

ASSEMBLY BILL

No. 515

Introduced by Assembly Member Hagman

February 24, 2009

An act to amend Sections 7502.1, 7504, 7505.1, and 7507.10 of the Business and Professions Code, and to amend Sections 14602.6, 14602.7, 14602.8, 21100.4, 22651.1, 22658, 24605, and 29004 of, and to add Section 23118 to, the Vehicle Code, relating to collateral recovery.

LEGISLATIVE COUNSEL'S DIGEST

AB 515, as introduced, Hagman. Collateral recovery: tow vehicles.

(1) Existing law, the Collateral Recovery Act, provides for the licensure and regulation of repossession agencies by the Bureau of Security and Investigative Services under the supervision and control of the Director of Consumer Affairs. Any person who violates these provisions is guilty of a crime punishable by fine and imprisonment. The act requires an applicant for a qualification certificate to satisfy specified requirements, including possessing 2 years lawful experience that may include experience recovering collateral as a salaried employee of a financial institution or vehicle dealer and that is to consist of a minimum of 4,000 hours of compensated work. The act requires every repossession agency office to be under the active charge of a qualified certificate holder. The act requires licensees to serve a debtor with a specified notice of seizure after the recovery of collateral by the licensee.

This bill would make a tow vehicle that is used to violate the act subject to removal and impound. The bill would provide that lawful experience for a qualification certificate does not include any employment performing work other than skip tracing, debt collection,

or actual collateral recovery. The bill would specify that a licensee may have more than one qualified certificate holder in an office. The bill would require a licensee's notice provided to a debtor after recovery of collateral to include a disclosure that electrical or tire failure or any damage to, as a result of, or caused by, certain aftermarket parts and accessories on a vehicle shall not be the responsibility of the licensee, except as specified. Because a violation of these provisions by a licensee would be a crime, the bill would impose a state-mandated local program.

(2) Existing law provides that a peace officer or, in certain other cases, a magistrate, may cause the removal and seizure of a vehicle, as specified. Existing law provides that a vehicle so seized may be impounded for 30 days. Under existing law, a vehicle removed and seized may be released to the legal owner or the legal owner's agent prior to the end of 30 days' impoundment if certain conditions are met, including, but not limited to, the requirement that the legal owner or the legal owner's agent pay all towing and storage fees related to the seizure of the vehicle.

This bill would require a law enforcement agency that has impounded a vehicle to remain open, without the necessity of making an appointment, and to issue a release to the registered owner or legal owner of a vehicle whenever the agency is open to serve the public. The bill would require specified facilities where impounded vehicles are stored to accept valid bank credit cards, as defined, or cash as payment for towing, storage, and related fees and would make the facility civilly liable, as specified, for a failure to do so. The bill would make it a misdemeanor for a legal owner of an impounded vehicle to release the vehicle to the registered owner of the vehicle in certain circumstances. The bill would impose additional requirements with respect to the release of an impounded vehicle. By establishing new crimes and imposing new duties on law enforcement agencies, the bill would impose a state-mandated local program.

(3) Existing law imposes various taillamp, stoplamp, turn signal requirements, and multisafety chain requirements applicable to towing vehicles.

This bill would delete specified provisions requiring a tow vehicle to use an extension cord to display rear stoplamps and turn signals. The bill would exempt a reposessor's towing vehicle from the multisafety chain requirements applicable to towing vehicles if the reposessor is towing a vehicle no more than one mile on a public highway and the vehicle is secured by one safety chain.

(4) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 7502.1 of the Business and Professions
2 Code is amended to read:

3 7502.1. (a) Any person who violates any provision of this
4 chapter, or who conspires with another person to violate any
5 provision of this chapter, or who knowingly engages a nonexempt
6 unlicensed person to repossess collateral on his or her behalf is
7 guilty of a misdemeanor, and is punishable by a fine of five
8 thousand dollars (\$5,000), or by imprisonment in the county jail
9 for not more than one year, or by both the fine and imprisonment.
10 *In addition, any tow vehicle subject to registration under the*
11 *Vehicle Code that is used to violate any provision of this chapter*
12 *is subject to removal and impound pursuant to Section 22850 of*
13 *the Vehicle Code.*

14 (b) Within existing resources, the Commissioner of Financial
15 Institutions, the Commissioner of Corporations, and the Director
16 of Motor Vehicles may each designate employees to investigate
17 and report on violations of this chapter by any of the licensees of
18 their respective departments. Those employees are authorized to
19 actively cooperate with the bureau in the investigation of those
20 activities.

21 (c) A proceeding to impose the penalties specified in subdivision
22 (a) may be brought in any court of competent jurisdiction in the
23 name of the people of the State of California by the Attorney
24 General or by any district attorney or city attorney, or with the
25 consent of the district attorney, by the city prosecutor in any city
26 or city and county having a full-time city prosecutor, for the

jurisdiction in which the violation occurred. If the action is brought by a district attorney, the penalty collected shall be paid to the treasurer of the county in which the judgment is entered. If the action is brought by a city attorney or city prosecutor, one-half of the penalty collected shall be paid to the treasurer of the city in which the judgment was entered and one-half to the treasurer of the county in which the judgment was entered. If the action is brought by the Attorney General, all of the penalty collected shall be deposited in the Private Security Services Fund.

SEC. 2. Section 7504 of the Business and Professions Code is amended to read:

7504. (a) Except as otherwise provided in this chapter, an applicant for a qualification certificate shall comply with all of the following:

(1) Be at least 18 years of age.

(2) Have been, for at least two years of lawful experience, during the five years preceding the date on which his or her application is filed, a registrant or have had two years of lawful experience in recovering collateral within this state. Lawful experience means experience in recovering collateral as a registrant pursuant to this chapter or as a salaried employee of a financial institution or vehicle dealer. *Lawful experience does not include any employment performing work other than skip tracing, debt collection, or actual collateral recovery.*

Two years' experience shall consist of not less than 4,000 hours of actual compensated work performed by the applicant preceding the filing of an application.

An applicant shall certify that he or she has completed the claimed hours of qualifying experience and the exact details as to the character and nature thereof by written certifications from the employer, licensee, financial institution, or vehicle dealer, subject to independent verification by the director as he or she may determine. In the event of the inability of an applicant to supply the written certifications from the employer, licensee, financial institution or vehicle dealer, in whole or in part, applicants may offer other written certifications from other persons substantiating their experience for consideration by the director. All certifications shall include a statement that representations made are true, correct, and contain no material omissions of fact to the best knowledge and belief of the applicant or the person submitting the certification.

1 An applicant or person submitting the certification who declares
2 as true any material matter pursuant to this paragraph that he or
3 she knows to be false is guilty of a misdemeanor.

4 (3) Complete and forward to the bureau a qualified certificate
5 holder application which shall be on a form prescribed by the
6 director and signed by the applicant. An applicant who declares
7 as true any material matter pursuant to this paragraph that he or
8 she knows to be false is guilty of a misdemeanor. The application
9 shall be accompanied by two recent photographs of the applicant,
10 of a type prescribed by the director, and two classifiable sets of
11 his or her fingerprints. The residence address, residence telephone
12 number, and driver's license number of each qualified certificate
13 holder or applicant for a qualification certificate, if requested, shall
14 be confidential pursuant to the Information Practices Act of 1977
15 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
16 4 of Division 3 of the Civil Code) and shall not be released to the
17 public.

18 (4) Pass the required examination.

19 (5) Pay the required application and examination fees to the
20 bureau.

21 (b) Upon the issuance of the initial qualification certificate or
22 renewal qualification certificate, the bureau shall issue to the
23 certificate holder a suitable pocket identification card which
24 includes a photograph of the certificate holder. The photograph
25 shall be of a size prescribed by the bureau. The card shall contain
26 the name of the licensee with whom the certificate holder is
27 employed.

28 (c) The application form shall contain a statement informing
29 the applicant that a false or dishonest answer to a question may be
30 grounds for denial or subsequent suspension or revocation of a
31 qualification certificate.

32 SEC. 3. Section 7505.1 of the Business and Professions Code
33 is amended to read:

34 7505.1. Every office licensed as a repossession agency shall
35 be under the active charge of a qualified certificate holder. *Nothing*
36 *in this chapter prohibits a licensee from having more than one*
37 *qualified certificate holder in an office.*

38 SEC. 4. Section 7507.10 of the Business and Professions Code
39 is amended to read:

7507.10. A licensee shall serve a debtor with a notice of seizure as soon as possible after the recovery of collateral and not later than 48 hours, except that if the 48-hour period encompasses a Saturday, Sunday, or postal holiday, the notice of seizure shall be provided not later than 72 hours or, if the 48-hour period encompasses a Saturday or Sunday and a postal holiday, the notice of seizure shall be provided not later than 96 hours, after the repossession of collateral. The notice shall include all of the following:

(a) The name, address, and telephone number of the legal owner to be contacted regarding the repossession.

