

ASSEMBLY BILL

No. 2572

Introduced by Assembly Member Jones-Sawyer

February 19, 2016

An act to amend Section 3068 of the Civil Code, relating to vehicle liens.

LEGISLATIVE COUNSEL'S DIGEST

AB 2572, as introduced, Jones-Sawyer. Vehicle liens.

Existing law grants a person a lien on a vehicle, dependent upon possession, for the compensation connected with repairing, furnishing supplies, storing, or renting parking space for that vehicle. Existing law establishes how the lien arises and how it may be extinguished.

This bill would make a nonsubstantive change in these provisions.

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 3068 of the Civil Code is amended to
2 read:
3 3068. (a) Every person has a lien dependent upon possession
4 for the compensation to which ~~the~~ *that* person is legally entitled
5 for making repairs or performing labor upon, and furnishing
6 supplies or materials for, and for the storage, repair, or safekeeping
7 of, and for the rental of parking space for, any vehicle of a type
8 subject to registration under the Vehicle Code, subject to the
9 limitations set forth in this chapter. The lien shall be deemed to
10 arise at the time a written statement of charges for completed work

1 or services is presented to the registered owner or 15 days after
2 the work or services are completed, whichever occurs first. Upon
3 completion of the work or services, the lienholder shall not
4 dismantle, disengage, remove, or strip from the vehicle the parts
5 used to complete the work or services.

6 (b) (1) Any lien under this section that arises because work or
7 services have been performed on a vehicle with the consent of the
8 registered owner shall be extinguished and no lien sale shall be
9 conducted unless either of the following occurs:

10 (A) The lienholder applies for an authorization to conduct a lien
11 sale within 30 days after the lien has arisen.

12 (B) An action in court is filed within 30 days after the lien has
13 arisen.

14 (2) A person whose lien for work or services on a vehicle has
15 been extinguished shall turn over possession of the vehicle, at the
16 place where the work or services were performed, to the legal
17 owner or the lessor upon demand of the legal owner or lessor, and
18 upon tender by the legal owner or lessor, by cashier's check or in
19 cash, of only the amount for storage, safekeeping, or parking space
20 rental for the vehicle to which the person is entitled by subdivision
21 (c).

22 (3) Any lien under this section that arises because work or
23 services have been performed on a vehicle with the consent of the
24 registered owner shall be extinguished, and no lien sale shall be
25 conducted, if the lienholder, after written demand made by either
26 personal service or certified mail with return receipt requested by
27 the legal owner or the lessor to inspect the vehicle, fails to permit
28 that inspection by the legal owner or lessor, or his or her agent,
29 within a period of time not sooner than 24 hours nor later than 72
30 hours after the receipt of that written demand, during the normal
31 business hours of the lienholder.

32 (4) Any lien under this section that arises because work or
33 services have been performed on a vehicle with the consent of the
34 registered owner shall be extinguished, and no lien sale shall be
35 conducted, if the lienholder, after written demand made by either
36 personal service or certified mail with return receipt requested by
37 the legal owner or the lessor to receive a written copy of the work
38 order or invoice reflecting the services or repairs performed on the
39 vehicle and the authorization from the registered owner requesting
40 the lienholder to perform the services or repairs, fails to provide

1 that copy to the legal owner or lessor, or his or her agent, within
2 10 days after the receipt of that written demand.

3 (c) The lienholder shall not charge the legal owner or lessor any
4 amount for release of the vehicle in excess of the amounts
5 authorized by this subdivision.

6 (1) That portion of the lien in excess of one thousand five
7 hundred dollars (\$1,500) for any work or services, or that amount,
8 subject to the limitations contained in Section 10652.5 of the
9 Vehicle Code, in excess of one thousand twenty-five dollars
10 (\$1,025) for any storage, safekeeping, or rental of parking space
11 or, if an application for an authorization to conduct a lien sale has
12 been filed pursuant to Section 3071 within 30 days after the
13 commencement of the storage or safekeeping, in excess of one
14 thousand two hundred fifty dollars (\$1,250) for any storage or
15 safekeeping, rendered or performed at the request of any person
16 other than the legal owner or lessor, is invalid, unless prior to
17 commencing any work, services, storage, safekeeping, or rental
18 of parking space, the person claiming the lien gives actual notice
19 in writing either by personal service or by registered letter
20 addressed to the legal owner named in the registration certificate,
21 and the written consent of that legal owner is obtained before any
22 work, services, storage, safekeeping, or rental of parking space
23 are performed.

24 (2) Subject to the limitations contained in Section 10652.5 of
25 the Vehicle Code, if any portion of a lien includes charges for the
26 care, storage, or safekeeping of, or for the rental of parking space
27 for, a vehicle for a period in excess of 60 days, the portion of the
28 lien that accrued after the expiration of that period is invalid unless
29 Sections 10650 and 10652 of the Vehicle Code have been complied
30 with by the holder of the lien.

31 (3) The charge for the care, storage, or safekeeping of a vehicle
32 which may be charged to the legal owner or lessor shall not exceed
33 that for one day of storage if, 24 hours or less after the vehicle is
34 placed in storage, a request is made for the release of the vehicle.
35 If the request is made more than 24 hours after the vehicle is placed
36 in storage, charges may be imposed on a full, calendar-day basis
37 for each day, or part thereof, that the vehicle is in storage.

38 (d) In any action brought by or on behalf of the legal owner or
39 lessor to recover a vehicle alleged to be wrongfully withheld by
40 the person claiming a lien pursuant to this section, the prevailing

- 1 party shall be entitled to reasonable attorney's fees and costs, not
- 2 to exceed one thousand seven hundred fifty dollars (\$1,750).

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