

AMENDED IN ASSEMBLY MAY 4, 1995
AMENDED IN ASSEMBLY APRIL 20, 1995
AMENDED IN ASSEMBLY MARCH 27, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 650

**Introduced by Assembly Member Speier
(Principal coauthors: Assembly Members Bowen and
Harvey), *Harvey, and Kevin Murray*)
(Coauthors: Assembly Members Alpert, Goldsmith, Kuehl,
McDonald, and Mazzoni)**

February 21, 1995

An act to amend Sections ~~14602.6~~, 16020, 16070, 16071, ~~and~~
~~16457~~ 16457, *and* 22651 of, and to add Sections 4000.37, 16028,
~~and 16029~~ 16029, 16030, *and* 16033 to, the Vehicle Code,
relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 650, as amended, Speier. Vehicles: financial responsibility.

(1) Existing law imposes various duties on the Department of Motor Vehicles relating to vehicles.

This bill would require the department to require, upon application for renewal of registration of a vehicle and within 10 days of an application for original registration or transfer of registration, any one of several forms of evidence that the applicant is in compliance with the financial responsibility

laws of this state, except as specified. This provision would become operative on January 1, 1997.

The bill would require an insurance company or a surety company to notify the department upon the issuance, renewal, and termination of any automobile policy or bond issued by that company. The notice would be required to include specified information. Because a violation of this provision would be a crime under existing law, the bill would impose a state-mandated local program.

The bill would make technical, clarifying changes in related provisions of law.

(2) Existing law requires every driver and every owner of a motor vehicle to be able, at all times, to establish financial responsibility, as defined, for the vehicle.

This bill would require every person who drives upon a highway a motor vehicle required to be registered in this state to provide evidence of financial responsibility for the vehicle upon demand of a peace officer, as specified, *and would prohibit a peace officer from stopping a vehicle for the sole purpose of determining whether the vehicle is being driven in violation of this provision.*

The bill would prohibit a person from knowingly providing false evidence of financial responsibility when requested by a peace officer pursuant to the provision specified above.

The bill would make violation of the ~~provision~~ *provisions* described above, *except the provision relating to peace officers*, a misdemeanor, punishable by specified fines ~~and terms~~ *and, in the case of the provision prohibiting knowingly providing false evidence of financial responsibility, a specified term* in the county jail, thereby imposing a state-mandated local program by creating a new crime.

The bill would exempt a person from the ~~provision~~ *provisions* described above if the person was driving, with the permission of the person's employer, a motor vehicle owned, operated, or leased by that employer, would make the provision applicable to the employer, and would require a notice to appear issued pursuant to the above provision to be issued to the employer rather than the driver. The bill would require the driver to notify the employer of the receipt of the notice to appear not later than 5 days after receipt. Because



a violation of the provision requiring notification of the employer would be an infraction, the bill would create a new crime and would thus impose a state-mandated local program.

The bill would authorize the ~~impoundment removal from the highway~~ of the vehicle of a person who violates the above-specified provision, relating to providing evidence of financial responsibility for a vehicle when requested to do so by a peace officer, ~~if the person does not have a prior conviction of a violation of the provision and would require the impoundment of the vehicle if the person does have a prior conviction of a violation of the provision.~~

The bill would authorize dismissal of charges related to violation of the above-specified provision, relating to providing evidence of financial responsibility upon request of a peace officer, upon receipt of written evidence of financial responsibility, as defined, by the clerk of the court.

The bill would provide that no public entity or employee is liable for any loss, detriment, or injury resulting from failure to request evidence of financial responsibility or inaccurately recording that evidence, as specified, or as a result of the driver producing false or inaccurate financial responsibility information.

(3) 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 4000.37 is added to the Vehicle
2 Code, to read:
3 4000.37. (a) Upon application for renewal of
4 registration of a vehicle, and within 10 days of an
5 application for original registration or transfer of
6 registration, the department shall require that the
7 applicant submit either the form specified in paragraph



1 (1) or any one of the items specified in paragraph (2) as
2 evidence that the applicant is in compliance with the
3 financial responsibility laws of this state:

4 (1) A form developed by the department that includes
5 all of the following:

6 (A) The name and address of the applicant.