(b) The name, address, and telephone number of the repossession agency to be contacted regarding the repossession.

(c) A statement printed on the notice containing the following: “Repossessors are regulated by the Bureau of Security and Investigative Services, Department of Consumer Affairs, Sacramento, CA 95814. Repossessors are required to provide you, not later than 48 hours after the recovery of collateral, with an inventory of personal effects or other personal property recovered during repossession unless the 48-hour period encompasses a Saturday, Sunday, or a postal holiday, then the inventory shall be provided no later than 96 hours after the recovery of collateral.”

(d) A disclosure that “Damage to a vehicle during or subsequent to a repossession and only while the vehicle is in possession of the repossession agency and which is caused by the repossession agency is the liability of the repossession agency. A mechanical, electrical, or tire failure, *or the loss of, or any damage to, or as a result of, or caused by, any aftermarket parts and accessories not in compliance with Section 24008 of the Vehicle Code* shall not be the responsibility of the repossession agency unless the failure, *damage, or loss* is due to the negligence of the repossession agency.”

(e) If applicable, a disclosure that “Environmental, Olympic, special interest, or other license plates issued pursuant to Article 8 (commencing with Section 5000), Article 8.4 (commencing with Section 5060) or Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code that remain the personal effects of the debtor will be removed from the collateral and inventoried, and that if the plates are not claimed by the debtor within 60 days, they will be destroyed.”

1 (f) A disclosure of the charges payable by the debtor to the
2 repossession agency for the storage of the collateral and personal
3 effects from the date of repossession until release of the property
4 from storage.

5 The notice may be given by regular mail addressed to the last
6 known address of the debtor or by personal service at the option
7 of the repossession agency.

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

10 14602.6. (a) (1) Whenever a peace officer determines that a
11 person was driving a vehicle while his or her driving privilege was
12 suspended or revoked, driving a vehicle while his or her driving
13 privilege is restricted pursuant to Section 13352 or 23575 and the
14 vehicle is not equipped with a functioning, certified interlock
15 device, or driving a vehicle without ever having been issued a
16 driver's license, the peace officer may either immediately arrest
17 that person and cause the removal and seizure of that vehicle or,
18 if the vehicle is involved in a traffic collision, cause the removal
19 and seizure of the vehicle without the necessity of arresting the
20 person in accordance with Chapter 10 (commencing with Section
21 22650) of Division 11. A vehicle so impounded shall be impounded
22 for 30 days.

23 (2) The impounding agency, within two working days of
24 impoundment, shall send a notice by certified mail, return receipt
25 requested, to the legal owner of the vehicle, at the address obtained
26 from the department, informing the owner that the vehicle has
27 been impounded. Failure to notify the legal owner within two
28 working days shall prohibit the impounding agency from charging
29 for more than 15 days' impoundment when the legal owner
30 redeems the impounded vehicle. The impounding agency shall
31 maintain a published telephone number that provides information
32 24 hours a day regarding the impoundment of vehicles and the
33 rights of a registered owner to request a hearing. *The law*
34 *enforcement agency shall be open, without the necessity of making*
35 *an appointment, to issue a release to the registered owner or legal*
36 *owner, or the agent of either, whenever the agency is open to serve*
37 *the public.*

38 (b) The registered and legal owner of a vehicle that is removed
39 and seized under subdivision (a) or their agents shall be provided
40 the opportunity for a storage hearing to determine the validity of,

1 or consider any mitigating circumstances attendant to, the storage,
2 in accordance with Section 22852.

3 (c) Any period in which a vehicle is subjected to storage under
4 this section shall be included as part of the period of impoundment
5 ordered by the court under subdivision (a) of Section 14602.5.

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

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

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

13 (C) When the license of the driver was suspended or revoked
14 for an offense other than those included in Article 2 (commencing
15 with Section 13200) of Chapter 2 of Division 6 or Article 3
16 (commencing with Section 13350) of Chapter 2 of Division 6.

17 (D) When the vehicle was seized under this section for an
18 offense that does not authorize the seizure of the vehicle.

19 (E) When the driver reinstates his or her driver's license or
20 acquires a driver's license and proper insurance.

21 (2) No vehicle shall be released pursuant to this subdivision
22 without presentation of the registered owner's or agent's currently
23 valid driver's license to operate the vehicle and proof of current
24 vehicle registration, or upon order of a court.

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

28 (f) A vehicle removed and seized under subdivision (a) shall be
29 released to the legal owner of the vehicle or the legal owner's agent
30 prior to the end of 30 days' impoundment if all of the following
31 conditions are met:

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

36 (2) (A) The legal owner or the legal owner's agent pays all
37 towing and storage fees related to the seizure of the vehicle. No
38 lien sale processing fees shall be charged to the legal owner who
39 redeems the vehicle prior to the 15th day of impoundment. Neither
40 the impounding authority nor any person having possession of the

1 vehicle shall collect from the legal owner of the type specified in
2 paragraph (1), or the legal owner's agent any administrative charges
3 imposed pursuant to Section 22850.5 unless the legal owner
4 voluntarily requested a poststorage hearing.

5 *(B) A person operating or in charge of a storage facility where*
6 *vehicles are stored pursuant to this section shall accept a valid*
7 *bank credit card or cash for payment of towing, storage, and*
8 *related fees by a legal or registered owner or the owner's agent*
9 *claiming the vehicle. A credit card shall be in the name of the*
10 *person presenting the card. "Credit card" means "credit card"*
11 *as defined in subdivision (a) of Section 1747.02 of the Civil Code,*
12 *except, for the purposes of this section, credit card does not include*
13 *a credit card issued by a retail seller.*

14 *(C) A person operating or in charge of a storage facility*
15 *described in subparagraph (B) who violates subparagraph (B)*
16 *shall be civilly liable to the owner of the vehicle or to the person*
17 *who tendered the fees for four times the amount of the towing,*
18 *storage, and related fees, but not to exceed five hundred dollars*
19 *(\$500).*

20 *(D) A person operating or in charge of a storage facility*
21 *described in subparagraph (B) shall have sufficient funds on the*
22 *premises of the primary storage facility during normal business*
23 *hours to accommodate, and make change in, a reasonable*
24 *monetary transaction.*

25 *(E) Credit charges for towing and storage services shall comply*
26 *with Section 1748.1 of the Civil Code. Law enforcement agencies*
27 *may include the costs of providing for payment by credit when*
28 *making agreements with towing companies on rates.*

29 (3) The legal owner or the legal owner's agent presents a copy
30 of the assignment, as defined in subdivision (b) of Section 7500.1
31 of the Business and Professions Code;; *a release from the one*
32 *responsible governmental agency; only if required by the agency,*
33 *a government-issued photographic identification card; and any*
34 *one of the following, as determined by the legal owner or the legal*
35 *owner's agent: a certificate of repossession for the vehicle, a*
36 *security agreement for the vehicle, or title, whether paper or*
37 *electronic, showing proof of legal ownership for the vehicle. Any*
38 *documents presented may be originals, photocopies, or facsimile*
39 *copies, or may be transmitted electronically. The law enforcement*
40 *agency, impounding agency, or any other governmental agency,*

1 or any person acting on behalf of those agencies, shall not require
2 any documents to be notarized. The law enforcement agency,
3 impounding agency, or any person acting on behalf of those
4 agencies may require the agent of the legal owner to produce a
5 photocopy or facsimile copy of its repossession agency license or
6 registration issued pursuant to Chapter 11 (commencing with
7 Section 7500) of Division 3 of the Business and Professions Code,
8 or to demonstrate, to the satisfaction of the law enforcement
9 agency, impounding agency, or any person acting on behalf of
10 those agencies that the agent is exempt from licensure pursuant to
11 Section 7500.2 or 7500.3 of the Business and Professions Code.

