

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 318

Introduced by Assembly Member Chau
(Coauthor: Assembly Member Chiu)

February 13, 2015

An act to ~~amend Sections 2080.1 and 2080.2 of~~ *amend, repeal, and add Sections 2080.1, 2080.2, and 2080.3 of, and to add and repeal Section 2080.9 of*, the Civil Code, relating to lost and unclaimed property.

LEGISLATIVE COUNSEL'S DIGEST

AB 318, as amended, Chau. Lost money and ~~goods~~: *goods: bicycles*: restoration to owner.

Existing law requires a person who finds and takes possession of property that is lost to try and return it to the rightful owner. If the owner of the lost property cannot be determined and the item is worth \$100 or more, the finder is required to turn the item over to the police or sheriff, as specified. Existing law provides 90 days for the owner to return and claim the property and to pay any reasonable fee for its bailment. *Existing law requires, if the reported value of the property is \$250 or more and the owner does not return and claim the property, the police or the sheriff to cause notice of the property to be published, as provided.*

This bill, *until December 31, 2020*, would provide that if that lost property is found on a vehicle of public conveyance or on public transit property, that it instead *be* turned in to the public transit ~~agency~~. ~~The~~

~~bill agency, and would provide 30 90 days for the owner to return and claim the property under specified rules and if the property is not claimed within 30 days, the public transit agency would be authorized to dispose of the property to a charitable organization. property, as specified. The bill, until December 31, 2020, also would require the public transit agency to cause notice of the property to be published under the circumstances described above. The bill, until January 1, 2021, would require specified procedures to be followed with respect to lost or unclaimed bicycles turned in to or held by a public transit agency.~~

Because this bill would impose new requirements on local transportation agencies, it would impose a state-mandated local program.

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.

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 2080.1 of the Civil Code is amended to
- 2 read:
- 3 2080.1. (a) If the owner is unknown or has not claimed the
- 4 property, the person saving or finding the property shall, if the
- 5 property is of the value of one hundred dollars (\$100) or more,
- 6 within a reasonable time turn the property over to the police
- 7 department of the city or city and county, if found therein, or to
- 8 the sheriff’s department of the county if found outside of city
- 9 limits, or to the public transit agency if found on a vehicle of public
- 10 conveyance or on the public transit agency property, and shall
- 11 make an affidavit, stating when and where he or she found or saved
- 12 the property, particularly describing it. If the property was saved,
- 13 the affidavit shall state:
- 14 (1) From what and how it was saved.
- 15 (2) Whether the owner of the property is known to the affiant.

1 (3) That the affiant has not secreted, withheld, or disposed of
2 any part of the property.

3 (b) The police department or the sheriff's department shall notify
4 the owner, if his or her identity is reasonably ascertainable, that it
5 possesses the property and where it may be claimed. The police
6 department or sheriff's department may require payment by the
7 owner of a reasonable charge to defray costs of storage and care
8 of the property.

9 (c) If the personal property is found or saved on a vehicle of
10 public conveyance or on property belonging to a public transit
11 agency, the public transit agency shall notify the owner, if his or
12 her identity is reasonably ascertainable, that it possesses the
13 property and where it may be claimed. The public transit agency
14 may require payment by the owner of a reasonable charge to defray
15 the costs of storage and care of the property.

16 (d) *This section shall only remain in effect until December 31,*
17 *2020, and as of that date is repealed.*

18 ~~SEC. 2. Section 2080.2 of the Civil Code is amended to read:~~

19 ~~2080.2. (a) If the owner appears within 90 days, after receipt~~
20 ~~of the property by the police department or sheriff's department,~~
21 ~~proves his or her ownership of the property, and pays all reasonable~~
22 ~~charges, the police department or sheriff's department shall restore~~
23 ~~the property to him or her.~~

24 ~~(b) If the owner appears within 30 days after the receipt of lost~~
25 ~~or unclaimed property that has been turned over to a public transit~~
26 ~~agency and proves his or her ownership of the property, and pays~~
27 ~~all reasonable charges, if any, the public transit agency shall restore~~
28 ~~the property to him or her. If the property remains unclaimed after~~
29 ~~30 days, the public transit agency is authorized to dispose of the~~
30 ~~unclaimed property to a charitable organization.~~