7 (B) The year, make, model, and vehicle identification
8 number of the vehicle.

9 (C) The name and address of the insurance company
10 or surety company providing a policy or bond for the
11 vehicle.

12 (D) The effective date and expiration date of the
13 policy or bond.

14 (E) A statement from the insurance company or
15 surety company that the policy or bond meets the
16 requirements of Section 16056 or 16500.5.

17 (2) Any of the following:

18 (A) A copy of a certificate of self-insurance issued
19 pursuant to Section 16053.

20 (B) A copy of a certificate or deposit number of a cash
21 deposit that meets the requirements of Section 16054.2.

22 (C) An insurance covering note issued pursuant to
23 Section 382 of the Insurance Code.

24 (D) A statement that the vehicle is owned or leased by,
25 or under the direction of, the United States or any public
26 entity that is included in Section 811.2 of the Government
27 Code.

28 (E) A notice issued pursuant to Section 16058.

29 (b) This section does not apply to a vehicle for which
30 a certification has been filed pursuant to Section 4604,
31 until the vehicle is registered for operation on the
32 highway.

33 (c) This section shall become operative on January 1,
34 1997.

35 SEC. 2. Section 16020 of the Vehicle Code is amended
36 to read:

37 16020. (a) Every driver and every owner of a motor
38 vehicle shall at all times be able to establish financial
39 responsibility pursuant to Section 16021, and shall at all



1 times carry in the vehicle evidence of the form of
2 financial responsibility in effect for the vehicle.

3 (b) “Evidence of financial responsibility” means any
4 of the following:

5 (1) The name of the insurance or surety company that
6 issued a policy or bond for the vehicle that meets the
7 requirements of Section 16056 and is currently in effect,
8 and the number of the insurance policy or surety bond.

9 (2) If the owner is a self-insurer, as provided in Section
10 16052 or a depositor, as provided in Section 16054.2, the
11 certificate or deposit number issued by the department.

12 (3) An insurance covering note, as specified in Section
13 382 of the Insurance Code.

14 (4) A showing that the vehicle is owned or leased by,
15 or under the direction of, the United States or any public
16 entity, as defined in Section 811.2 of the Government
17 Code.

18 (c) For purposes of this section, “evidence of financial
19 responsibility” also includes either of the following:

20 (1) The number of an insurance policy or surety bond
21 that was in effect at the time of the accident, if that
22 information is contained in the vehicle registration
23 records of the department.

24 (2) The identifying symbol issued to a highway carrier
25 by the Public Utilities Commission pursuant to Section
26 3543 of the Public Utilities Code and displayed on the
27 motor vehicle.

28 (d) For purposes of this section, “evidence of financial
29 responsibility” shall be in writing, and established by
30 writing the name of the insurance company or surety
31 company and the policy number on the vehicle
32 registration card issued by the department.

33 SEC. 3. Section 16028 is added to the Vehicle Code, to
34 read:

35 16028. (a) Upon demand of a peace officer pursuant
36 to subdivision (b) or (c), every person who drives upon
37 a highway a motor vehicle required to be registered in
38 this state shall provide evidence of financial responsibility
39 for the vehicle. *However, a peace officer shall not stop a*



1 *vehicle for the sole purpose of determining whether the*
2 *vehicle is being driven in violation of this subdivision.*

3 (b) Whenever a notice to appear is issued for any
4 alleged violation of this code, except a violation specified
5 in Chapter 9 (commencing with Section 22500) of
6 Division 11 or any local ordinance adopted pursuant
7 thereto, the cited driver shall furnish written evidence of
8 financial responsibility upon request of the peace officer
9 issuing the citation. The peace officer shall request and
10 write the driver's evidence of financial responsibility on
11 the notice to appear, except where the peace officer is
12 unable to write the driver's evidence of financial
13 responsibility on the notice to appear due to an
14 emergency that requires his or her presence elsewhere.
15 If the cited driver fails to provide evidence of financial
16 responsibility at the time the notice to appear is issued,
17 the peace officer may issue the driver a notice to appear
18 for violation of subdivision (a). The notice to appear for
19 violation of subdivision (a) shall be written on the same
20 citation form as the original violation.