12 No administrative costs authorized under subdivision (a) of
13 Section 22850.5 shall be charged to the legal owner of the type
14 specified in paragraph (1), who redeems the vehicle unless the
15 legal owner voluntarily requests a poststorage hearing. No city,
16 county, city or county, or state agency shall require a legal owner
17 or a legal owner's agent to request a poststorage hearing as a
18 requirement for release of the vehicle to the legal owner or the
19 legal owner's agent. The law enforcement agency, impounding
20 agency, or *other governmental agency*, or any person acting on
21 behalf of those agencies, shall not require any documents other
22 than those specified in this paragraph. The law enforcement agency,
23 impounding agency, or *other governmental agency*, or any person
24 acting on behalf of those agencies, shall not require any documents
25 to be notarized. *The legal owner or the legal owner's agent shall*
26 *be given a copy of any documents he or she is required to sign,*
27 *except for a vehicle evidentiary hold log book. The law enforcement*
28 *agency, impounding agency, or any person acting on behalf of*
29 *those agencies, or any person in possession of the vehicle, may*
30 *photocopy and retain the copies of any documents presented by*
31 *the legal owner or legal owner's agent.*

32 (4) *A failure by a storage facility to comply with any applicable*
33 *conditions set forth in this subdivision shall not affect the right of*
34 *the legal owner or the legal owner's agent to retrieve the vehicle,*
35 *provided all conditions required of the legal owner or legal*
36 *owner's agent under this subdivision are satisfied.*

37 (g) (1) A legal owner or the legal owner's agent that obtains
38 release of the vehicle pursuant to subdivision (f) ~~may~~ shall not
39 release the vehicle to the registered owner of the vehicle, or the
40 person who was listed as the registered owner when the vehicle

1 *was impounded*, or any agents of the registered owner, unless the
2 registered owner is a rental car agency, until after the termination
3 of the 30-day impoundment period.

4 (2) The legal owner or the legal owner's agent ~~may~~ *shall* not
5 relinquish the vehicle to the registered owner *or the person who*
6 *was listed as the registered owner when the vehicle was impounded*
7 until the registered owner or that owner's agent presents his or her
8 valid driver's license or valid temporary driver's license to the
9 legal owner or the legal owner's agent. The legal owner or the
10 legal owner's agent *or the person in possession of the vehicle* shall
11 make every reasonable effort to ensure that the license presented
12 is valid *and possession of the vehicle will not be given to the driver*
13 *who was involved in the original impound proceeding until the*
14 *expiration of the impoundment period.*

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

20 (4) *Any legal owner who releases or causes the release of a*
21 *vehicle to a registered owner or the person in possession of the*
22 *vehicle at the time of the impound or any agent of the registered*
23 *owner in violation of this subdivision shall be guilty of a*
24 *misdemeanor and subject to a fine in the amount of two thousand*
25 *dollars (\$2,000) in addition to any other penalties established by*
26 *law.*

27 (5) *The legal owner, registered owner, or person in possession*
28 *of the vehicle shall not change or attempt to change the name of*
29 *the legal owner or the registered owner on the records of the*
30 *department until the vehicle is released from the impound.*

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

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

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

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

(j) The law enforcement agency and the impounding agency, including any ~~tow yard~~ *storage facility* acting on behalf of the law enforcement agency or impounding agency, shall *comply with this section and shall* not be liable to the registered owner for the improper release of the vehicle to the legal owner or the legal owner's agent provided the release complies with the provisions of this section. *The legal owner shall indemnify and hold harmless a storage facility from any claims arising out of the release of the vehicle to the legal owner or the legal owner's agent and from any damage to the vehicle after its release, including the reasonable costs associated with defending any such claims. A law enforcement agency shall not refuse to issue a release to a legal owner or the agent of a legal owner on the grounds that it previously issued a release.*

SEC. 6. Section 14602.7 of the Vehicle Code is amended to read:

14602.7. (a) A magistrate presented with the affidavit of a peace officer establishing reasonable cause to believe that a vehicle, described by vehicle type and license number, was an instrumentality used in the peace officer's presence in violation of Section 2800.1, 2800.2, 2800.3, or 23103, shall issue a warrant or order authorizing any peace officer to immediately seize and cause the removal of the vehicle. The warrant or court order may be entered into a computerized database. A vehicle so impounded may be impounded for a period not to exceed 30 days.

The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return receipt requested, to the legal owner of the vehicle, at the address obtained from the department, informing the owner that the vehicle has

1 been impounded and providing the owner with a copy of the
2 warrant or court order. Failure to notify the legal owner within
3 two working days shall prohibit the impounding agency from
4 charging for more than 15 days impoundment when a legal owner
5 redeems the impounded vehicle. *The law enforcement agency shall*
6 *be open, without the necessity of making an appointment, to issue*
7 *a release to the registered owner or legal owner, or the agent of*
8 *either, whenever the agency is open to serve the public.*

9 (b) (1) An impounding agency shall release a vehicle to the
10 registered owner or his or her agent prior to the end of the
11 impoundment period and without the permission of the magistrate
12 authorizing the vehicle's seizure under any of the following
13 circumstances:

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

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

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

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

28 (c) (1) Whenever a vehicle is impounded under this section,
29 the magistrate ordering the storage shall provide the vehicle's
30 registered and legal owners of record, or their agents, with the
31 opportunity for a poststorage hearing to determine the validity of
32 the storage.

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

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

1 (B) The location of the place of storage and a description of the
2 vehicle, which shall include, if available, the name or make, the
3 manufacturer, the license plate number, and the mileage of the
4 vehicle.

5 (C) A copy of the warrant or court order and the peace officer's
6 affidavit, as described in subdivision (a).

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

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

14 (4) At the hearing, the magistrate may order the vehicle released
15 if he or she finds any of the circumstances described in subdivision
16 (b) or (e) that allow release of a vehicle by the impounding agency.
17 The magistrate may also consider releasing the vehicle when the
18 continued impoundment will cause undue hardship to persons
19 dependent upon the vehicle for employment or to a person with a
20 community property interest in the vehicle.

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

24 (6) The agency employing the peace officer who caused the
25 magistrate to issue the warrant or court order shall be responsible
26 for the costs incurred for towing and storage if it is determined in
27 the poststorage hearing that reasonable grounds for the storage are
28 not established.

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

32 (e) A vehicle removed and seized under subdivision (a) shall
33 be released to the legal owner of the vehicle or the legal owner's
34 agent prior to the end of the impoundment period and without the
35 permission of the magistrate authorizing the seizure of the vehicle
36 if all of the following conditions are met:

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

1 (2) (A) The legal owner or the legal owner's agent pays all
2 towing and storage fees related to the seizure of the vehicle. No
3 lien sale processing fees shall be charged to the legal owner who
4 redeems the vehicle prior to the 15th day of impoundment. Neither
5 the impounding authority nor any person having possession of the
6 vehicle shall collect from the legal owner of the type specified in
7 paragraph (1), or the legal owner's agent any administrative charges
8 imposed pursuant to Section 22850.5 unless the legal owner
9 voluntarily requested a poststorage hearing.

10 (B) *A person operating or in charge of a storage facility where*
11 *vehicles are stored pursuant to this section shall accept a valid*
12 *bank credit card or cash for payment of towing, storage, and*
13 *related fees by a legal or registered owner or the owner's agent*
14 *claiming the vehicle. A credit card shall be in the name of the*
15 *person presenting the card. "Credit card" means "credit card"*
16 *as defined in subdivision (a) of Section 1747.02 of the Civil Code,*
17 *except, for the purposes of this section, credit card does not include*
18 *a credit card issued by a retail seller.*

19 (C) *A person operating or in charge of a storage facility*
20 *described in subparagraph (B) who violates subparagraph (B)*
21 *shall be civilly liable to the owner of the vehicle or to the person*
22 *who tendered the fees for four times the amount of the towing,*
23 *storage and related fees, but not to exceed five hundred dollars*
24 *(\$500).*

25 (D) *A person operating or in charge of a storage facility*
26 *described in subparagraph (B) shall have sufficient funds on the*
27 *premises of the primary storage facility during normal business*
28 *hours to accommodate, and make change in, a reasonable*
29 *monetary transaction.*

30 (E) *Credit charges for towing and storage services shall comply*
31 *with Section 1748.1 of the Civil Code. Law enforcement agencies*
32 *may include the costs of providing for payment by credit when*
33 *making agreements with towing companies on rates.*

34 (3) The legal owner or the legal owner's agent presents, to the
35 law enforcement agency, impounding agency, person in possession
36 of the vehicle, or any person acting on behalf of those agencies, a
37 copy of the assignment, as defined in subdivision (b) of Section
38 7500.1 of the Business and Professions Code;; a release from the
39 one responsible governmental agency, only if required by the
40 agency; a government-issued photographic identification card;

1 and any one of the following, *as determined by the legal owner*
2 *or the legal owner's agent*: a certificate of repossession for the
3 vehicle, a security agreement for the vehicle, or title, *whether paper*
4 *or electronic*, showing proof of legal ownership for the vehicle.
5 Any documents presented may be originals, photocopies, or
6 facsimile copies, or may be transmitted electronically. The law
7 enforcement agency, impounding agency, or *any other*
8 *governmental agency*, or any person acting on behalf of those
9 agencies, shall not require any documents to be notarized. The law
10 enforcement agency, impounding agency, or any person acting on
11 behalf of those agencies, may require the agent of the legal owner
12 to produce a photocopy or facsimile copy of its repossession agency
13 license or registration issued pursuant to Chapter 11 (commencing
14 with Section 7500) of Division 3 of the Business and Professions
15 Code, or to demonstrate, to the satisfaction of the law enforcement
16 agency, impounding agency, or any person acting on behalf of
17 those agencies that the agent is exempt from licensure pursuant to
18 Section 7500.2 or 7500.3 of the Business and Professions Code.

