

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1222

Introduced by Assembly Member Bloom

February 27, 2015

An act to amend Sections 21100, 21100.4, and Section 22513 of, and to add Section 22513.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1222, as amended, Bloom. Tow trucks.

~~Existing law authorizes local authorities to adopt rules and regulations by ordinance or resolution regarding various matters relating to traffic and highways, including licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire, and licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority.~~

~~This bill would authorize local authorities to adopt rules and regulations by ordinance or resolution pertaining to licensing and regulating the operation of tow truck service or tow truck drivers operating within the jurisdiction of the local authority, as specified.~~

~~Existing law provides a procedure for the seizure and impoundment of a vehicle being operated as a taxicab or other passenger vehicle for hire in violation of licensing requirements adopted by a local authority.~~

~~This bill would extend those seizure and impoundment provisions to include a vehicle that is being operated as a tow truck in violation of~~

~~licensing or permit requirements adopted by a local authority, as specified.~~

~~Existing~~

~~(1) 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~~ *would, subject to exceptions,* apply those provisions to a towing company. The bill would also ~~require that in order to be exempt from the offense;~~ *require,* in addition to being summoned to the scene, requested to stop, or flagged down by the owner or operator of a disabled ~~vehicle~~ *vehicle,* that 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, or obtain specified information ~~upon arriving at~~ *prior to leaving* 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~~

~~(2) 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~~ *recast, and subject to exceptions,* apply those provisions to a towing company. The bill would ~~also require that, in addition to having~~ *delete the requirement for* the express authorization of the owner or operator of the ~~vehicle;~~ *vehicle.* The bill would *require* 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~~ *would, subject to exceptions, and if the vehicle owner or operator is present,* 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 other specified information, including a written itemized estimate of all charges and services to be performed, an invoice describing the cost for all services, and the addresses from which the vehicle was towed and to which is delivered. *performed.* Prior to removing the vehicle, the towing company or the owner or operator of the tow truck would be required to obtain the vehicle owner or operator's signature on the itemized estimate, and to furnish a copy to the person who signed the estimate, 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, the Bureau of Automotive Repair, a district attorney's office, or a city attorney's office.

The bill would provide, except for those provisions described in paragraph (1) above, that a willful violation of these requirements is a misdemeanor punishable by a fine not exceeding \$2,500, or imprisonment in a county jail not exceeding 3 months, or both imprisonment and that fine.

~~By expanding the scope of existing crimes, and imposing additional requirements on towing companies, owners and operators of tow trucks, and other entities, the violation of which would be offenses under existing law, creating new crimes,~~ 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 21100 of the Vehicle Code is amended~~
2 ~~to read:~~
3 ~~21100. Local authorities may adopt rules and regulations by~~
4 ~~ordinance or resolution regarding all of the following matters:~~
5 ~~(a) Regulating or prohibiting processions or assemblages on the~~
6 ~~highways.~~
7 ~~(b) Licensing and regulating the operation of vehicles for hire~~
8 ~~and drivers of passenger vehicles for hire.~~
9 ~~(c) Regulating traffic by means of traffic officers.~~
10 ~~(d) Regulating traffic by means of official traffic control devices~~
11 ~~meeting the requirements of Section 21400.~~
12 ~~(e) (1) Regulating traffic by means of a person given temporary~~
13 ~~or permanent appointment for that duty by the local authority when~~
14 ~~official traffic control devices are disabled or otherwise inoperable,~~
15 ~~at the scenes of accidents or disasters, or at locations as may require~~
16 ~~traffic direction for orderly traffic flow.~~
17 ~~(2) A person shall not be appointed pursuant to this subdivision~~
18 ~~unless and until the local authority has submitted to the~~
19 ~~commissioner or to the chief law enforcement officer exercising~~
20 ~~jurisdiction in the enforcement of traffic laws within the area in~~
21 ~~which the person is to perform the duty, for review, a proposed~~
22 ~~program of instruction for the training of a person for that duty,~~
23 ~~and unless and until the commissioner or other chief law~~
24 ~~enforcement officer approves the proposed program. The~~
25 ~~commissioner or other chief law enforcement officer shall approve~~
26 ~~a proposed program if he or she reasonably determines that the~~
27 ~~program will provide sufficient training for persons assigned to~~
28 ~~perform the duty described in this subdivision.~~
29 ~~(f) Regulating traffic at the site of road or street construction or~~
30 ~~maintenance by persons authorized for that duty by the local~~
31 ~~authority.~~
32 ~~(g) (1) Licensing and regulating the operation of tow truck~~
33 ~~service or tow truck drivers operating within or whose principal~~
34 ~~place of business or employment is within the jurisdiction of the~~
35 ~~local authority, excepting the operation and operators of any auto~~
36 ~~dismantlers' tow vehicle licensed under Section 11505 or any tow~~
37 ~~truck operated by a repossessing agency licensed under Chapter~~

1 11 (commencing with Section 7500) of Division 3 of the Business
2 and Professions Code and its registered employees.