21 (c) Whenever a peace officer is summoned to the
22 scene of an accident described in Section 16000, the
23 driver of any motor vehicle that is in any manner
24 involved in the accident shall furnish written evidence of
25 financial responsibility upon the request of the peace
26 officer. If the driver fails to provide evidence of financial
27 responsibility when requested, the peace officer may
28 issue the driver a notice to appear for violation of
29 subdivision (a).

30 (d) (1) If a driver arrested for a violation of
31 subdivision (a) is, at the time of arrest, driving a motor
32 vehicle owned, operated, or leased by the driver's
33 employer, and the vehicle is being driven with the
34 permission of the employer, this section shall apply to the
35 employer rather than the driver. In that case, a notice to
36 appear shall be issued to the employer rather than the
37 driver, and the driver may sign the notice on behalf of the
38 employer.



1 (2) The driver shall notify the employer of the receipt
2 of the notice issued pursuant to paragraph (1) not later
3 than five days after receipt.

4 (e) *A person cited in a notice to appear for a violation*
5 *of subdivision (a) may personally appear before the clerk*
6 *of the court, as designated in the notice to appear, and*
7 *provide written evidence of financial responsibility in a*
8 *form consistent with Section 16020, showing that the*
9 *driver was in compliance with that section at the time the*
10 *notice to appear for violating subdivision (a) was issued.*
11 *In lieu of a personal appearance, the person may submit*
12 *written evidence of financial responsibility by mail to the*
13 *court. Upon receipt by the clerk of written evidence of*
14 *financial responsibility in a form consistent with Section*
15 *16020, further proceedings on the notice to appear for the*
16 *violation of subdivision (a) shall be dismissed.*

17 SEC. 4. Section 16029 is added to the Vehicle Code, to
18 read:

19 16029. A violation of subdivision (a) of Section 16028
20 is a misdemeanor and shall be punished as follows:

21 ~~(a) Upon a first conviction, by imprisonment in the~~
22 ~~county jail for not less than five days or more than six~~
23 ~~months or by a fine of not less than three hundred dollars~~
24 ~~(\$300) or more than one thousand dollars (\$1,000), or by~~
25 ~~both that fine and imprisonment.~~

26 ~~(b) If the offense occurred within five years of a prior~~
27 ~~conviction of a violation of subdivision (a) of Section~~
28 ~~16028, by imprisonment in the county jail for not less than~~
29 ~~10 days or more than one year and by a fine of not less than~~
30 ~~five hundred dollars (\$500) or more than two thousand~~
31 ~~dollars (\$2,000).~~

32 ~~(c) If the offense occurred within five years of a prior~~
33 ~~conviction of a violation of subdivision (a) of Section~~
34 ~~16028 and is granted probation, the court shall impose as~~
35 ~~a condition of probation that the person be confined in~~
36 ~~the county jail for at least 10 days.~~

37 *(a) Upon a first conviction, by a fine of not less than*
38 *five hundred dollars (\$500) and not more than one*
39 *thousand dollars (\$1,000).*



1 (b) Upon a second conviction, by a fine of not less than
 2 one thousand dollars (\$1,000) and not more than two
 3 thousand dollars (\$2,000).

4 (c) It is the intent of the Legislature that fines
 5 collected pursuant to this section be used to reduce the
 6 number of uninsured drivers and not be used to generate
 7 revenue for general purposes.

8 ~~SEC. 5. Section 14602.6 of the Vehicle Code is~~
 9 ~~amended to read:~~

10 ~~14602.6. (a) Whenever a peace officer determines~~
 11 ~~that a person was driving a vehicle while in violation of~~
 12 ~~subdivision (a) of Section 16028, or while his or her~~
 13 ~~driving privilege was suspended or revoked or without~~
 14 ~~ever having been issued a license, the peace officer may~~
 15 ~~immediately arrest that person and cause the removal~~
 16 ~~and seizure of that vehicle in accordance with Chapter 10~~
 17 ~~(commencing with Section 22650) of Division 11. A~~
 18 ~~vehicle so impounded shall be impounded for 30 days.~~

