

AMENDED IN SENATE MAY 1, 2013
AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 450

Introduced by Senator Galgiani
(Coauthor: Assembly Member Olsen)

February 21, 2013

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~~ *authorizes a city, county, or city and county to declare a collection box that is in violation of these provisions a public nuisance and to abate the nuisance.*

This bill would authorize a city or county ~~to provide, by ordinance or resolution, immunity from civil liability to 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 that has adopted a local ordinance regulating or permitting the placement of unattended collection boxes, as specified, to impose a charge on the owner or operator of a collection box that is in violation of the ordinance for the reasonable costs of its removal~~

and storage if the county or city removes the collection box under the local ordinance. The bill would require the city or county to send a written notice of removal and charge to the address displayed on the collection box 5 days prior to removal. The bill would also require that the ordinance or resolution include a provision that immunity from civil liability will not be granted to 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he or she has given written consent for the collection box to be placed on the property and the consent has not been rescinded, as specified, and a provision that an owner of private property, or his or her authorized agent, who causes the removal of a collection box, or otherwise disposes of it, despite valid written consent from the property owner at the time of removal, is civilly liable to the owner or operator of the collection box for the greater of 4 times the amount of the towing and storage charges or \$1,000, unless removal is necessary to comply with local zoning ordinances. authorize the city or county to sell or dispose of the collection box and its contents if the collection box owner or operator does not pay the charge.

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 an owner of private property, or~~
 6 ~~his or her authorized agent, who removes a collection box placed~~
 7 ~~on the owner's private property if the ordinance or resolution~~
 8 ~~includes all of the following provisions:~~X
 9 *152.5. (a) A city or county that has adopted a local ordinance*
 10 *regulating or permitting the placement of unattended collection*
 11 *boxes, which includes a provision that authorizes the city or county*
 12 *to remove a collection box that is in violation of the ordinance,*
 13 *shall impose a charge on the owner or operator of the collection*
 14 *box for the reasonable costs of its removal and storage if the county*
 15 *or city removes the collection box pursuant to the local ordinance.*
 16 ~~(a) An owner of private property, or his or her authorized agent,~~
 17 ~~who~~

1 (b) A city or county that causes the removal of a collection box
2 shall send a written notice of removal *and charge* to the address
3 that is conspicuously displayed on the front of every collection
4 box pursuant to Section 151. That notice shall be mailed five days
5 prior to removal and include the current location of the box. This
6 subdivision shall not apply if no address appears on the front of
7 the collection box.

8 ~~(b) Except as provided in subdivision (c), an owner of private~~
9 ~~property, or his or her authorized agent, shall not have immunity~~
10 ~~from civil liability if he or she has given written consent for the~~
11 ~~collection box to be placed on the private property.~~

12 ~~(c) An owner of private property, or his or her authorized agent,~~
13 ~~who has given written consent for the placement of a collection~~
14 ~~box on the owner's private property, may rescind his or her consent~~
15 ~~by providing written notice of the rescission to the collection box~~
16 ~~owner or operator. For purposes of this subdivision, consent shall~~
17 ~~be deemed rescinded 10 calendar days after the owner of private~~
18 ~~property mails a written notice of rescission, via certified mail to~~
19 ~~the address displayed on the collection box pursuant to Section~~
20 ~~151.~~

21 ~~(d) (1) An owner of private property, or his or her authorized~~
22 ~~agent, who causes the removal of a collection box to a storage~~
23 ~~facility, or otherwise disposes of a collection box, despite valid~~
24 ~~written consent from the property owner at the time of removal,~~
25 ~~shall be civilly liable to the owner or operator of the collection~~
26 ~~box for four times the amount of the towing and storage charges,~~
27 ~~or one thousand dollars (\$1,000), whichever is greater.~~

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

32 (c) *If the owner or operator of the collection box does not pay*
33 *the reasonable costs of removal and storage to the city or county,*
34 *the city or county may sell the collection box and its contents or*
35 *dispose of it in any other manner.*