

ASSEMBLY BILL

No. 1222

Introduced by Assembly Member Bloom

February 27, 2015

An act to amend Section 22513 of, and to add Section 22513.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1222, as introduced, Bloom. Tow trucks.

Existing law makes it a misdemeanor for the owner or operator of a tow truck to stop at the scene of an accident or near a disabled vehicle for the purpose of soliciting an engagement for towing services, either directly or indirectly, or to furnish any towing services, unless summoned to the scene, requested to stop, or flagged down by the owner or operator of a disabled vehicle, or requested to perform the service by a law enforcement officer or public agency pursuant to that agency's procedures.

This bill would apply those provisions to a towing company. The bill would also require that in order to be exempt from the offense, in addition to being summoned to the scene, requested to stop, or flagged down by the owner or operator of a disabled vehicle the towing company or the owner or operator of the tow truck would be required to possess specified information in writing prior to arriving at the scene, and would require that information to be made available to law enforcement, upon request, from the time the tow truck appears at the scene until the time the vehicle is towed and released to a third party.

Existing law also makes it a misdemeanor for the owner or operator of a tow truck to move any vehicle from a highway, street, or public property without the express authorization of the owner or operator of

the vehicle or a law enforcement officer or public agency pursuant to that agency's procedures, when the vehicle has been left unattended or when there is an injury as the result of an accident.

This bill would apply those provisions to a towing company. The bill would also require that, in addition to having the express authorization of the owner or operator of the vehicle, the towing company or the owner or operator of the tow truck would be required to obtain specified information and would be required to make that information available to law enforcement, upon request, from the time the vehicle is attached to or loaded on to the tow until the time the vehicle is towed and released to a third party.

The bill would also require the towing company or the owner or operator of the tow truck to furnish the vehicle's owner or operator with the name, address, and telephone number of the towing company, the name of the towing operator, and a copy of the itemized statement for all charges for services to be performed, including a description of labor and special equipment to be used, if applicable. Prior to removing the vehicle, the towing company or the owner or operator of the tow truck shall obtain the vehicle owner or operator's signature on the itemized statement and shall furnish a copy to the person who signed the statement, as specified.

The bill would require a towing company or the owner or operator of a tow truck to maintain specified documents for 3 years and to make those documents available for inspection and copying within 48 hours of a written request by specified law enforcement and prosecutorial entities. The bill would also require a business taking possession of a vehicle from a tow truck to document specified information, to maintain those documents for 3 years, and to make those documents available for inspection and copying within 48 hours of a written request by any officer or agent of a police department, sheriff's department, the Department of the California Highway Patrol, the Attorney General's office, a district attorney's office, or a city attorney's office.

By expanding the scope of existing crimes, and imposing additional requirements on towing companies and owners and operators of tow trucks, and other entities, the violation of which would be offenses under existing law, this bill 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 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 22513 of the Vehicle Code is amended
2 to read:

3 22513. (a) Except as provided in subdivision (b) or (c), the
4 owner or operator of a tow truck who complies with the
5 requirements of this code relating to tow trucks may stop or park
6 the tow truck upon a highway for the purpose of rendering
7 assistance to a disabled vehicle.

8 (b) (1) It is a misdemeanor for *a towing company or the owner*
9 *or operator of a tow truck to stop at the scene of an accident or*
10 *near a disabled vehicle for the purpose of soliciting an engagement*
11 *for towing services, either directly or indirectly, or to furnish*~~any~~
12 *towing services, unless requested to perform that service by a law*
13 *enforcement officer or public agency pursuant to that agency's*
14 *procedures, or unless summoned to the scene, requested to stop,*
15 *or flagged down by the owner or operator of a disabled vehicle*~~or~~
16 ~~requested to perform the service by a law enforcement officer or~~
17 ~~public agency pursuant to that agency's procedures.~~ *and the towing*
18 *company or the owner or operator of a tow truck possesses all of*
19 *the following information in writing prior to arriving at the scene:*

20 (A) *The first and last name and working telephone number of*
21 *the person who summoned it to the scene.*

22 (B) *The make, model, year, and license plate number of the*
23 *disabled vehicle.*

24 (C) *The date and time it was summoned to the scene.*

25 (D) *The name of the person(s) who obtained the information in*
26 *subparagraphs (A), (B), and (C).*

27 (2) *The towing company or the owner or operator of a tow truck*
28 *shall make the written information described in this subdivision*
29 *available to law enforcement, upon request, from the time it*
30 *appears at the scene until the time the vehicle is towed and released*
31 *to a third party.*