3 (2) The Legislature finds that the safety and welfare of the
4 general public is promoted by permitting local authorities to
5 regulate tow truck service companies and operators by requiring
6 licensure, insurance, and proper training in the safe operation of
7 towing equipment, thereby ensuring against towing mistakes that
8 may lead to violent confrontation, stranding motorists in dangerous
9 situations, impeding the expedited vehicle recovery, and wasting
10 state and local law enforcement's limited resources.

11 (3) This subdivision does not limit the authority of a city or city
12 and county pursuant to Section 12111.

13 (h) Operation of bicycles, and, as specified in Section 21114.5,
14 electric carts by physically disabled persons, or persons 50 years
15 of age or older, on public sidewalks.

16 (i) Providing for the appointment of nonstudent school crossing
17 guards for the protection of persons who are crossing a street or
18 highway in the vicinity of a school or while returning thereafter
19 to a place of safety.

20 (j) Regulating the methods of deposit of garbage and refuse in
21 streets and highways for collection by the local authority or by
22 any person authorized by the local authority.

23 (k) (1) Regulating cruising.

24 (2) The ordinance or resolution adopted pursuant to this
25 subdivision shall regulate cruising, which is the repetitive driving
26 of a motor vehicle past a traffic control point in traffic that is
27 congested at or near the traffic control point, as determined by the
28 ranking peace officer on duty within the affected area, within a
29 specified time period and after the vehicle operator has been given
30 an adequate written notice that further driving past the control
31 point will be a violation of the ordinance or resolution.

32 (3) A person is not in violation of an ordinance or resolution
33 adopted pursuant to this subdivision unless both of the following
34 apply:

35 (A) That person has been given the written notice on a previous
36 driving trip past the control point and then again passes the control
37 point in that same time interval.

38 (B) The beginning and end of the portion of the street subject
39 to cruising controls are clearly identified by signs that briefly and

1 clearly state the appropriate provisions of this subdivision and the
2 local ordinance or resolution on cruising.

3 ~~(l) Regulating or authorizing the removal by peace officers of~~
4 ~~vehicles unlawfully parked in a fire lane, as described in Section~~
5 ~~22500.1, on private property. A removal pursuant to this~~
6 ~~subdivision shall be consistent, to the extent possible, with the~~
7 ~~procedures for removal and storage set forth in Chapter 10~~
8 ~~(commencing with Section 22650).~~

9 ~~(m) Regulating mobile billboard advertising displays, as defined~~
10 ~~in Section 395.5, including the establishment of penalties, which~~
11 ~~may include, but are not limited to, removal of the mobile billboard~~
12 ~~advertising display, civil penalties, and misdemeanor criminal~~
13 ~~penalties, for a violation of the ordinance or resolution. The~~
14 ~~ordinance or resolution may establish a minimum distance that a~~
15 ~~mobile billboard advertising display shall be moved after a~~
16 ~~specified time period.~~

17 ~~(n) Licensing and regulating the operation of pedicabs for hire,~~
18 ~~as defined in Section 467.5, and operators of pedicabs for hire,~~
19 ~~including requiring one or more of the following documents:~~

20 ~~(1) A valid California driver's license.~~

21 ~~(2) Proof of successful completion of a bicycle safety training~~
22 ~~course certified by the League of American Bicyclists or an~~
23 ~~equivalent organization as determined by the local authority.~~