19 No administrative costs authorized under subdivision (a) of
20 Section 22850.5 shall be charged to the legal owner of the type
21 specified in paragraph (1), who redeems the vehicle unless the
22 legal owner voluntarily requests a poststorage hearing. No city,
23 county, city and county, or state agency shall require a legal owner
24 or a legal owner's agent to request a poststorage hearing as a
25 requirement for release of the vehicle to the legal owner or the
26 legal owner's agent. The law enforcement agency, impounding
27 agency, or *other governmental agency*, or any person acting on
28 behalf of those agencies, shall not require any documents other
29 than those specified in this paragraph. The law enforcement agency,
30 impounding agency, or *other governmental agency*, or any person
31 acting on behalf of those agencies, shall not require any documents
32 to be notarized. *The legal owner or the legal owner's agent shall*
33 *be given a copy of any documents he or she is required to sign,*
34 *except for a vehicle evidentiary hold log book. The law enforcement*
35 *agency, impounding agency, or any person acting on behalf of*
36 *those agencies, or any person in possession of the vehicle, may*
37 *photocopy and retain the copies of any documents presented by*
38 *the legal owner or legal owner's agent.*

39 (4) *A failure by a storage facility to comply with any applicable*
40 *conditions set forth in this subdivision shall not affect the right of*

1 *the legal owner or the legal owner's agent to retrieve the vehicle,*
 2 *provided all conditions required of the legal owner or legal*
 3 *owner's agent under this subdivision are satisfied.*

4 (f) (1) A legal owner or the legal owner's agent that obtains
 5 release of the vehicle pursuant to subdivision (e) shall not release
 6 the vehicle to the registered owner *or the person who was listed*
 7 *as the registered owner when the vehicle was impounded* of the
 8 vehicle or any agents of the registered owner, unless a registered
 9 owner is a rental car agency, until the termination of the
 10 impoundment period.

11 (2) The legal owner or the legal owner's agent shall not
 12 relinquish the vehicle to the registered owner *or the person who*
 13 *was listed as the registered owner when the vehicle was impounded*
 14 until the registered owner or that owner's agent presents his or her
 15 valid driver's license or valid temporary driver's license to the
 16 legal owner or the legal owner's agent. The legal owner or the
 17 legal owner's agent shall make every reasonable effort to ensure
 18 that the license presented is valid *and possession of the vehicle*
 19 *will not be given to the driver who was involved in the original*
 20 *impound proceeding until the expiration of the impoundment*
 21 *period.*

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

27 (4) *Any legal owner who releases or causes the release of a*
 28 *vehicle to a registered owner or the person in possession of the*
 29 *vehicle at the time of the impound or any agent of the registered*
 30 *owner in violation of this subdivision shall be guilty of a*
 31 *misdemeanor and subject to a fine in the amount of two thousand*
 32 *dollars (\$2,000) in addition to any other penalties established by*
 33 *law.*

34 (5) *The legal owner, registered owner, or person in possession*
 35 *of the vehicle shall not change or attempt to change the name of*
 36 *the legal owner or the registered owner on the records of the*
 37 *department until the vehicle is released from the impound.*

38 (g) (1) A vehicle impounded and seized under subdivision (a)
 39 shall be released to a rental car agency prior to the end of the
 40 impoundment period if the agency is either the legal owner or

1 registered owner of the vehicle and the agency pays all towing and
2 storage fees related to the seizure of the vehicle.

3 (2) The owner of a rental vehicle that was seized under this
4 section may continue to rent the vehicle upon recovery of the
5 vehicle. However, the rental car agency shall not rent another
6 vehicle to the driver who used the vehicle that was seized to evade
7 a police officer until 30 days after the date that the vehicle was
8 seized.

9 (3) The rental car agency may require the person to whom the
10 vehicle was rented and who evaded the peace officer to pay all
11 towing and storage charges related to the impoundment and any
12 administrative charges authorized under Section 22850.5 that were
13 incurred by the rental car agency in connection with obtaining
14 custody of the vehicle.

15 (h) Notwithstanding any other provision of this section, the
16 registered owner and not the legal owner shall remain responsible
17 for any towing and storage charges related to the impoundment
18 and the administrative charges authorized under Section 22850.5
19 and any parking fines, penalties, and administrative fees incurred
20 by the registered owner.

21 (i) (1) This section does not apply to vehicles abated under the
22 Abandoned Vehicle Abatement Program pursuant to Sections
23 22660 to 22668, inclusive, and Section 22710, or to vehicles
24 impounded for investigation pursuant to Section 22655, or to
25 vehicles removed from private property pursuant to Section 22658.

26 (2) This section does not apply to abandoned vehicles removed
27 pursuant to Section 22669 that are determined by the public agency
28 to have an estimated value of three hundred dollars (\$300) or less.

29 (j) The law enforcement agency and the impounding agency,
30 including any ~~tow yard~~ *storage facility* acting on behalf of the law
31 enforcement agency or impounding agency, shall *comply with this*
32 *section and shall* not be liable to the registered owner for the
33 improper release of the vehicle to the legal owner or the legal
34 owner's agent provided the release complies with the provisions
35 of this section. *The legal owner shall indemnify and hold harmless*
36 *a storage facility from any claims arising out of the release of the*
37 *vehicle to the legal owner or the legal owner's agent and from any*
38 *damage to the vehicle after its release, including the reasonable*
39 *costs associated with defending any such claims. A law enforcement*
40 *agency shall not refuse to issue a release to a legal owner or the*

1 *agent of a legal owner on the grounds that it previously issued a*
2 *release.*

3 SEC. 7. Section 14602.8 of the Vehicle Code is amended to
4 read:

5 14602.8. (a) (1) If a peace officer determines that a person
6 has been convicted of a violation of Section 23140, 23152, or
7 23153, that the violation occurred within the preceding 10 years,
8 and that one or more of the following circumstances applies to that
9 person, the officer may immediately cause the removal and seizure
10 of the vehicle that the person was driving, under either of the
11 following circumstances:

12 (A) The person was driving a vehicle when the person had 0.10
13 percent or more, by weight, of alcohol in his or her blood.

14 (B) The person driving the vehicle refused to submit to or
15 complete a chemical test requested by the peace officer.

16 (2) A vehicle impounded pursuant to paragraph (1) shall be
17 impounded for the following period of time:

18 (A) Five days, if the person has been convicted once of violating
19 Section 23140, 23152, or 23153, and the violation occurred within
20 the preceding 10 years.

21 (B) Fifteen days, if the person has been convicted two or more
22 times of violating Section 23140, 23152, or 23153, or any
23 combination thereof, and the violations occurred within the
24 preceding 10 years.

25 (3) Within two working days after impoundment, the
26 impounding agency shall send a notice by certified mail, return
27 receipt requested, to the legal owner of the vehicle, at the address
28 obtained from the department, informing the owner that the vehicle
29 has been impounded. Failure to notify the legal owner within two
30 working days shall prohibit the impounding agency from charging
31 for more than five days' impoundment when the legal owner
32 redeems the impounded vehicle. The impounding agency shall
33 maintain a published telephone number that provides information
34 24 hours a day regarding the impoundment of vehicles and the
35 rights of a registered owner to request a hearing. *The law*
36 *enforcement agency shall be open, without the necessity of making*
37 *an appointment, to issue a release to the registered owner or legal*
38 *owner, or the agent of either, whenever the agency is open to serve*
39 *the public.*

(b) The registered and legal owner of a vehicle that is removed and seized under subdivision (a) or his or her agent shall be provided the opportunity for a storage hearing to determine the validity of, or consider any mitigating circumstances attendant to, the storage, in accordance with Section 22852.

