

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 450**

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**Introduced by Senator Galgiani**  
(Coauthor: Assembly Member Olsen)

February 21, 2013

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An act to add Section 152.5 to the Welfare and Institutions Code, relating to personal property.

LEGISLATIVE COUNSEL'S DIGEST

SB 450, as amended, Galgiani. Unattended collection boxes.

Existing law regulates the placement of unattended collection boxes and requires specified information, including the name, address, and telephone number of the collection box owner and operator, to be displayed on the front of each collection box. Existing law also requires a person or public or private entity that finds and takes possession of any personal property of another to inform the owner, if known, and return it.

This bill would authorize a city or county to provide, by ordinance or resolution, immunity from civil liability to ~~a property owner~~ *an owner of private property*, or his or her authorized agent, when the owner or agent removes a collection box placed on the owner's property if the ordinance or resolution includes specified provisions, including the requirement that the owner or agent send a written notice of removal to the address displayed on the collection box prior to removal. ~~This~~ *The* bill would also ~~provide~~ *require* that the ordinance or resolution ~~shall~~ include a provision ~~providing~~ that immunity from civil liability will not be granted to ~~a property owner~~ *an owner of private property*, or his or her *authorized* agent, who removes the collection box when he or she has given written consent for the collection box to be placed

on the property and the consent has not been rescinded, as specified, and a provision ~~stating that a property owner, property owner's *an owner of private property*, or his or her authorized agent, or person in lawful possession of private property~~ who causes the removal of a collection box, or otherwise disposes of it, despite valid written consent from the property owner ~~or property owner's authorized agent~~ at the time of removal, is civilly liable to the owner or operator of the collection box for *the greater of* 4 times the amount of the towing and storage charges; or \$1,000, ~~whichever is more~~, unless removal is necessary to comply with local zoning ordinances.

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

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

1 SECTION 1. Section 152.5 is added to the Welfare and  
2 Institutions Code, to read:  
3 152.5. Notwithstanding Section 2080 of the Civil Code, a city,  
4 county, or city and county may, by ordinance or resolution, provide  
5 immunity from civil liability to ~~a private property owner, an owner~~  
6 *of private property*, or his or her authorized agent, who removes  
7 a collection box placed on ~~an~~ *the* owner's private property if the  
8 ordinance or resolution includes all of the following provisions:  
9 (a) ~~A private property owner, An owner of private property~~, or  
10 his or her *authorized* agent, who causes the removal of a collection  
11 box shall send a written notice of removal to the address that is  
12 conspicuously displayed on the front of every collection box  
13 pursuant to Section 151. That notice shall be mailed ~~within five~~  
14 ~~days of five days prior to~~ removal and include the current location  
15 of the box. This subdivision shall not apply if no address appears  
16 on the front of the collection box.  
17 (b) Except as provided in subdivision (c), ~~a private property~~  
18 ~~owner, an owner of private property~~, or his or her *authorized* agent,  
19 shall not have immunity from civil liability if he or she has given  
20 written consent for the collection box to be placed on the private  
21 property.  
22 (c) An owner of private property, or his or her *authorized* agent,  
23 who has given written consent for the placement of a collection  
24 box on the owner's private property, may rescind his or her consent  
25 by providing written notice of the rescission to the collection box

1 owner or operator. For purposes of this subdivision, consent shall  
2 be deemed rescinded 10 calendar days after the owner of private  
3 property ~~deposits~~ mails a written notice of rescission ~~in the United~~  
4 ~~States mail, postage prepaid, addressed, via certified mail~~ to the  
5 address displayed on the collection box pursuant to Section 151.

6 (d) (1) ~~A property owner, An owner of private property, or his~~  
7 ~~or her authorized agent, or a person in lawful possession of private~~  
8 ~~property~~ who causes the removal of a collection box to a storage  
9 facility, or otherwise disposes of a collection box, despite valid  
10 written consent from the property owner at the time of removal,  
11 shall be civilly liable to the owner or operator of the collection  
12 box for four times the amount of the towing and storage charges,  
13 or one thousand dollars (\$1,000), whichever is ~~higher~~ greater.

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

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