19 ~~(b) The registered and legal owner of a vehicle that is~~
 20 ~~removed and seized under subdivision (a) or their agents~~
 21 ~~shall be provided the opportunity for a storage hearing to~~
 22 ~~determine the validity of the storage in accordance with~~
 23 ~~Section 22852.~~

24 ~~(c) Any period in which a vehicle is subjected to~~
 25 ~~storage under this section shall be included as part of the~~
 26 ~~period of impoundment ordered by the court under~~
 27 ~~subdivision (a) of Section 14602.5.~~

28 ~~SEC. 6.—~~

29 *SEC. 5. Section 16030 is added to the Vehicle Code, to*
 30 *read:*

31 *16030. (a) Except as provided in subdivision (c), any*
 32 *person who knowingly provides false evidence of*
 33 *financial responsibility (1) when requested by a peace*
 34 *officer pursuant to Section 16028 or (2) to the clerk of the*
 35 *court as permitted by subdivision (e) of Section 16028,*
 36 *including an expired or canceled insurance policy, bond,*
 37 *or certificate or deposit number, is guilty of a*
 38 *misdemeanor punishable by a fine not exceeding seven*
 39 *hundred fifty dollars (\$750) or imprisonment in the*
 40 *county jail not exceeding 30 days, or by both that fine and*



1 *imprisonment. The court shall additionally suspend the*
2 *driver's license of any person convicted of a violation of*
3 *this subdivision for a period of one year commencing*
4 *upon the date of the conviction, in accordance with*
5 *Sections 13206 and 13207. Driver's licenses surrendered to*
6 *the court pursuant to this section shall be transmitted by*
7 *the court, together with the required report of the*
8 *conviction, to the department within 10 days of the*
9 *conviction. Upon conclusion of the period of suspension,*
10 *the department shall not return the driver's license until*
11 *the licensee provides evidence of financial responsibility,*
12 *as defined in Section 16020.*

13 *(b) However, in lieu of suspending a person's driving*
14 *privileges pursuant to subdivision (a), the court shall*
15 *restrict the person's driving privileges to driving that is*
16 *required in the person's course of employment, if driving*
17 *of a motor vehicle is necessary in order to perform the*
18 *duties of the person's primary employment. The*
19 *restriction shall remain in effect for the period of*
20 *suspension otherwise required by subdivision (a). The*
21 *court shall provide for endorsement of the restriction on*
22 *the person's driver's license, and violation of the*
23 *restriction constitutes a violation of Section 14603 and*
24 *grounds for suspension or revocation of the license under*
25 *Section 13360.*

26 *(c) This section does not apply to a driver who is*
27 *driving a motor vehicle owned, operated, or leased by the*
28 *employer of the driver and driven with the permission of*
29 *the employer.*

30 *SEC. 6. Section 16033 is added to the Vehicle Code, to*
31 *read:*

32 *16033. No public entity or employee is liable for any*
33 *loss, detriment, or injury resulting directly or indirectly*
34 *from failure to request evidence of financial*
35 *responsibility or inaccurately recording that evidence*
36 *under Section 16028 or as a result of the driver producing*
37 *false or inaccurate financial responsibility information.*

38 *SEC. 7. Section 16070 of the Vehicle Code is amended*
39 *to read:*



1 16070. (a) Whenever a driver involved in an
 2 accident described in Section 16000 fails to provide
 3 evidence of financial responsibility as required by Section
 4 16020 at the time of the accident, the department shall
 5 pursuant to subdivision (b) suspend the privilege of the
 6 driver or owner to drive a motor vehicle, including the
 7 driving privilege of a nonresident in this state.

8 (b) Whenever the department receives an accident
 9 report pursuant to this article which alleges that any of
 10 the drivers involved in the accident was not in
 11 compliance with Section 16020 at the time of the accident,
 12 the department shall immediately mail to that driver a
 13 notice of intent to suspend the driving privilege of that
 14 driver. The department shall suspend the driving
 15 privilege 30 days after mailing the notice, unless the
 16 driver has, prior to that date, established financial
 17 responsibility at the time of the accident, as specified in
 18 Section 16021, with the department. The suspension
 19 notice shall notify the driver of the action taken and the
 20 right to a hearing under Section 16075.