32 (c) (1) It is a misdemeanor for *a towing company or the owner*
33 *or operator of a tow truck to move*~~any~~ *a vehicle from a highway,*

1 street, or public property when the vehicle has been left unattended
2 or when there is an injury as the result of an accident without the
3 express authorization of the owner or operator of the vehicle or a
4 law enforcement officer or public agency pursuant to that agency's
5 procedures, ~~when the vehicle has been left unattended or when~~
6 ~~there is an injury as the result of an accident.~~ and without obtaining
7 the following, as applicable, in writing:

8 (A) If the authorization is from the vehicle owner or operator,
9 the first and last name, address, and working telephone number
10 of the person who gave the authorization.

11 (B) If the authorization is from law enforcement, the surname
12 and badge number of that law enforcement officer.

13 (C) If the authorization is from a public agency pursuant to that
14 agency's procedures, the name of the agency and the first name,
15 last name, and identification number of the public agency
16 employee.

17 (2) The towing company or the owner or operator of a tow truck
18 shall make the written information described in this subdivision
19 available to law enforcement, upon request, from the time the
20 vehicle is attached to or loaded on to the tow truck until the time
21 the vehicle is towed and released to a third party.

22 (d) (1) Prior to attaching a vehicle to the tow truck, the towing
23 company or the owner or operator of the tow truck shall furnish
24 the vehicle's owner or operator with the name, address, and
25 telephone number of the towing company, the name of the towing
26 operator, and a copy of the itemized statement for all charges for
27 services to be performed, including a description of labor and
28 special equipment to be used, if applicable. Prior to removing the
29 vehicle, the tow truck operator shall obtain the vehicle owner or
30 operator's signature on the itemized statement and shall furnish
31 a copy to the person who signed the statement.

32 (2) If neither the vehicle owner nor the operator is present at
33 the time and location of the tow, the towing company or owner or
34 operator of a tow truck shall send a copy of the itemized invoice
35 by registered mail within one business day of the tow to the address
36 where the vehicle is registered.

37 (e) A towing company or owner or operator of a tow truck shall
38 maintain the written documents described in subdivisions (b), (c),
39 and (d) for three years and shall make those documents available
40 for inspection and copying within 48 hours of a written request

1 *by any officer or agent of a police department, sheriff's department,*
2 *the Department of the California Highway Patrol, the Attorney*
3 *General's office, a district attorney's office, or a city attorney's*
4 *office.*

5 (d)

6 (f) This section shall not apply to the following:

7 (1) A vehicle owned or operated by, or under contract to, a
8 motor club, as defined by Section 12142 of the Insurance Code,
9 which stops to provide services for which compensation is neither
10 requested nor received, provided that those services may not
11 include towing other than that which may be necessary to remove
12 the vehicle to the nearest safe shoulder. The owner or operator of
13 ~~such a~~ *that* vehicle may contact a law enforcement agency or other
14 public agency on behalf of a motorist, but may not refer a motorist
15 to a tow truck owner or operator, unless the motorist is a member
16 of the motor club, the motorist is referred to a tow truck owner or
17 operator under contract to the motor club, and, if there is a dispatch
18 facility ~~which~~ *that* services the area and is owned or operated by
19 the motor club, the referral is made through that dispatch facility.

20 (2) A tow truck operator employed by a law enforcement agency
21 or other public agency.

22 (3) A tow truck owner or operator acting under contract with a
23 law enforcement or other public agency to abate abandoned
24 vehicles, or to provide towing service or emergency road service
25 to motorists while involved in freeway service patrol operations,
26 to the extent authorized by law.

27 SEC. 2. Section 22513.1 is added to the Vehicle Code, to read:

28 22513.1. (a) A business taking possession of a vehicle from
29 a tow truck shall document the name, address, and telephone
30 number of the towing company, the name and driver's license
31 number of the tow truck operator, the make, model, and license
32 plate or Vehicle Identification Number, and the date and time that
33 possession was taken of the vehicle. If the vehicle was dropped
34 off afterhours, the business shall obtain the information from the
35 towing company the next day.

36 (b) The information required in this section shall be maintained
37 for three years and shall be available for inspection and copying
38 within 48 hours of a written request by any officer or agent of a
39 police department, sheriff's department, the Department of the

1 California Highway Patrol, the Attorney General’s office, a district
2 attorney’s office, or a city attorney’s office.

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.