

Assembly Bill No. 323

CHAPTER 289

An act to amend Section 10652.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 2, 1995. Filed with
Secretary of State August 3, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 323, Bustamante. Vehicles: storage fees.

Existing law prohibits, for a specified period, the imposition of a fee or service charge for the parking and storage of a motor vehicle that has been towed pursuant to a parking or traffic violation, if the name and address of the legal owner is known or may be ascertained from specified sources, except as specified.

This bill would authorize the imposition of the fee or service charge for a period of 15 days and, following that 15-day period, for specified periods, as provided in other provisions of existing law, under prescribed conditions.

The people of the State of California do enact as follows:

SECTION 1. Section 10652.5 of the Vehicle Code is amended to read:

10652.5. (a) Whenever the name and address of the legal owner of a motor vehicle is known, or may be ascertained from the registration records in the vehicle or from the records of the Department of Motor Vehicles, no fee or service charge may be imposed upon the legal owner for the parking and storage of the motor vehicle except as follows: (1) The first 15 days of possession and (2) following that 15-day period, the period commencing three days after written notice is sent by the person in possession to the legal owner by certified mail, return receipt requested, and continuing for a period not to exceed any applicable time limit set forth in Section 3068 or 3068.1 of the Civil Code.

(b) The costs of notifying the legal owner may be charged as part of the storage fee when the motor vehicle has been stored for an indefinite period of time and notice is given no sooner than the third day of possession. This subdivision also applies if the legal owner refuses to claim possession of the motor vehicle.

(c) In any action brought by, or on behalf of, a legal owner of a motor vehicle to which subdivision (a) applies, to recover a motor vehicle alleged to be withheld by the person in possession of the motor vehicle by demanding storage fees or charges for any number



of days in excess of that permitted pursuant to subdivision (a), the prevailing party shall be entitled to reasonable attorney's fees, not to exceed one thousand seven hundred fifty dollars (\$1,750). The recovery of those fees is in addition to any other right, remedy, or cause of action of that party.

(d) This section is not applicable to any motor vehicle stored by a levying officer acting under the authority of judicial process.

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