24 ~~(3) A valid California identification card and proof of successful~~
25 ~~completion of the written portion of the California driver's license~~
26 ~~examination administered by the department. The department shall~~
27 ~~administer, without charging a fee, the original driver's license~~
28 ~~written examination on traffic laws and signs to a person who~~
29 ~~states that he or she is, or intends to become, a pedicab operator,~~
30 ~~and who holds a valid California identification card or has~~
31 ~~successfully completed an application for a California identification~~
32 ~~card. If the person achieves a passing score on the examination,~~
33 ~~the department shall issue a certificate of successful completion~~
34 ~~of the examination, bearing the person's name and identification~~
35 ~~card number. The certificate shall not serve in lieu of successful~~
36 ~~completion of the required examination administered as part of~~
37 ~~any subsequent application for a driver's license. The department~~
38 ~~is not required to enter the results of the examination into the~~
39 ~~computerized record of the person's identification card or otherwise~~
40 ~~retain a record of the examination or results.~~

1 ~~(o) (1) This section does not authorize a local authority to enact~~
 2 ~~or enforce an ordinance or resolution that establishes a violation~~
 3 ~~if a violation for the same or similar conduct is provided in this~~
 4 ~~code, nor does it authorize a local authority to enact or enforce an~~
 5 ~~ordinance or resolution that assesses a fine, penalty, assessment,~~
 6 ~~or fee for a violation if a fine, penalty, assessment, or fee for a~~
 7 ~~violation involving the same or similar conduct is provided in this~~
 8 ~~code.~~

9 ~~(2) This section does not preclude a local authority from enacting~~
 10 ~~parking ordinances pursuant to existing authority in Chapter 9~~
 11 ~~(commencing with Section 22500).~~

12 ~~(p) (1) Regulating advertising signs on motor vehicles parked~~
 13 ~~or left standing upon a public street. The ordinance or resolution~~
 14 ~~may establish a minimum distance that the advertising sign shall~~
 15 ~~be moved after a specified time period.~~

16 ~~(2) Paragraph (1) does not apply to any of the following:~~

17 ~~(A) Advertising signs that are permanently affixed to the body~~
 18 ~~of, an integral part of, or a fixture of a motor vehicle for permanent~~
 19 ~~decoration, identification, or display and that do not extend beyond~~
 20 ~~the overall length, width, or height of the vehicle.~~

21 ~~(B) If the license plate frame is installed in compliance with~~
 22 ~~Section 5201, paper advertisements issued by a dealer contained~~
 23 ~~within that license plate frame or any advertisements on that license~~
 24 ~~plate frame.~~

25 ~~(3) As used in paragraph (2), “permanently affixed” means any~~
 26 ~~of the following:~~

27 ~~(A) Painted directly on the body of a motor vehicle.~~

28 ~~(B) Applied as a decal on the body of a motor vehicle.~~

29 ~~(C) Placed in a location on the body of a motor vehicle that was~~
 30 ~~specifically designed by a vehicle manufacturer as defined in~~
 31 ~~Section 672 and licensed pursuant to Section 11701, in compliance~~
 32 ~~with both state and federal law or guidelines, for the express~~
 33 ~~purpose of containing an advertising sign.~~

34 ~~SEC. 2. Section 21100.4 of the Vehicle Code is amended to~~
 35 ~~read:~~

36 ~~21100.4. (a) (1) A magistrate presented with the affidavit of~~
 37 ~~a peace officer or a designated local transportation officer~~
 38 ~~establishing reasonable cause to believe that a vehicle, described~~
 39 ~~by vehicle type and license number, is being operated as a taxicab~~
 40 ~~or other passenger vehicle for hire in violation of licensing~~

1 requirements adopted by a local authority under subdivision (b)
2 of Section 21100, or that a vehicle, described by vehicle type and
3 license number, is being operated as a tow truck in violation of
4 licensing or permit requirements adopted by a local authority
5 pursuant to Section 21100, shall issue a warrant or order
6 authorizing the peace officer or designated local transportation
7 officer to immediately seize and cause the removal of the vehicle.
8 As used in this section, “designated local transportation officer”
9 means any local public officer employed by a local authority to
10 investigate and enforce local taxicab and vehicle for hire laws and
11 regulations, or local tow truck laws and regulations.

12 (2) The warrant or court order may be entered into a
13 computerized database.

14 (3) A vehicle so impounded may be impounded for a period not
15 to exceed 30 days.

16 (4) The impounding agency, within two working days of
17 impoundment, shall send a notice by certified mail, return receipt
18 requested, to the legal owner of the vehicle, at an address obtained
19 from the department, informing the owner that the vehicle has
20 been impounded and providing the owner with a copy of the
21 warrant or court order. Failure to notify the legal owner within
22 two working days shall prohibit the impounding agency from
23 charging for more than 15 days’ impoundment when a legal owner
24 redeems the impounded vehicle. The law enforcement agency shall
25 be open to issue a release to the registered owner or legal owner,
26 or the agent of either, whenever the agency is open to serve the
27 public for regular, nonemergency business.

