bail, declare it forfeited, and report the forfeiture as a
27 conviction under Section 1803. The court may also charge a failure
28 to pay under Section 40508 and impose a civil assessment as
29 provided in Section 1214.1 of the Penal Code or issue an arrest
30 warrant for a failure to pay. For the purposes of reporting a
31 conviction under this subdivision to the department under Section
32 1803, the date that the court declares the bail forfeited shall be
33 reported as the date of conviction.

34 (b) Revenues derived from the fee collected under this section
35 shall be deposited in accordance with Section 68084 of the
36 Government Code in the general fund of the county and, as may
37 be applicable, distributed as follows:

38 (1) In any county in which a fund is established pursuant to
39 Section 76100 or 76101 of the Government Code, the sum of one

1 dollar (\$1) for each fund so established shall be deposited with the
2 county treasurer and placed in that fund.

3 (2) In any county that has established a Maddy Emergency
4 Medical Services Fund pursuant to Section 1797.98a of the Health
5 and Safety Code, an amount equal to the sum of each two dollars
6 (\$2) for every seven dollars (\$7) that would have been collected
7 pursuant to Section 76000 of the Government Code and,
8 commencing January 1, 2009, an amount equal to the sum of each
9 two dollars (\$2) for every ten dollars (\$10) that would have been
10 collected pursuant to Section 76000.5 of the Government Code
11 with respect to those counties to which that section is applicable
12 shall be deposited in that fund. Nothing in the act that added this
13 paragraph shall be interpreted in a manner that would result in
14 either of the following:

15 (A) The utilization of penalty assessment funds that had been
16 set aside, on or before January 1, 2000, to finance debt service on
17 a capital facility that existed before January 1, 2000.

18 (B) The reduction of the availability of penalty assessment
19 revenues that had been pledged, on or before January 1, 2000, as
20 a means of financing a facility which was approved by a county
21 board of supervisors, but on January 1, 2000, is not under
22 construction.

23 (3) The amount of the fee that is attributable to Section 70372
24 of the Government Code shall be transferred pursuant to
25 subdivision (f) of that section.

26 (c) For fees resulting from city arrests, an amount equal to the
27 amount of base fines that would have been deposited in the treasury
28 of the appropriate city pursuant to paragraph (3) of subdivision
29 (b) of Section 1463.001 of the Penal Code shall be deposited in
30 the treasury of the appropriate city.

31 (d) The clerk of the court, in a county that offers traffic school
32 shall include in any courtesy notice mailed to a defendant for an
33 offense that qualifies for traffic school attendance the following
34 statement:

35

36 NOTICE: If you are eligible and decide not to attend traffic
37 school your automobile insurance may be adversely affected. One
38 conviction in any 18-month period will be held confidential and
39 not show on your driving record if you complete a traffic violator
40 school program.

1
2 (e) Notwithstanding any other provision of law, a county that
3 has established a Maddy Emergency Medical Services Fund
4 pursuant to Section 1797.98a of the Health and Safety Code shall
5 not be held liable for having deposited into the fund, prior to
6 January 1, 2009, an amount equal to two dollars (\$2) for every ten
7 dollars (\$10) that would have been collected pursuant to Section
8 76000.5 of the Government Code from revenues derived from
9 traffic violator school fees collected pursuant to this section.

10 SEC. 6. Section 42007 of the Vehicle Code, as added by
11 Section 16.5 of Chapter 599 of the Statutes of 2010, is repealed.

12 SEC. 7. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.