(c) Any period during which a vehicle is subjected to storage under this section shall be included as part of the period of impoundment ordered by the court under Section 23594.

(d) (1) The impounding agency shall release the vehicle to the registered owner or his or her agent prior to the end of the impoundment period under any of the following circumstances:

(A) When the vehicle is a stolen vehicle.

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

(C) When the driver of the vehicle is not the sole registered owner of the vehicle and the vehicle is being released to another registered owner of the vehicle who agrees not to allow the driver to use the vehicle until after the end of the impoundment period.

(2) A vehicle shall not be released pursuant to this subdivision without presentation of the registered owner's or agent's currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of a court.

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

(f) A vehicle removed and seized under subdivision (a) shall be released to the legal owner of the vehicle or the legal owner's agent prior to the end of the impoundment period if all of the following conditions are met:

(1) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state, or is another person who is not the registered owner and holds a security interest in the vehicle.

(2) (A) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle. A lien sale processing fee shall not be charged to the legal owner who redeems the vehicle prior to the 10th day of impoundment. The impounding authority or any person having possession of the vehicle shall not collect from the legal owner of the type specified

1 in paragraph (1), or the legal owner's agent any administrative
2 charges imposed pursuant to Section 22850.5 unless the legal
3 owner voluntarily requested a poststorage hearing.

4 (B) A person operating or in charge of a storage facility where
5 vehicles are stored pursuant to this section shall accept a valid
6 bank credit card or cash for payment of towing, storage, and
7 related fees by a legal or registered owner or the owner's agent
8 claiming the vehicle. A credit card shall be in the name of the
9 person presenting the card. "Credit card" means "credit card"
10 as defined in subdivision (a) of Section 1747.02 of the Civil Code,
11 except, for the purposes of this section, credit card does not include
12 a credit card issued by a retail seller.

13 (C) A person operating or in charge of a storage facility
14 described in subparagraph (B) who violates subparagraph (B)
15 shall be civilly liable to the owner of the vehicle or to the person
16 who tendered the fees for four times the amount of the towing,
17 storage, and other related fees, but not to exceed five hundred
18 dollars (\$500).

19 (D) A person operating or in charge of a storage facility
20 described in subparagraph (B) shall have sufficient funds on the
21 premises of the primary storage facility during normal business
22 hours to accommodate, and make change in, a reasonable
23 monetary transaction.

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

28 (3) (A) The legal owner or the legal owner's agent presents to
29 the law enforcement agency or impounding agency, or any person
30 acting on behalf of those agencies, a copy of the assignment, as
31 defined in subdivision (b) of Section 7500.1 of the Business and
32 Professions Code; a release from the one responsible governmental
33 agency, only if required by the agency; a government-issued
34 photographic identification card; and any one of the following as
35 determined by the legal owner or the legal owner's agent: a
36 certificate of repossession for the vehicle, a security agreement
37 for the vehicle, or title, whether paper or electronic, showing proof
38 of legal ownership for the vehicle. The law enforcement agency,
39 impounding agency, or any other governmental agency, or any

1 *person acting on behalf of those agencies, shall not require the*
2 *presentation of any other documents.*

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

16 ~~*(3) (A) The legal owner or the legal owner's agent presents*~~
17 ~~*either lawful foreclosure documents or an affidavit of repossession*~~
18 ~~*for the vehicle, and a security agreement or title showing proof of*~~
19 ~~*legal ownership for the vehicle. All*~~

20 *(C) All presented documents may be originals, photocopies, or*
21 *facsimile copies, or may be transmitted electronically. The law*
22 *enforcement agency, impounding agency, or any person acting on*
23 *behalf of them, shall not require a document to be notarized. The*
24 *law enforcement agency, impounding agency, or any person in*
25 *possession of the vehicle, or anyone acting on behalf of those*
26 *agencies may require the agent of the legal owner to produce a*
27 *photocopy or facsimile copy of its repossession agency license or*
28 *registration issued pursuant to Chapter 11 (commencing with*
29 *Section 7500) of Division 3 of the Business and Professions Code,*
30 *or to demonstrate, to the satisfaction of the law enforcement*
31 *agency, impounding agency, any other governmental agency, or*
32 *any person in possession of the vehicle, or anyone acting on behalf*
33 *of them, that the agent is exempt from licensure pursuant to Section*
34 *7500.2 or 7500.3 of the Business and Professions Code.*

35 ~~*(B)*~~

36 *(D) Administrative costs authorized under subdivision (a) of*
37 *Section 22850.5 shall not be charged to the legal owner of the type*
38 *specified in paragraph (1), who redeems the vehicle unless the*
39 *legal owner voluntarily requests a poststorage hearing. A city,*
40 *county, city or county, or state agency shall not require a legal*

owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The *law enforcement agency, impounding agency, or any governmental agency, or any person acting on behalf of those agencies*, shall not require any documents other than those specified in this paragraph. The *law enforcement agency, impounding agency, other governmental agency, or any person acting on behalf of those agencies*, shall not require any documents to be notarized. *The legal owner or the legal owner's agent shall be given a copy of any documents he or she is required to sign, except for a vehicle evidentiary hold log book. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies, or any person in possession of the vehicle, may photocopy and retain the copies of any documents presented by the legal owner or legal owner's agent.*

(C) ~~As used~~

(4) *A failure by a storage facility to comply with any applicable conditions set forth in this paragraph, "foreclosure documents" means an "assignment" as that term is defined in subdivision (e) shall not affect the right of Section 7500.1 the legal owner or the legal owner's agent to retrieve the vehicle, provided all conditions required of the Business and Professions Code legal owner or legal owner's agent under this subdivision are satisfied.*

(g) (1) A legal owner or the legal owner's agent who obtains release of the vehicle pursuant to subdivision (f) may not release the vehicle to the registered owner of the vehicle or *the person who was listed as the registered owner when the vehicle was impounded* or any agents of the registered owner, unless the registered owner is a rental car agency, until after the termination of the impoundment period.

(2) The legal owner or the legal owner's agent shall not relinquish the vehicle to the registered owner *or the person who was listed as the registered owner when the vehicle was impounded* until the registered owner or that owner's agent presents his or her valid driver's license or valid temporary driver's license to the legal owner or the legal owner's agent. The legal owner or the legal owner's agent *or the person in possession of the vehicle* shall make every reasonable effort to ensure that the license presented is valid *and possession of the vehicle will not be given to the driver*

1 *who was involved in the original impound proceeding until the*
2 *expiration of the impoundment period.*

3 (3) Prior to relinquishing the vehicle, the legal owner may
4 require the registered owner to pay all towing and storage charges
5 related to the impoundment and any administrative charges
6 authorized under Section 22850.5 that were incurred by the legal
7 owner in connection with obtaining custody of the vehicle.

8 (h) (1) A vehicle removed and seized under subdivision (a)
9 shall be released to a rental car agency prior to the end of the
10 impoundment period if the agency is either the legal owner or
11 registered owner of the vehicle and the agency pays all towing and
12 storage fees related to the seizure of the vehicle.

13 (2) The owner of a rental vehicle that was seized under this
14 section may continue to rent the vehicle upon recovery of the
15 vehicle. However, the rental car agency shall not rent another
16 vehicle to the driver of the vehicle that was seized until the
17 impoundment period has expired.

18 (3) The rental car agency may require the person to whom the
19 vehicle was rented to pay all towing and storage charges related
20 to the impoundment and any administrative charges authorized
21 under Section 22850.5 that were incurred by the rental car agency
22 in connection with obtaining custody of the vehicle.

23 (4) *Any legal owner who releases or causes the release of a*
24 *vehicle to a registered owner or the person in possession of the*
25 *vehicle at the time of the impound or any agent of the registered*
26 *owner in violation of this subdivision shall be guilty of a*
27 *misdemeanor and subject to a fine in the amount of two thousand*
28 *dollars (\$2,000) in addition to any other penalties established by*
29 *law.*

30 (5) *The legal owner, registered owner, or person in possession*
31 *of the vehicle shall not change or attempt to change the name of*
32 *the legal owner or the registered owner on the records of the*
33 *department until the vehicle is released from the impound.*

34 (i) Notwithstanding any other provision of this section, the
35 registered owner, and not the legal owner, shall remain responsible
36 for any towing and storage charges related to the impoundment,
37 any administrative charges authorized under Section 22850.5, and
38 any parking fines, penalties, and administrative fees incurred by
39 the registered owner.