21 ~~SEC. 7.—~~

22 *SEC. 8.* Section 16071 of the Vehicle Code is amended
 23 to read:

24 16071. The department shall suspend the driving
 25 privilege of any person upon receiving notice from
 26 another state that the person's driving privilege in that
 27 state has been suspended for failure to meet the financial
 28 responsibility provisions of the law in that state, if the
 29 suspension in that state was taken on grounds that would
 30 have resulted in a suspension in this state.

31 ~~SEC. 8.—~~

32 *SEC. 9.* Section 16457 of the Vehicle Code is amended
 33 to read:

34 16457. Whenever proof of financial responsibility is
 35 required to be filed pursuant to this chapter, no person of
 36 whom that proof is required shall drive any motor vehicle
 37 not covered by the certificate of proof of financial
 38 responsibility filed by him or her with the department,
 39 nor shall any applicant for that proof knowingly fail to
 40 disclose ownership of a motor vehicle in the application



1 for proof of financial responsibility or to disclose any
2 subsequently acquired motor vehicle.

3 ~~No~~

4 *SEC. 10. Section 22651 of the Vehicle Code is*
5 *amended to read:*

6 22651. Any peace officer, as defined in Chapter 4.5
7 (commencing with Section 830) of Title 3 of Part 2 of the
8 Penal Code; or any regularly employed and salaried
9 employee, who is engaged in directing traffic or
10 enforcing parking laws and regulations, of a city or a
11 county in which a vehicle is located, may remove a
12 vehicle located within the territorial limits in which the
13 officer or employee may act, under any of the following
14 circumstances:

15 (a) When any vehicle is left unattended upon any
16 bridge, viaduct, or causeway or in any tube or tunnel
17 where the vehicle constitutes an obstruction to traffic.

18 (b) When any vehicle is parked or left standing upon
19 a highway in a position so as to obstruct the normal
20 movement of traffic or in a condition so as to create a
21 hazard to other traffic upon the highway.

22 (c) When any vehicle is found upon a highway or any
23 public lands and a report has previously been made that
24 the vehicle has been stolen or a complaint has been filed
25 and a warrant thereon issued charging that the vehicle
26 has been embezzled.

27 (d) When any vehicle is illegally parked so as to block
28 the entrance to a private driveway and it is impractical to
29 move the vehicle from in front of the driveway to another
30 point on the highway.

31 (e) When any vehicle is illegally parked so as to
32 prevent access by firefighting equipment to a fire
33 hydrant and it is impracticable to move the vehicle from
34 in front of the fire hydrant to another point on the
35 highway.

36 (f) When any vehicle, except any highway
37 maintenance or construction equipment, is stopped,
38 parked, or left standing for more than four hours upon the
39 right-of-way of any freeway which has full control of



1 access and no crossings at grade and the driver, if present,
2 cannot move the vehicle under its own power.

3 (g) When the person or persons in charge of a vehicle
4 upon a highway or any public lands are, by reason of
5 physical injuries or illness, incapacitated to an extent so as
6 to be unable to provide for its custody or removal.

7 (h) (1) When an officer arrests any person driving or
8 in control of a vehicle for an alleged offense and the
9 officer is, by this code or other law, required or permitted
10 to take, and does take, the person into custody.

11 (2) When an officer serves a notice of an order of
12 suspension or revocation of a driver's license pursuant to
13 Section 23137.

14 (i) (1) When any vehicle, other than a rented vehicle,
15 is found upon a highway or any public lands, or is removed
16 pursuant to this code, and it is known to have been issued
17 five or more notices of parking violation, to which the
18 owner or person in control of the vehicle has not
19 responded within 21 days of citation issuance or 10 days
20 of a notice of delinquent parking violation to the agency
21 responsible for processing notices of parking violation or
22 the registered owner of the vehicle is known to have been
23 issued five or more notices for failure to pay or failure to
24 appear in court for traffic violations for which no
25 certificate has been issued by the magistrate or clerk of
26 the court hearing the case showing that the case has been
27 adjudicated or concerning which the registered owner's
28 record has not been cleared pursuant to Chapter 6
29 (commencing with Section 41500) of Division 17, the
30 vehicle may be impounded until that person furnishes to
31 the impounding law enforcement agency all of the
32 following:

33 (A) Evidence of his or her identity.