28 (b) (1) An impounding agency shall release a vehicle to the
29 registered owner or his or her agent prior to the end of the
30 impoundment period and without the permission of the magistrate
31 authorizing the vehicle’s seizure under any of the following
32 circumstances:

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

34 (B) When the vehicle was seized under this section for an
35 offense that does not authorize the seizure of the vehicle.

36 (C) When the vehicle is a rental car.

37 (2) A vehicle may not be released under this subdivision, except
38 upon presentation of the registered owner’s or agent’s currently
39 valid license to operate the vehicle under the licensing requirements
40 adopted by the local authority under subdivision (b) or (g) of

1 Section 21100, and proof of current vehicle registration, or upon
2 order of the court.

3 (e) (1) Whenever a vehicle is impounded under this section,
4 the magistrate ordering the storage shall provide the vehicle's
5 registered and legal owners of record, or their agents, with the
6 opportunity for a poststorage hearing to determine the validity of
7 the storage.

8 (2) A notice of the storage shall be mailed or personally
9 delivered to the registered and legal owners within 48 hours after
10 issuance of the warrant or court order, excluding weekends and
11 holidays, by the person or agency executing the warrant or court
12 order, and shall include all of the following information:

13 (A) The name, address, and telephone number of the agency
14 providing the notice.

15 (B) The location of the place of storage and a description of the
16 vehicle, which shall include, if available, the name or make, the
17 manufacturer, the license plate number, and the mileage of the
18 vehicle.

19 (C) A copy of the warrant or court order and the peace officer's
20 affidavit, as described in subdivision (a):

21 (D) A statement that, in order to receive their poststorage
22 hearing, the owners, or their agents, are required to request the
23 hearing from the magistrate issuing the warrant or court order in
24 person, in writing, or by telephone, within 10 days of the date of
25 the notice.

26 (3) The poststorage hearing shall be conducted within two court
27 days after receipt of the request for the hearing.

28 (4) At the hearing, the magistrate may order the vehicle released
29 if he or she finds any of the circumstances described in subdivision
30 (b) or (c) that allow release of a vehicle by the impounding agency.

31 (5) Failure of either the registered or legal owner, or his or her
32 agent, to request, or to attend, a scheduled hearing satisfies the
33 poststorage hearing requirement.

34 (6) The agency employing the peace officer or designated local
35 transportation officer who caused the magistrate to issue the
36 warrant or court order shall be responsible for the costs incurred
37 for towing and storage if it is determined in the poststorage hearing
38 that reasonable grounds for the storage are not established.

1 ~~(d) The registered owner or his or her agent is responsible for~~
2 ~~all towing and storage charges related to the impoundment, and~~
3 ~~any administrative charges authorized under Section 22850.5.~~

4 ~~(e) A vehicle removed and seized under subdivision (a) shall~~
5 ~~be released to the legal owner of the vehicle or the legal owner's~~
6 ~~agent prior to the end of the impoundment period and without the~~
7 ~~permission of the magistrate authorizing the seizure of the vehicle~~
8 ~~if all of the following conditions are met:~~

9 ~~(1) The legal owner is a motor vehicle dealer, bank, credit union,~~
10 ~~acceptance corporation, or other licensed financial institution~~
11 ~~legally operating in this state or is another person, not the registered~~
12 ~~owner, holding a security interest in the vehicle.~~

13 ~~(2) (A) The legal owner or the legal owner's agent pays all~~
14 ~~towing and storage fees related to the seizure of the vehicle. A lien~~
15 ~~sale processing fee shall not be charged to the legal owner who~~
16 ~~redeems the vehicle prior to the 15th day of impoundment. Neither~~
17 ~~the impounding authority nor any person having possession of the~~
18 ~~vehicle shall collect from the legal owner of the type specified in~~
19 ~~paragraph (1), or the legal owner's agent, any administrative~~
20 ~~charges imposed pursuant to Section 22850.5 unless the legal~~
21 ~~owner voluntarily requested a poststorage hearing.~~

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

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

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

1 ~~(E) Credit charges for towing and storage services shall comply~~
2 ~~with Section 1748.1 of the Civil Code. Law enforcement agencies~~
3 ~~may include the costs of providing for payment by credit when~~
4 ~~making agreements with towing companies on rates.~~

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

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

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

1 Section 7500) of Division 3 of the Business and Professions Code,
2 or to demonstrate, to the satisfaction of the law enforcement
3 agency, impounding agency, or any person in possession of the
4 vehicle, or anyone acting on behalf of them, that the agent is
5 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the
6 Business and Professions Code.