31 *SEC. 2. Section 2080.1 is added to the Civil Code, to read:*

32 *2080.1. (a) If the owner is unknown or has not claimed the*
33 *property, the person saving or finding the property shall, if the*
34 *property is of the value of one hundred dollars (\$100) or more,*
35 *within a reasonable time turn the property over to the police*
36 *department of the city or city and county, if found therein, or to*
37 *the sheriff's department of the county if found outside of city limits,*
38 *and shall make an affidavit, stating when and where he or she*
39 *found or saved the property, particularly describing it. If the*
40 *property was saved, the affidavit shall state:*

- 1 (1) *From what and how it was saved.*
- 2 (2) *Whether the owner of the property is known to the affiant.*
- 3 (3) *That the affiant has not secreted, withheld, or disposed of*
- 4 *any part of the property.*

5 (b) *The police department or the sheriff’s department shall*
 6 *notify the owner, if his or her identity is reasonably ascertainable,*
 7 *that it possesses the property and where it may be claimed. The*
 8 *police department or sheriff’s department may require payment*
 9 *by the owner of a reasonable charge to defray costs of storage*
 10 *and care of the property.*

11 (c) *This section shall become operative on January 1, 2021.*

12 SEC. 3. *Section 2080.2 of the Civil Code is amended to read:*

13 2080.2. (a) *If the owner appears within 90 days, after receipt*
 14 *of the property by the police department or sheriff’s department,*
 15 *proves his his or her ownership of the property, and pays all*
 16 *reasonable charges, the police department or sheriff’s department*
 17 *shall restore the property to him him or her.*

18 (b) *If the owner appears within 90 days after receipt of the*
 19 *property by a public transit agency, proves his or her ownership*
 20 *of the property, and pays all reasonable charges, the public transit*
 21 *agency shall restore the property to him or her.*

22 (c) *This section shall only remain in effect until December 31,*
 23 *2020, and as of that date is repealed.*

24 SEC. 4. *Section 2080.2 is added to the Civil Code, to read:*

25 2080.2. (a) *If the owner appears within 90 days after receipt*
 26 *of the property by the police department or sheriff’s department,*
 27 *proves his or her ownership of the property, and pays all*
 28 *reasonable charges, the police department or sheriff’s department*
 29 *shall restore the property to him or her.*

30 (b) *This section shall become operative on January 1, 2021.*

31 SEC. 5. *Section 2080.3 of the Civil Code is amended to read:*

32 2080.3. (a) *If the reported value of the property is two hundred*
 33 *fifty dollars (\$250) or more and no owner appears and proves his*
 34 *or her ownership of the property within 90 days, the police*
 35 ~~*department or department, sheriff’s department*~~ *department, or*
 36 *public transit agency shall cause notice of the property to be*
 37 *published at least once in a newspaper of general circulation. If,*
 38 *after seven days following the first publication of the notice, no*
 39 *owner appears and proves his or her ownership of the property*
 40 *and the person who found or saved the property pays the cost of*

1 the publication, the title shall vest in the person who found or saved
2 the property unless the property was found in the course of
3 employment by an employee of any public agency, in which case
4 the property shall be sold at public auction. Title to the property
5 shall not vest in the person who found or saved the property or in
6 the successful bidder at the public auction unless the cost of
7 publication is first paid to the city, county, or city and county whose
8 police or sheriff's department or *public transit agency* caused the
9 notice to be published.

10 (b) If the reported value of the property is less than two hundred
11 fifty dollars (\$250) and no owner appears and proves his or her
12 ownership of the property within 90 days, the title shall vest in the
13 person who found or saved the property, unless the property was
14 found in the course of employment by an employee of any public
15 agency, in which case the property shall be sold at public auction.