34 (B) An address within this state at which he or she can
35 be located.

36 (C) Satisfactory evidence that all parking penalties
37 due for the vehicle and any other vehicle registered to the
38 registered owner of the impounded vehicle, and all traffic
39 violations of the registered owner, have been cleared.



1 (2) The requirements in subparagraph (C) of
2 paragraph (1) shall be fully enforced by the impounding
3 law enforcement agency on and after the time that the
4 Department of Motor Vehicles is able to provide access
5 to the necessary records.

6 (3) A notice of parking violation issued for an
7 unlawfully parked vehicle shall be accompanied by a
8 warning that repeated violations may result in the
9 impounding of the vehicle. In lieu of furnishing
10 satisfactory evidence that the full amount of parking
11 penalties or bail has been deposited, that person may
12 demand to be taken without unnecessary delay before a
13 magistrate, for traffic offenses, or a hearing examiner, for
14 parking offenses, within the county in which the offenses
15 charged are alleged to have been committed and who has
16 jurisdiction of the offenses and is nearest or most
17 accessible with reference to the place where the vehicle
18 is impounded. Evidence of current registration shall be
19 produced after a vehicle has been impounded, or, at the
20 discretion of the impounding law enforcement agency, a
21 notice to appear for violation of subdivision (a) of Section
22 4000 shall be issued to that person.

23 (4) A vehicle shall be released to the legal owner, as
24 defined in Section 370, if the legal owner does all of the
25 following:

26 (A) Pays the cost of towing and storing the vehicle.

27 (B) Submits evidence of payment of fees as provided
28 in Section 9561.

29 (C) Completes an affidavit in a form acceptable to the
30 impounding law enforcement agency stating that the
31 vehicle was not in possession of the legal owner at the
32 time of occurrence of the offenses relating to standing or
33 parking. A vehicle released to a legal owner under this
34 subdivision is a repossessed vehicle for purposes of
35 disposition or sale. The impounding agency shall have a
36 lien on any surplus that remains upon sale of the vehicle
37 to which the registered owner is or may be entitled, as
38 security for the full amount of the parking penalties for
39 all notices of parking violations issued for the vehicle and
40 for any local administrative charges imposed pursuant to



1 Section 22850.5. The legal owner shall promptly remit to,
2 and deposit with, the agency responsible for processing
3 notices of parking violations from that surplus, on receipt
4 thereof, full amount of the parking penalties for all
5 notices of parking violations issued for the vehicle and for
6 any local administrative charges imposed pursuant to
7 Section 22850.5.

8 (5) The impounding agency that has a lien on the
9 surplus that remains upon the sale of a vehicle to which
10 a registered owner is entitled pursuant to paragraph (4)
11 has a deficiency claim against the registered owner for
12 the full amount of the parking penalties for all notices of
13 parking violations issued for the vehicle and for any local
14 administrative charges imposed pursuant to Section
15 22850.5, less the amount received from the sale of the
16 vehicle.

17 (j) When any vehicle is found illegally parked and
18 there are no license plates or other evidence of
19 registration displayed, the vehicle may be impounded
20 until the owner or person in control of the vehicle
21 furnishes the impounding law enforcement agency
22 evidence of his or her identity and an address within this
23 state at which he or she can be located.

24 (k) When any vehicle is parked or left standing upon
25 a highway for 72 or more consecutive hours in violation
26 of a local ordinance authorizing removal.

27 (l) When any vehicle is illegally parked on a highway
28 in violation of any local ordinance forbidding standing or
29 parking and the use of a highway, or a portion thereof, is
30 necessary for the cleaning, repair, or construction of the
31 highway, or for the installation of underground utilities,
32 and signs giving notice that the vehicle may be removed
33 are erected or placed at least 24 hours prior to the
34 removal by local authorities pursuant to the ordinance.