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

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

32 ~~(f) (1) A legal owner or the legal owner's agent that obtains~~
33 ~~release of the vehicle pursuant to subdivision (e) shall not release~~
34 ~~the vehicle to the registered owner of the vehicle or the person~~
35 ~~who was listed as the registered owner when the vehicle was~~
36 ~~impounded or any agents of the registered owner until the~~
37 ~~termination of the impoundment period.~~

38 ~~(2) The legal owner or the legal owner's agent shall not~~
39 ~~relinquish the vehicle to the registered owner or the person who~~
40 ~~was listed as the registered owner when the vehicle was impounded~~

1 until the registered owner or that owner's agent presents his or her
2 valid driver's license or valid temporary driver's license, and an
3 operator's license that is in compliance with the licensing
4 requirements adopted by the local authority under subdivision (b)
5 of Section 21100, to the legal owner or the legal owner's agent.
6 The legal owner or the legal owner's agent or the person in
7 possession of the vehicle shall make every reasonable effort to
8 ensure that the licenses presented are valid and possession of the
9 vehicle will not be given to the driver who was involved in the
10 original impoundment proceeding until the expiration of the
11 impoundment period.

12 (3) ~~Prior to relinquishing the vehicle, the legal owner may~~
13 ~~require the registered owner to pay all towing and storage charges~~
14 ~~related to the impoundment and the administrative charges~~
15 ~~authorized under Section 22850.5 that were incurred by the legal~~
16 ~~owner in connection with obtaining the custody of the vehicle.~~

17 (4) ~~Any legal owner who knowingly releases or causes the~~
18 ~~release of a vehicle to a registered owner or the person in~~
19 ~~possession of the vehicle at the time of the impoundment or any~~
20 ~~agent of the registered owner in violation of this subdivision shall~~
21 ~~be guilty of a misdemeanor and subject to a civil penalty in the~~
22 ~~amount of two thousand dollars (\$2,000).~~

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

27 (g) ~~Notwithstanding any other provision of this section, the~~
28 ~~registered owner and not the legal owner shall remain responsible~~
29 ~~for any towing and storage charges related to the impoundment~~
30 ~~and the administrative charges authorized under Section 22850.5~~
31 ~~and any parking fines, penalties, and administrative fees incurred~~
32 ~~by the registered owner.~~

33 (h) ~~The law enforcement agency and the impounding agency,~~
34 ~~including any storage facility acting on behalf of the law~~
35 ~~enforcement agency or impounding agency, shall comply with this~~
36 ~~section and shall not be liable to the registered owner for the~~
37 ~~improper release of the vehicle to the legal owner or the legal~~
38 ~~owner's agent if the release complies with this section. The legal~~
39 ~~owner shall indemnify and hold harmless a storage facility from~~
40 ~~any claims arising out of the release of the vehicle to the legal~~

1 owner or the legal owner's agent and from any damage to the
2 vehicle after its release, including the reasonable costs associated
3 with defending any such claims. A law enforcement agency shall
4 not refuse to issue a release to a legal owner or the agent of a legal
5 owner on the grounds that it previously issued a release.

6 ~~SEC. 3.~~

7 SECTION 1. Section 22513 of the Vehicle Code is amended
8 to read:

9 ~~22513. (a) Except as provided in subdivision (b) or (c), the~~
10 ~~owner or operator of a tow truck who complies with the~~
11 ~~requirements of this code relating to tow trucks may stop or park~~
12 ~~the tow truck upon a highway for the purpose of rendering~~
13 ~~assistance to a disabled vehicle.~~

14 ~~(b)~~

15 22513. (a) (1) It is a misdemeanor for a towing company or
16 the owner or operator of a tow truck to stop *or cause a person to*
17 *stop* at the scene of an accident or near a disabled vehicle for the
18 purpose of soliciting an engagement for towing services, either
19 directly or indirectly, ~~or~~ to furnish towing services, *to move a*
20 *vehicle from a highway, street, or public property when the vehicle*
21 *has been left unattended or when there is an injury as the result*
22 *of an accident, or to accrue charges for services furnished under*
23 *those circumstances, unless requested to perform that service by*
24 *a law enforcement officer or public agency pursuant to that*
25 *agency's procedures, or unless summoned to the scene, requested*
26 *to stop, or flagged down by the owner or operator of a disabled*
27 *vehicle.*