(j) *The law enforcement agency and the impounding agency is, including any storage facility acting on behalf of the law enforcement agency or impounding agency, shall comply with this section and shall not be liable to the registered owner for the improper release of the vehicle to the legal owner or the legal owner's agent provided the release complies with the provisions of this section. The legal owner shall indemnify and hold harmless a storage facility from any claims arising out of the release of the vehicle to the legal owner or the legal owner's agent and from any damage to the vehicle after its release, including the reasonable costs associated with defending any such claims. A law enforcement agency shall not refuse to issue a release to a legal owner or the agent of a legal owner on the grounds that it previously issued a release.*

SEC. 8. Section 21100.4 of the Vehicle Code is amended to read:

21100.4. (a) (1) A magistrate presented with the affidavit of a peace officer or a designated local transportation officer establishing reasonable cause to believe that a vehicle, described by vehicle type and license number, is being operated as a taxicab or other passenger vehicle for hire in violation of licensing requirements adopted by a local authority under subdivision (b) of Section 21100 shall issue a warrant or order authorizing the peace officer or designated local transportation officer to immediately seize and cause the removal of the vehicle. As used in this section, "designated local transportation officer" means any local public officer employed by a local authority to investigate and enforce local taxicab and vehicle for hire laws and regulations.

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

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

(4) The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return receipt requested, to the legal owner of the vehicle, at an address obtained from the department, informing the owner that the vehicle has been impounded and providing the owner with a copy of the warrant or court order. Failure to notify the legal owner within two working days shall prohibit the impounding agency from charging for more than 15 days' impoundment when a legal owner

1 redeems the impounded vehicle. *The law enforcement agency shall*
2 *be open, without the necessity of making an appointment, to issue*
3 *a release to the registered owner or legal owner, or the agent of*
4 *either, whenever the agency is open to serve the public.*

5 (b) (1) An impounding agency shall release a vehicle to the
6 registered owner or his or her agent prior to the end of the
7 impoundment period and without the permission of the magistrate
8 authorizing the vehicle's seizure under any of the following
9 circumstances:

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

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

13 (2) A vehicle may *not* be released under this subdivision, except
14 upon presentation of the registered owner's or agent's currently
15 valid license to operate the vehicle under the licensing requirements
16 adopted by the local authority under subdivision (b) of Section
17 21100, and proof of current vehicle registration, or upon order of
18 the court.

19 (c) (1) Whenever a vehicle is impounded under this section,
20 the magistrate ordering the storage shall provide the vehicle's
21 registered and legal owners of record, or their agents, with the
22 opportunity for a poststorage hearing to determine the validity of
23 the storage.

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

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

31 (B) The location of the place of storage and a description of the
32 vehicle, ~~that~~ *which* shall include, if available, the name or make,
33 the manufacturer, the license plate number, and the mileage of the
34 vehicle.

35 (C) A copy of the warrant or court order and the peace officer's
36 affidavit, as described in subdivision (a).

37 (D) A statement that, in order to receive their poststorage
38 hearing, the owners, or their agents, are required to request the
39 hearing from the magistrate issuing the warrant or court order in

1 person, in writing, or by telephone, within 10 days of the date of
2 the notice.

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

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

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

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

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

19 (e) A vehicle removed and seized under subdivision (a) shall
20 be released to the legal owner of the vehicle or the legal owner's
21 agent prior to the end of the impoundment period and without the
22 permission of the magistrate authorizing the seizure of the vehicle
23 if all of the following conditions are met:

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

28 (2) (A) The legal owner or the legal owner's agent pays all
29 towing and storage fees related to the seizure of the vehicle. A lien
30 sale processing fee shall not be charged to the legal owner who
31 redeems the vehicle prior to the 15th day of impoundment. Neither
32 the impounding authority nor any person having possession of the
33 vehicle shall collect from the legal owner of the type specified in
34 paragraph (1), or the legal owner's agent, any administrative
35 charges imposed pursuant to Section 22850.5 unless the legal
36 owner voluntarily requested a poststorage hearing.

37 (B) *A person operating or in charge of a storage facility where*
38 *vehicles are stored pursuant to this section shall accept a valid*
39 *bank credit card or cash for payment of towing, storage, and*
40 *related fees by a legal or registered owner or the owner's agent*

1 claiming the vehicle. A credit card shall be in the name of the
2 person presenting the card. “Credit card” means “credit card”
3 as defined in subdivision (a) of Section 1747.02 of the Civil Code,
4 except, for the purposes of this section, credit card does not include
5 a credit card issued by a retail seller.

6 (C) A person operating or in charge of a storage facility
7 described in subparagraph (B) who violates subparagraph (B)
8 shall be civilly liable to the owner of the vehicle or to the person
9 who tendered the fees for four times the amount of the towing,
10 storage, and related fees, but not to exceed five hundred dollars
11 (\$500).

12 (D) A person operating or in charge of a storage facility
13 described in subparagraph (B) shall have sufficient funds on the
14 premises of the primary storage facility during normal business
15 hours to accommodate, and make change in, a reasonable
16 monetary transaction.

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

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

35 (B) The legal owner or the legal owner’s agent presents to the
36 person in possession of the vehicle, or any person acting on behalf
37 of the person in possession, a copy of the assignment, as defined
38 in subdivision (b) of Section 7500.1 of the Business and Professions
39 Code; a release from the one responsible governmental agency,
40 only if required by the agency; a government-issued photographic

1 *identification card; and any one of the following as determined*
2 *by the legal owner or the legal owner's agent: a certificate of*
3 *repossession for the vehicle, a security agreement for the vehicle,*
4 *or title, whether paper or electronic, showing proof of legal*
5 *ownership for the vehicle. The person in possession of the vehicle,*
6 *or any person acting on behalf of the person in possession, shall*
7 *not require the presentation of any other documents.*

8 ~~(3) (A) The legal owner or the legal owner's agent presents~~
9 ~~either lawful foreclosure documents or a certificate of repossession~~
10 ~~and a security agreement or title showing proof of legal ownership~~
11 ~~for the vehicle. The documents presented~~

12 *(C) All presented documents may be originals, photocopies, or*
13 *facsimile copies, or may be transmitted electronically. The law*
14 *enforcement agency, impounding agency may, or any person in*
15 *possession of the vehicle, or anyone acting on behalf of them, shall*
16 *not require any documents to be notarized. The law enforcement*
17 *agency, impounding agency, or any person acting on behalf of*
18 *those agencies, may require the agent of the legal owner to produce*
19 *a photocopy or facsimile copy of its repossession agency license*
20 *or registration issued pursuant to Chapter 11 (commencing with*
21 *Section 7500) of Division 3 of the Business and Professions Code,*
22 *or to demonstrate, to the satisfaction of the law enforcement*
23 *agency, impounding agency, or any person in possession of the*
24 *vehicle, or anyone acting on behalf of them, that the agent is*
25 *exempt from licensure pursuant to Section 7500.2 or 7500.3 of the*
26 *Business and Professions Code.*

27 ~~(B)~~

28 *(D) No administrative costs authorized under subdivision (a)*
29 *of Section 22850.5 may be charged to the legal owner of the type*
30 *specified in paragraph (1); who redeems the vehicle unless the*
31 *legal owner voluntarily requests a poststorage hearing. No city,*
32 *county, city and county, or state agency shall require a legal owner*
33 *or a legal owner's agent to request a poststorage hearing as a*
34 *requirement for release of the vehicle to the legal owner or the*
35 *legal owner's agent. The law enforcement agency, impounding*
36 *agency may, or any other governmental agency, or any person*
37 *acting on behalf of those agencies, shall not require any documents*
38 *other than those specified in this paragraph. The law enforcement*
39 *agency, impounding agency, or other governmental agency, or*
40 *any person acting on behalf of those agencies, may not require*

1 any documents to be notarized. *The legal owner or the legal*
2 *owner's agent shall be given a copy of any documents he or she*
3 *is required to sign, except for a vehicle evidentiary hold log book.*
4 *The law enforcement agency, impounding agency, or any person*
5 *acting on behalf of those agencies, or any person in possession of*
6 *the vehicle, may photocopy and retain the copies of any documents*
7 *presented by the legal owner or legal owner's agent.*

8 ~~(C) As used~~

9 *(4) A failure by a storage facility to comply with any applicable*
10 *conditions set forth in this paragraph, "foreclosure documents"*
11 *means an "assignment" as that term is defined in subdivision (o)*
12 *shall not affect the right of Section 7500.1 the legal owner or the*
13 *legal owner's agent to retrieve the vehicle, provided all conditions*
14 *required of the Business and Professions Code legal owner or*
15 *legal owner's agent under this subdivision are satisfied.*