35 (m) Wherever the use of the highway, or any portion
36 thereof, is authorized by local authorities for a purpose
37 other than the normal flow of traffic or for the movement
38 of equipment, articles, or structures of unusual size, and
39 the parking of any vehicle would prohibit or interfere
40 with that use or movement, and signs giving notice that



1 the vehicle may be removed are erected or placed at least
2 24 hours prior to the removal by local authorities pursuant
3 to the ordinance.

4 (n) Whenever any vehicle is parked or left standing
5 where local authorities, by resolution or ordinance, have
6 prohibited parking and have authorized the removal of
7 vehicles. No vehicle may be removed unless signs are
8 posted giving notice of the removal.

9 (o) (1) When any vehicle is found upon a highway,
10 any public lands, or an offstreet parking facility with a
11 registration expiration date in excess of one year before
12 the date it is found on the highway, public lands, or the
13 offstreet parking facility. However, if the vehicle is
14 occupied, only a peace officer, as defined in Chapter 4.5
15 (commencing with Section 830) of Title 3 of Part 2 of the
16 Penal Code, may remove the vehicle. For purposes of this
17 subdivision, the vehicle shall be released to the owner or
18 person in control of the vehicle only after the owner or
19 person furnishes the storing law enforcement agency
20 with proof of current registration and a currently valid
21 driver's license to operate the vehicle.

22 (2) As used in this subdivision, "offstreet parking
23 facility" means any offstreet facility held open for use by
24 the public for parking vehicles and includes any publicly
25 owned facilities for offstreet parking, and privately
26 owned facilities for offstreet parking where no fee is
27 charged for the privilege to park and which are held open
28 for the common public use of retail customers.

29 (p) When the peace officer issues the driver of a
30 vehicle a notice to appear for a violation of Section 12500,
31 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604
32 and the vehicle has not been impounded pursuant to
33 Section 22655.5. Any vehicle so removed from the
34 highway or any public lands, or from private property
35 after having been on a highway or public lands, shall not
36 be released to the registered owner or his or her agent,
37 except upon presentation of the registered owner's or his
38 or her agent's currently valid driver's license to operate
39 the vehicle and proof of current vehicle registration, or
40 upon order of a court.



1 (q) Whenever any vehicle is parked for more than 24
2 hours on a portion of highway which is located within the
3 boundaries of a common interest development, as
4 defined in subdivision (c) of Section 1351 of the Civil
5 Code, and signs, as required by Section 22658.2, have been
6 posted on that portion of highway providing notice to
7 drivers that vehicles parked thereon for more than 24
8 hours will be removed at the owner's expense, pursuant
9 to a resolution or ordinance adopted by the local
10 authority.

11 (r) When any vehicle is illegally parked and blocks the
12 movement of a legally parked vehicle.

13 (s) (1) When any vehicle, except highway
14 maintenance or construction equipment, an authorized
15 emergency vehicle, or a vehicle which is properly
16 permitted or otherwise authorized by the Department of
17 Transportation, is stopped, parked, or left standing for
18 more than eight hours within a roadside rest area or
19 viewpoint.

20 (2) For purposes of this subdivision, a roadside rest
21 area or viewpoint is a publicly maintained vehicle
22 parking area, adjacent to a highway, utilized for the
23 convenient, safe stopping of a vehicle to enable motorists
24 to rest or to view the scenery. If two or more roadside rest
25 areas are located on opposite sides of the highway, or
26 upon the center divider, within seven miles of each other,
27 then that combination of rest areas is considered to be the
28 same rest area.

29 *(t) When the peace officer issues the driver of a*
30 *vehicle a notice to appear for a violation of Section 16028.*
31 *Any vehicle removed from the highway or any public*
32 *lands pursuant to this subdivision shall not be released to*
33 *the registered owner or his or her agent except upon*
34 *presentation of evidence of financial responsibility, as*
35 *defined in Section 16020, for the vehicle.*

36 *SEC. 11. No reimbursement is required by this act*
37 *pursuant to Section 6 of Article XIII B of the California*
38 *Constitution because the only costs that may be incurred*
39 *by a local agency or school district will be incurred*
40 *because this act creates a new crime or infraction,*



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

6 Notwithstanding Section 17580 of the Government
7 Code, unless otherwise specified, the provisions of this act
8 shall become operative on the same date that the act
9 takes effect pursuant to the California Constitution.

O