28 ~~(2) If requested or summoned to the scene, the~~ (A) A towing
29 company or the owner or operator of a tow truck ~~possesses~~
30 *summoned to the scene by the owner or operator of a disabled*
31 *vehicle shall possess* all of the following information in writing
32 prior to arriving at the scene:

33 ~~(A)~~

34 (i) The first and last name and working telephone number of
35 the person who summoned it to the scene.

36 ~~(B)~~

37 (ii) The make, model, year, and license plate number of the
38 disabled vehicle.

39 ~~(C)~~

40 (iii) The date and time it was summoned to the scene.

1 ~~(D)~~

2 (iv) The name of the person(s) who obtained the information in
3 subparagraphs (A), (B), and (C): clauses (i), (ii), and (iii).

4 (B) A towing company or the owner or operator of a tow truck
5 summoned to the scene by a motor club, as defined by Section
6 12142 of the Insurance Code, pursuant to the request of the owner
7 or operator of a disabled vehicle is exempt from the requirements
8 of subparagraph (A), provided it possesses all of the following
9 information in writing prior to arriving at the scene:

10 (i) The business name of the motor club.

11 (ii) The identification number the motor club assigns to the
12 referral.

13 (iii) The date and time it was summoned to the scene by the
14 motor club.

15 (3) ~~If requested to stop or flagged down at the scene, the A~~
16 towing company or the owner or operator of a tow truck ~~shall~~
17 ~~complete~~ requested to stop or flagged down at the scene by the
18 owner or operator of a disabled vehicle shall possess all of the
19 following information in writing upon 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~~ requested the stop or
22 flagged it down.

23 (B) The make, model, ~~year,~~ and license plate ~~number~~ number,
24 if one is displayed, of the disabled vehicle.

25 (C) The date and time it was ~~summoned to the scene~~ requested
26 to stop or flagged down.

27 (D) The name of the ~~person(s)~~ person who obtained the
28 information in subparagraphs (A), (B), and (C).

29 (4) A towing company or the owner or operator of a tow truck
30 summoned or requested by a law enforcement officer or public
31 agency pursuant to that agency's procedures to stop at the scene
32 of an accident or near a disabled vehicle for the purpose of
33 soliciting an engagement for towing services, either directly or
34 indirectly, to furnish towing services, or that is expressly authorized
35 to move a vehicle from a highway, street, or public property when
36 the vehicle has been left unattended or when there is an injury as
37 the result of an accident, shall possess all of the following in
38 writing before leaving the scene:

39 (A) The identity of the law enforcement agency or public agency.

1 (B) *The log number, call number, incident number, or dispatch*
 2 *number assigned to the incident by law enforcement or the public*
 3 *agency, or the surname and badge number of the law enforcement*
 4 *officer, or the surname and employee identification number of the*
 5 *public agency employee.*
 6 (C) *The date and time of the summons, request, or express*
 7 *authorization.*
 8 (4)
 9 (b) The towing company or the owner or operator of a tow truck
 10 shall make the written information described in ~~this~~ subdivision
 11 (a) available to law enforcement, upon request, from the time it
 12 appears at the scene until the time the vehicle is towed and released
 13 to a ~~third-party~~ party, and shall maintain that information for three
 14 years. The towing company or owner or operator of a tow truck
 15 shall make that information available for inspection and copying
 16 within 48 hours of a written request from any officer or agent of
 17 a police department, sheriff's department, the Department of the
 18 California Highway Patrol, the Attorney General's office, a district
 19 attorney's office, or a city attorney's office.
 20 (e) ~~(1) It is a misdemeanor for a towing company or the owner or~~
 21 ~~operator of a tow truck to move a vehicle from a highway, street,~~
 22 ~~or public property when the vehicle has been left unattended or~~
 23 ~~when there is an injury as the result of an accident without the~~
 24 ~~express authorization of the owner or operator of the vehicle or a~~
 25 ~~law enforcement officer or public agency pursuant to that agency's~~
 26 ~~procedures, and without obtaining the following, as applicable, in~~
 27 ~~writing:~~
 28 (A) ~~If the authorization is from the vehicle owner or operator,~~
 29 ~~the first and last name, address, and working telephone number of~~
 30 ~~the person who gave the authorization.~~
 31 (B) ~~If the authorization is from law enforcement, the surname~~
 32 ~~and badge number of that law enforcement officer.~~
 33 (C) ~~If the authorization is from law enforcement dispatch, the~~
 34 ~~surname and identification number of that dispatcher.~~
 35 (D) ~~If the authorization is from a public agency pursuant to that~~
 36 ~~agency's procedures, the name of the agency and the first and last~~
 37 ~~name of the public agency employee.~~
 38 (2) ~~The towing company or the owner or operator of a tow truck~~
 39 ~~shall make the written information described in this subdivision~~
 40 ~~available to law enforcement, upon request, from the time the~~