16 *(f) (1) A legal owner or the legal owner's agent that obtains*
17 *release of the vehicle pursuant to subdivision (e) may shall not*
18 *release the vehicle to the registered owner of the vehicle or the*
19 *person who was listed as the registered owner when the vehicle*
20 *was impounded or any agents of the registered owner until the*
21 *termination of the impoundment period.*

22 *(2) The legal owner or the legal owner's agent may shall not*
23 *relinquish the vehicle to the registered owner or the person who*
24 *was listed as the registered owner when the vehicle was impounded*
25 *until the registered owner or that owner's agent presents his or her*
26 *valid driver's license or valid temporary driver's license, and an*
27 *operator's license that is in compliance with the licensing*
28 *requirements adopted by the local authority under subdivision (b)*
29 *of Section 21100, to the legal owner or the legal owner's agent.*
30 *The legal owner or the legal owner's agent or the person in*
31 *possession of the vehicle shall make every reasonable effort to*
32 *ensure that the licenses presented are valid and possession of the*
33 *vehicle will not be given to the driver who was involved in the*
34 *original impound proceeding until the expiration of the*
35 *impoundment period.*

36 *(3) Prior to relinquishing the vehicle, the legal owner may*
37 *require the registered owner to pay all towing and storage charges*
38 *related to the impoundment and the administrative charges*
39 *authorized under Section 22850.5 that were incurred by the legal*
40 *owner in connection with obtaining the custody of the vehicle.*

(4) Any legal owner who releases or causes the release of a vehicle to a registered owner or the person in possession of the vehicle at the time of the impound or any agent of the registered owner in violation of this subdivision shall be guilty of a misdemeanor and subject to a fine in the amount of two thousand dollars (\$2,000) in addition to any other penalties established by law.

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

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

(h) The law enforcement agency and the impounding agency is, including any storage facility acting on behalf of the law enforcement agency or impounding agency, shall comply with this section and shall not be liable to the registered owner for the improper release of the vehicle to the legal owner or the legal owner's agent if provided the release complies with the provisions of this section. The legal owner shall indemnify and hold harmless a storage facility from any claims arising out of the release of the vehicle to the legal owner or the legal owner's agent and from any damage to the vehicle after its release, including the reasonable costs associated with defending any such claims. A law enforcement agency shall not refuse to issue a release to a legal owner or the agent of a legal owner on the grounds that it previously issued a release.

SEC. 9. Section 22651.1 of the Vehicle Code is amended to read:

22651.1. Persons operating or in charge of any storage facility where vehicles are stored pursuant to Section 22651 shall accept a valid bank credit card or cash for payment of towing and storage by the registered owner, legal owner, or the owner's agent claiming the vehicle. A credit card shall be in the name of the person presenting the card. "Credit card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code,

1 *except, for the purposes of this section, credit card does not include*
2 *a credit card issued by a retail seller. A person operating or in*
3 *charge of any storage facility who refuses to accept a valid bank*
4 *credit card shall be liable to the registered owner of the vehicle or*
5 *to the person who tendered the fees for four times the amount of*
6 *the towing and storage charges, but not to exceed five hundred*
7 *dollars (\$500). In addition, persons operating or in charge of the*
8 *storage facility shall have sufficient funds on the premises to*
9 *accommodate and make change in a reasonable monetary*
10 *transaction.*

11 Credit charges for towing and storage services shall comply with
12 Section 1748.1 of the Civil Code. Law enforcement agencies may
13 include the costs of providing for payment by credit when agreeing
14 with a towing or storage provider on rates.

15 SEC. 10. Section 22658 of the Vehicle Code is amended to
16 read:

17 22658. (a) The owner or person in lawful possession of private
18 property, including an association of a common interest
19 development as defined in Section 1351 of the Civil Code, may
20 cause the removal of a vehicle parked on the property to a storage
21 facility that meets the requirements of subdivision (n) under any
22 of the following circumstances:

23 (1) There is displayed, in plain view at all entrances to the
24 property, a sign not less than 17 inches by 22 inches in size, with
25 lettering not less than one inch in height, prohibiting public parking
26 and indicating that vehicles will be removed at the owner's
27 expense, and containing the telephone number of the local traffic
28 law enforcement agency and the name and telephone number of
29 each towing company that is a party to a written general towing
30 authorization agreement with the owner or person in lawful
31 possession of the property. The sign may also indicate that a
32 citation may also be issued for the violation.

33 (2) The vehicle has been issued a notice of parking violation,
34 and 96 hours have elapsed since the issuance of that notice.

35 (3) The vehicle is on private property and lacks an engine,
36 transmission, wheels, tires, doors, windshield, or any other major
37 part or equipment necessary to operate safely on the highways,
38 the owner or person in lawful possession of the private property
39 has notified the local traffic law enforcement agency, and 24 hours
40 have elapsed since that notification.

1 (4) The lot or parcel upon which the vehicle is parked is
2 improved with a single-family dwelling.

3 (b) The tow truck operator removing the vehicle, if the operator
4 knows or is able to ascertain from the property owner, person in
5 lawful possession of the property, or the registration records of
6 the Department of Motor Vehicles the name and address of the
7 registered and legal owner of the vehicle, shall immediately give,
8 or cause to be given, notice in writing to the registered and legal
9 owner of the fact of the removal, the grounds for the removal, and
10 indicate the place to which the vehicle has been removed. If the
11 vehicle is stored in a storage facility, a copy of the notice shall be
12 given to the proprietor of the storage facility. The notice provided
13 for in this section shall include the amount of mileage on the
14 vehicle at the time of removal and the time of the removal from
15 the property. If the tow truck operator does not know and is not
16 able to ascertain the name of the owner or for any other reason is
17 unable to give the notice to the owner as provided in this section,
18 the tow truck operator shall comply with the requirements of
19 subdivision (c) of Section 22853 relating to notice in the same
20 manner as applicable to an officer removing a vehicle from private
21 property.

22 (c) This section does not limit or affect any right or remedy that
23 the owner or person in lawful possession of private property may
24 have by virtue of other provisions of law authorizing the removal
25 of a vehicle parked upon private property.

26 (d) The owner of a vehicle removed from private property
27 pursuant to subdivision (a) may recover for any damage to the
28 vehicle resulting from any intentional or negligent act of a person
29 causing the removal of, or removing, the vehicle.

30 (e) (1) An owner or person in lawful possession of private
31 property, or an association of a common interest development,
32 causing the removal of a vehicle parked on that property is liable
33 for double the storage or towing charges whenever there has been
34 a failure to comply with paragraph (1), (2), or (3) of subdivision
35 (a) or to state the grounds for the removal of the vehicle if requested
36 by the legal or registered owner of the vehicle as required by
37 subdivision (f).

38 (2) A property owner or owner's agent or lessee who causes the
39 removal of a vehicle parked on that property pursuant to the
40 exemption set forth in subparagraph (A) of paragraph (1) of

1 subdivision (l) and fails to comply with that subdivision is guilty
2 of an infraction, punishable by a fine of one thousand dollars
3 (\$1,000).

4 (f) An owner or person in lawful possession of private property,
5 or an association of a common interest development, causing the
6 removal of a vehicle parked on that property shall notify by
7 telephone or, if impractical, by the most expeditious means
8 available, the local traffic law enforcement agency within one hour
9 after authorizing the tow. An owner or person in lawful possession
10 of private property, an association of a common interest
11 development, causing the removal of a vehicle parked on that
12 property, or the tow truck operator who removes the vehicle, shall
13 state the grounds for the removal of the vehicle if requested by the
14 legal or registered owner of that vehicle. A towing company that
15 removes a vehicle from private property in compliance with
16 subdivision (l) is not responsible in a situation relating to the
17 validity of the removal. A towing company that removes the
18 vehicle under this section shall be responsible for the following:

19 (1) Damage to the vehicle in the transit and subsequent storage
20 of the vehicle.

21 (2) The removal of a vehicle other than the vehicle specified by
22 the owner or other person in lawful possession of the private
23 property.

24 (g) (1) (A) Possession of a vehicle under this section shall be
25 deemed to arise when a vehicle is removed from private property
26 and is in transit.

27 (B) Upon the request of the owner of the vehicle or that owner's
28 agent, the towing company or its driver shall immediately and
29 unconditionally release a vehicle that is not yet removed from the
30 private property and in transit.

31 (C) A person failing to comply with subparagraph (B) is guilty
32 of a misdemeanor.