16 (c) *This section shall only remain in effect until December 31,*
17 *2020, and as of that date is repealed.*

18 *SEC. 6. Section 2080.3 is added to the Civil Code, to read:*

19 *2080.3. (a) If the reported value of the property is two hundred*
20 *fifty dollars (\$250) or more and no owner appears and proves his*
21 *or her ownership of the property within 90 days, the police*
22 *department or sheriff's department shall cause notice of the*
23 *property to be published at least once in a newspaper of general*
24 *circulation. If, after seven days following the first publication of*
25 *the notice, no owner appears and proves his or her ownership of*
26 *the property and the person who found or saved the property pays*
27 *the cost of the publication, the title shall vest in the person who*
28 *found or saved the property unless the property was found in the*
29 *course of employment by an employee of any public agency, in*
30 *which case the property shall be sold at public auction. Title to*
31 *the property shall not vest in the person who found or saved the*
32 *property or in the successful bidder at the public auction unless*
33 *the cost of publication is first paid to the city, county, or city and*
34 *county whose police or sheriff's department caused the notice to*
35 *be published.*

36 (b) *If the reported value of the property is less than two hundred*
37 *fifty dollars (\$250) and no owner appears and proves his or her*
38 *ownership of the property within 90 days, the title shall vest in the*
39 *person who found or saved the property, unless the property was*

1 found in the course of employment by an employee of any public
2 agency, in which case the property shall be sold at public auction.

3 (c) This section shall become operative on January 1, 2021.

4 SEC. 7. Section 2080.9 is added to the Civil Code, to read:

5 2080.9. Notwithstanding any other law, all of the following
6 shall apply with respect to a lost or unclaimed bicycle turned in
7 to or held by a public transit agency:

8 (a) If the owner of a bicycle appears within 45 days after receipt
9 of that bicycle by a public transit agency, proves his or her
10 ownership of the bicycle, and pays all reasonable charges, the
11 public transit agency shall restore the bicycle to him or her.

12 (b) (1) If the bicycle remains unclaimed after 45 days, the public
13 transit agency may dispose of the unclaimed bicycle by sale at
14 public auction to the highest bidder.

15 (2) The public transit agency shall give notice of the sale at
16 least five days before the time fixed for the sale by publication in
17 a newspaper of general circulation published in the county in
18 which the bicycle was found.

19 (3) Any bicycles remaining unsold after being offered for sale
20 at the public auction may be destroyed or otherwise disposed of
21 by the public transit agency.

22 (c) (1) Notwithstanding subdivision (b), a public transit agency
23 may donate bicycles unclaimed after 45 days to a charitable
24 organization if both of the following conditions are met:

25 (A) The board of the public transit agency holds a public hearing
26 to determine the charitable organization that will receive a donated
27 bicycle.

28 (B) The public transit agency provides notice, at least five days
29 before the time fixed for the donation, by publication in a
30 newspaper of general circulation published in the county in which
31 the public transit agency operates. The notice shall identify the
32 time period during which the bicycles to be donated were found
33 or saved by the public transit agency, the name of the charity
34 receiving the donation, the date of the donation, and where
35 unclaimed bicycles may be claimed prior to the date of the
36 donation.

37 (2) The public transit agency shall not donate unclaimed
38 bicycles more than two times per calendar year and the number
39 of bicycles donated shall not exceed 25 percent of the total number

1 of lost or unclaimed bicycles found or saved by the public transit
2 agency during the prior six months.

3 (d) (1) Any public transit agency that donates unclaimed
4 bicycles to a charitable organization pursuant to this section shall
5 submit to the Assembly and Senate Committees on Judiciary, on
6 or before January 1, 2020, a report that details, for each of the
7 four preceding calendar years, the following information:

8 (A) The total number of bicycles received.

9 (B) The total number of bicycles claimed by an owner within
10 45 days.

11 (C) The average number of days of storage for each bicycle
12 successfully claimed.

13 (D) The total number of bicycles donated to a charitable
14 organization.

15 (E) The names of all charitable organizations that received
16 donated bicycles and the number of bicycles donated to each of
17 those organizations.

18 (F) The total number of bicycles offered at public auction or
19 sale.

20 (G) The average selling price of each bicycle sold at public
21 auction or sale.

22 (2) A report to be submitted pursuant to paragraph (1) shall be
23 submitted in compliance with Section 9795 of the Government
24 Code.

25 (e) This section shall remain in effect only until January 1, 2021,
26 and as of that date is repealed.

27 ~~SEC. 3.~~

28 SEC. 8. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.

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