1 vehicle is attached to or loaded on to the tow truck until the time
2 the vehicle is towed and released to a third party.

3 ~~(d)~~

4 (c) (1) Prior to attaching a vehicle to the tow truck, *if the vehicle*
5 *owner or operator is present at the time and location of the*
6 *anticipated tow*, the towing company or the owner or operator of
7 the tow truck shall furnish the vehicle's owner or operator with a
8 *written itemized estimate of all charges and services to be*
9 *performed. The estimate shall include all of the following:*

10 ~~(A) A written itemized estimate of all charges and services to~~
11 ~~be performed.~~

12 ~~(B)~~

13 (A) The name, address, telephone number, and motor carrier
14 permit number of the towing company.

15 ~~(C)~~

16 (B) The license plate number of the tow truck performing the
17 tow.

18 ~~(D)~~

19 (C) The first and last name of the towing operator, and if
20 different than the towing operator, the first and last name of the
21 person from the towing company furnishing the estimate.

22 ~~(E)~~

23 (D) A description and cost for all services, including, but not
24 limited to, charges for labor, special equipment, mileage from
25 dispatch to return expressed as a per mile rate, *return*, and storage
26 fees, expressed as a 24-hour rate.

27 ~~(2) Prior to removing the vehicle, the~~ *The* tow truck operator
28 shall obtain the vehicle owner or operator's signature on the
29 itemized estimate and shall furnish a copy to the person who signed
30 the estimate.

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

36 (3) *The requirements in paragraph (1) may be completed after*
37 *the vehicle is attached and removed to the nearest safe shoulder*
38 *or street if done at the request of law enforcement or a public*
39 *agency, provided the estimate is furnished prior to the removal of*
40 *the vehicle from the nearest safe shoulder or street.*

1 (4) *The towing company or the owner or operator of a tow truck*
 2 *shall maintain the written documents described in this subdivision*
 3 *for three years, and shall make them available for inspection and*
 4 *copying within 48 hours of a written request from any officer or*
 5 *agent of a police department, sheriff’s department, the Department*
 6 *of the California Highway Patrol, the Attorney General’s office,*
 7 *a district attorney’s office, or a city attorney’s office.*

8 (5) *This subdivision does not apply to a towing company or the*
 9 *owner or operator of a tow truck summoned to the scene by a*
 10 *motor club, as defined by Section 12142 of the Insurance Code,*
 11 *pursuant to the request of the owner or operator of a disabled*
 12 *vehicle.*

13 (6) *This subdivision does not apply to a towing company or the*
 14 *owner or operator of a tow truck summoned to the scene by law*
 15 *enforcement or public agency pursuant to that agency’s*
 16 *procedures, and operating at the scene pursuant to a contract with*
 17 *that law enforcement agency or public agency.*

18 (d) (1) *A towing company or the owner or operator of a tow*
 19 *truck shall not charge a fee for towing or storage, or both, of a*
 20 *vehicle in excess of the greater of the following:*

21 (A) *The fee that would have been charged for that towing or*
 22 *storage, or both, made at the request of a law enforcement agency*
 23 *under an agreement between a towing company and the law*
 24 *enforcement agency that exercises primary jurisdiction in the city*
 25 *in which the vehicle was, or was attempted to be, removed, or if*
 26 *not located within a city, the law enforcement agency that exercises*
 27 *primary jurisdiction in the county in which the vehicle was, or was*
 28 *attempted to be, removed.*

