

AMENDED IN ASSEMBLY MAY 5, 1997

AMENDED IN ASSEMBLY APRIL 2, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 662**

**Introduced by Assembly Member Hertzberg**

February 26, 1997

An act to add Section 14602.7 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 662, as amended, Hertzberg. Vehicles: fleeing or evading a peace officer: removal and impoundment.

(1) Existing law makes it a crime for any person, while operating a motor vehicle with the intent to evade, to willfully flee, or to otherwise attempt to evade, a pursuing peace officer's motor vehicle or bicycle if certain conditions exist. Existing law provides for enhanced penalties when additional circumstances exist.

This bill would authorize a peace officer to cause the removal and seizure of the person's vehicle when the officer has probable cause for the seizure of the vehicle on the grounds that the vehicle was an instrumentality used in violation of an offense described above. A vehicle so impounded would be subject to a 30-day impoundment period.

The bill would prescribe procedures to be followed for the release of the vehicle prior to the end of 30 days



impoundment, including a requirement that a legal owner who has obtained possession of the impounded vehicle not relinquish the vehicle to the registered owner until after the termination of the 30-day impoundment period and until after the registered owner has presented a valid driver's license or valid temporary driver's license to the legal owner. Because a violation of that requirement and certain other requirements and restrictions imposed by the bill would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

(2) 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 14602.7 is added to the Vehicle  
2 Code, to read:

3 14602.7. (a) Whenever a peace officer determines  
4 that probable cause exists for the seizure of a vehicle on  
5 the grounds that it was an instrumentality used in  
6 violation of Section 2800.1, 2800.2, or 2800.3, the peace  
7 officer may immediately cause removal and seizure of  
8 that vehicle. A vehicle so impounded shall be impounded  
9 for 30 days.

10 The impounding agency, within two working days of  
11 impoundment, shall send a notice by certified mail,  
12 return receipt requested, to the legal owner of the  
13 vehicle, at the address obtained from the department,  
14 informing the owner that the vehicle has been  
15 impounded. Failure to notify the legal owner within two  
16 working days shall prohibit the impounding agency from  
17 charging more than 15 days impoundment when a legal  
18 owner redeems the impounded vehicle.



1 (b) The registered and legal owner of a vehicle that is  
2 removed and seized under subdivision (a) or their agents  
3 shall be provided the opportunity for a storage hearing to  
4 determine the validity of, or consider any mitigating  
5 circumstances attendant to, the storage, in accordance  
6 with Section 22852.

7 (c) (1) An impounding agency shall release a vehicle  
8 to the registered owner or his or her agent prior to the  
9 end of 30 days impoundment under any of the following  
10 circumstances:

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

12 (B) When the vehicle is subject to bailment and is  
13 driven by an unlicensed employee of the business  
14 establishment, including a parking service or repair  
15 garage.

16 (C) *When the registered owner of the vehicle causes*  
17 *a peace officer to reasonably believe, based on the totality*  
18 *of the circumstances, that the registered owner was not*  
19 *the driver who violated Section 2800.1, 2800.2, or 2800.3,*  
20 *the agency shall immediately release the vehicle to the*  
21 *registered owner or his or her agent.*

22 (2) No vehicle shall be released pursuant to the  
23 subdivision, except upon presentation of the registered  
24 owner's or agent's currently valid driver's license to  
25 operate the vehicle and proof of current vehicle  
26 registration, or upon order of the court.

27 (d) The registered owner or his or her agent is  
28 responsible for all towing and storage charges related to  
29 the impoundment, and any administrative charges  
30 authorized under Section 22850.5.

31 (e) A vehicle removed and seized under subdivision  
32 (a) shall be released to the legal owner of the vehicle or  
33 the legal owner's agent prior to the end of the 30 days  
34 impoundment if all of the following conditions are met.

35 (1) The legal owner is a motor vehicle dealer, bank,  
36 credit union, acceptance corporation, or other licensed  
37 financial institution legally operating in this state or is  
38 another person, not the registered owner, holding a  
39 financial interest in the vehicle.



1 (2) The legal owner or the legal owner's agent pays all  
2 towing and storage fees related to the seizure of the  
3 vehicle. No lien sale processing fees shall be charged to  
4 the legal owner who redeems the vehicle prior to the 15th  
5 day of impoundment.

6 (3) The legal owner or the legal owner's agent  
7 presents foreclosure documents or an affidavit of  
8 repossession for the vehicle.

9 (f) (1) A legal owner or the legal owner's agent that  
10 obtains release of the vehicle pursuant to subdivision (e)  
11 shall not release the vehicle to the registered owner of the  
12 vehicle or any agents of the registered owner, unless a  
13 registered owner is a rental car agency, until the  
14 termination of the 30-day impoundment period.

15 (2) The legal owner or the legal owner's agent shall not  
16 relinquish the vehicle to the registered owner until the  
17 registered owner or that owner's agent presents his or her  
18 valid driver's license or valid temporary driver's license  
19 to the legal owner or the legal owner's agent. The legal  
20 owner or the legal owner's agent shall make every  
21 reasonable effort to ensure that the license presented is  
22 valid.

23 (3) Prior to relinquishing the vehicle, the legal owner  
24 may require the registered owner to pay all towing and  
25 storage charges related to the impoundment and the  
26 administrative charges authorized under Section 22850.5  
27 that were incurred by the legal owner in connection with  
28 obtaining the custody of the vehicle.

29 (g) (1) A vehicle impounded and seized under  
30 subdivision (a) shall be released to a rental car agency  
31 prior to the end of 30 days impoundment if the agency is  
32 either the legal owner or registered owner of the vehicle  
33 and the agency pays all towing and storage fees related  
34 to the seizure of the vehicle.

35 (2) The owner of a rental vehicle that was seized  
36 under this section may continue to rent the vehicle upon  
37 recovery of the vehicle. However, the rental car agency  
38 shall not rent another vehicle to the driver who used the  
39 vehicle that was seized to evade a police officer until 30  
40 days after the date that the vehicle was seized.



1 (3) The rental car agency may require the person to  
2 whom the vehicle was rented and who evaded the peace  
3 officer to pay all towing and storage charges related to the  
4 impoundment and any administrative charges  
5 authorized under Section 22850.5 that were incurred by  
6 the rental car agency in connection with obtaining  
7 custody of the vehicle.

8 (h) Notwithstanding any other provision of this  
9 section, the registered owner and not the legal owner  
10 shall remain responsible for any towing and storage  
11 charges related to the impoundment and the  
12 administrative charges authorized under Section 22850.5  
13 and any parking fines, penalties, and administrative fees  
14 incurred by the registered owner.

15 SEC. 2. No reimbursement is required by this act  
16 pursuant to Section 6 of Article XIII B of the California  
17 Constitution because the only costs that may be incurred  
18 by a local agency or school district will be incurred  
19 because this act creates a new crime or infraction,  
20 eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section  
22 17556 of the Government Code, or changes the definition  
23 of a crime within the meaning of Section 6 of Article  
24 XIII B of the California Constitution.

25 Notwithstanding Section 17580 of the Government  
26 Code, unless otherwise specified, the provisions of this act  
27 shall become operative on the same date that the act  
28 takes effect pursuant to the California Constitution.