29 (B) *The fee that would have been charged for that towing or*
 30 *storage, or both, under the rate approved for that towing operator*
 31 *by the Department of the California Highway Patrol for the*
 32 *jurisdiction from which the vehicle was, or was attempted to be,*
 33 *removed.*

34 ~~(4)~~

35 (2) *No charge shall be made in excess of the estimated price*
 36 *without the prior—written consent of the vehicle owner or*
 37 *operator. Written consent may be made in person or by electronic*
 38 *mail or transmission.*

39 ~~(5)~~

1 (3) All services rendered by a tow company or tow truck
2 operator, including any warranty or zero cost services, shall be
3 recorded on an invoice, ~~and shall include the business name,~~
4 ~~address, telephone number, and motor carrier permit number, a~~
5 ~~description and cost for all services, the addresses where the vehicle~~
6 ~~was towed from and delivered to, and the name of the person~~
7 ~~authorizing the tow. as described in subdivision (e) of Section~~
8 ~~22651.07 of the Vehicle Code. The towing company or the owner~~
9 ~~or operator of a tow truck shall maintain the written documents~~
10 ~~described in this subdivision for three years, and shall make the~~
11 ~~documents available for inspection and copying within 48 hours~~
12 ~~of a written request from any officer or agent of a police~~
13 ~~department, sheriff's department, the Department of the California~~
14 ~~Highway Patrol, the Attorney General's office, a district attorney's~~
15 ~~office, or a city attorney's office.~~

16 ~~(6) Notwithstanding Section 3068 of the Civil Code, a tow~~
17 ~~company or tow truck operator that fails to comply with the~~
18 ~~provisions of this section shall not have a lien pursuant to Section~~
19 ~~3068 of the Civil Code.~~

20 ~~(e) A towing company or owner or operator of a tow truck shall~~
21 ~~maintain the written documents described in subdivisions (b), (c),~~
22 ~~and (d) for three years and shall make those documents available~~
23 ~~for inspection and copying within 48 hours of a written request by~~
24 ~~any officer or agent of a police department, sheriff's department,~~
25 ~~the Department of the California Highway Patrol, the Attorney~~
26 ~~General's office, a district attorney's office, or a city attorney's~~
27 ~~office.~~

28 ~~(e) A person who willfully violates subdivision (b), (c), or (d)~~
29 ~~is guilty of a misdemeanor, punishable by a fine of not more than~~
30 ~~two thousand five hundred dollars (\$2,500), or by imprisonment~~
31 ~~in a county jail for not more than three months, or by both that~~
32 ~~fine and imprisonment.~~

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

34 (1) A vehicle owned or operated by, or under contract to, a
35 motor club, as defined by Section 12142 of the Insurance Code,
36 which stops to provide services for which compensation is neither
37 requested nor received, provided that those services may not
38 include towing other than that which may be necessary to remove
39 the vehicle to the nearest safe shoulder. The owner or operator of
40 that vehicle may contact a law enforcement agency or other public

1 agency on behalf of a motorist, but may not refer a motorist to a
2 tow truck owner or operator, unless the motorist is a member of
3 the motor club, the motorist is referred to a tow truck owner or
4 operator under contract to the motor club, and, if there is a dispatch
5 facility that services the area and is owned or operated by the motor
6 club, the referral is made through that dispatch facility.

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

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

14 ~~SEC. 4.~~

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

16 22513.1. (a) A business taking possession of a vehicle from
17 a tow truck shall document the name, address, and telephone
18 number of the towing company, the name and driver’s license
19 number of the tow truck operator, the make, model, and license
20 plate or Vehicle Identification Number, and the date and time that
21 possession was taken of the vehicle. If the vehicle was dropped
22 off afterhours, the business shall obtain the information from the
23 towing company the next day.

24 (b) The information required in this section shall be maintained
25 for three years and shall be available for inspection and copying
26 within 48 hours of a written request by any officer or agent of a
27 police department, sheriff’s department, the Department of the
28 California Highway Patrol, the Attorney General’s office, the
29 Bureau of Automotive Repair, a district attorney’s office, or a city
30 attorney’s office.

31 (c) *A person who willfully violates this section is guilty of a*
32 *misdemeanor, and is punishable by a fine of not more than two*
33 *thousand five hundred dollars (\$2,500), or by imprisonment in a*
34 *county jail for not more than three months, or by both that fine*
35 *and imprisonment.*

36 ~~SEC. 5.~~

37 *SEC. 3.* No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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