33 (2) If a vehicle is released to a person in compliance with
34 subparagraph (B) of paragraph (1), the vehicle owner or authorized
35 agent shall immediately move that vehicle to a lawful location.

36 (h) A towing company may impose a charge of not more than
37 one-half of the regular towing charge for the towing of a vehicle
38 at the request of the owner, the owner's agent, or the person in
39 lawful possession of the private property pursuant to this section
40 if the owner of the vehicle or the vehicle owner's agent returns to

1 the vehicle after the vehicle is coupled to the tow truck by means
2 of a regular hitch, coupling device, drawbar, portable dolly, or is
3 lifted off the ground by means of a conventional trailer, and before
4 it is removed from the private property. The regular towing charge
5 may only be imposed after the vehicle has been removed from the
6 property and is in transit.

7 (i) (1) (A) A charge for towing or storage, or both, of a vehicle
8 under this section is excessive if the charge exceeds the greater of
9 the following:

10 (i) That which would have been charged for that towing or
11 storage, or both, made at the request of a law enforcement agency
12 under an agreement between a towing company and the law
13 enforcement agency that exercises primary jurisdiction in the city
14 in which is located the private property from which the vehicle
15 was, or was attempted to be, removed, or if the private property
16 is not located within a city, then the law enforcement agency that
17 exercises primary jurisdiction in the county in which the private
18 property is located.

19 (ii) That which would have been charged for that towing or
20 storage, or both, under the rate approved for that towing operator
21 by the California Highway Patrol for the jurisdiction in which the
22 private property is located and from which the vehicle was, or was
23 attempted to be, removed.

24 (B) A towing operator shall make available for inspection and
25 copying his or her rate approved by the California Highway Patrol,
26 if any, ~~with in~~ *within* 24 hours of a request without a warrant to
27 law enforcement, the Attorney General, district attorney, or city
28 attorney.

29 (2) If a vehicle is released within 24 hours from the time the
30 vehicle is brought into the storage facility, regardless of the
31 calendar date, the storage charge shall be for only one day. Not
32 more than one day's storage charge may be required for a vehicle
33 released the same day that it is stored.

34 (3) If a request to release a vehicle is made and the appropriate
35 fees are tendered and documentation establishing that the person
36 requesting release is entitled to possession of the vehicle, or is the
37 owner's insurance representative, is presented within the initial
38 24 hours of storage, and the storage facility fails to comply with
39 the request to release the vehicle or is not open for business during
40 normal business hours, then only one day's storage charge may

1 be required to be paid until after the first business day. A business
2 day is any day in which the lienholder is open for business to the
3 public for at least eight hours. If a request is made more than 24
4 hours after the vehicle is placed in storage, charges may be imposed
5 on a full calendar day basis for each day, or part thereof, that the
6 vehicle is in storage.

7 (j) (1) A person who charges a vehicle owner a towing, service,
8 or storage charge at an excessive rate, as described in subdivision
9 (h) or (i), is civilly liable to the vehicle owner for four times the
10 amount charged.

11 (2) A person who knowingly charges a vehicle owner a towing,
12 service, or storage charge at an excessive rate, as described in
13 subdivision (h) or (i), or who fails to make available his or her rate
14 as required in subparagraph (B) of paragraph (1) of subdivision
15 (i), is guilty of a misdemeanor, punishable by a fine of not more
16 than two thousand five hundred dollars (\$2,500), or by
17 imprisonment in the county jail for not more than three months,
18 or by both that fine and imprisonment.

19 (k) (1) A person operating or in charge of a storage facility
20 where vehicles are stored pursuant to this section shall accept a
21 valid *bank* credit card or cash for payment of towing and storage
22 by a registered owner, *the legal owner*, or the owner's agent
23 claiming the vehicle. *A credit card shall be in the name of the*
24 *person presenting the card.* "Credit card" means "credit card" as
25 defined in subdivision (a) of Section 1747.02 of the Civil Code,
26 except, for the purposes of this section, credit card does not include
27 a credit card issued by a retail seller.

28 (2) A person described in paragraph (1) shall conspicuously
29 display, in that portion of the storage facility office where business
30 is conducted with the public, a notice advising that all valid credit
31 cards and cash are acceptable means of payment.

32 (3) A person operating or in charge of a storage facility who
33 refuses to accept a valid credit card or who fails to post the required
34 notice under paragraph (2) is guilty of a misdemeanor, punishable
35 by a fine of not more than two thousand five hundred dollars
36 (\$2,500), or by imprisonment in the county jail for not more than
37 three months, or by both that fine and imprisonment.

38 (4) A person described in paragraph (1) who violates paragraph
39 (1) or (2) is civilly liable to the registered owner of the vehicle or

the person who tendered the fees for four times the amount of the towing and storage charges.

(5) A person operating or in charge of the storage facility shall have sufficient moneys on the premises of the primary storage facility during normal business hours to accommodate, and make change in, a reasonable monetary transaction.

(6) Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies as described in subdivision (i).

(l) (1) (A) A towing company shall not remove or commence the removal of a vehicle from private property without first obtaining the written authorization from the property owner or lessee, including an association of a common interest development, or an employee or agent thereof, who shall be present at the time of removal and verify the alleged violation, except that presence and verification is not required if the person authorizing the tow is the property owner, or the owner's agent who is not a tow operator, of a residential rental property of 15 or fewer units that does not have an onsite owner, owner's agent or employee, and the tenant has verified the violation, requested the tow from that tenant's assigned parking space, and provided a signed request or electronic mail, or has called and provides a signed request or electronic mail within 24 hours, to the property owner or owner's agent, which the owner or agent shall provide to the towing company within 48 hours of authorizing the tow. The signed request or electronic mail shall contain the name and address of the tenant, and the date and time the tenant requested the tow. A towing company shall obtain, within 48 hours of receiving the written authorization to tow, a copy of a tenant request required pursuant to this subparagraph. For the purpose of this subparagraph, a person providing the written authorization who is required to be present on the private property at the time of the tow does not have to be physically present at the specified location of where the vehicle to be removed is located on the private property.

(B) The written authorization under subparagraph (A) shall include all of the following:

(i) The make, model, vehicle identification number, and license plate number of the removed vehicle.

1 (ii) The name, signature, job title, residential or business address
2 and working telephone number of the person, described in
3 subparagraph (A), authorizing the removal of the vehicle.

4 (iii) The grounds for the removal of the vehicle.

5 (iv) The time when the vehicle was first observed parked at the
6 private property.

7 (v) The time that authorization to tow the vehicle was given.

8 (C) (i) When the vehicle owner or his or her agent claims the
9 vehicle, the towing company prior to payment of a towing or
10 storage charge shall provide a photocopy of the written
11 authorization to the vehicle owner or the agent.

12 (ii) If the vehicle was towed from a residential property, the
13 towing company shall redact the information specified in clause
14 (ii) of subparagraph (B) in the photocopy of the written
15 authorization provided to the vehicle owner or the agent pursuant
16 to clause (i).

17 (iii) The towing company shall also provide to the vehicle owner
18 or the agent a separate notice that provides the telephone number
19 of the appropriate local law enforcement or prosecuting agency
20 by stating “If you believe that you have been wrongfully towed,
21 please contact the local law enforcement or prosecuting agency at
22 [insert appropriate telephone number].” The notice shall be in
23 English and in the most populous language, other than English,
24 that is spoken in the jurisdiction.

25 (D) A towing company shall not remove or commence the
26 removal of a vehicle from private property described in subdivision
27 (a) of Section 22953 unless the towing company has made a good
28 faith inquiry to determine that the owner or the property owner’s
29 agent complied with Section 22953.

30 (E) (i) General authorization to remove or commence removal
31 of a vehicle at the towing company’s discretion shall not be
32 delegated to a towing company or its affiliates except in the case
33 of a vehicle unlawfully parked within 15 feet of a fire hydrant or
34 in a fire lane, or in a manner which interferes with an entrance to,
35 or exit from, the private property.

36 (ii) In those cases in which general authorization is granted to
37 a towing company or its affiliate to undertake the removal or
38 commence the removal of a vehicle that is unlawfully parked within
39 15 feet of a fire hydrant or in a fire lane, or that interferes with an
40 entrance to, or exit from, private property, the towing company

1 and the property owner, or owner's agent, or person in lawful
2 possession of the private property shall have a written agreement
3 granting that general authorization.

4 (2) If a towing company removes a vehicle under a general
5 authorization described in subparagraph (E) of paragraph (1) and
6 that vehicle is unlawfully parked within 15 feet of a fire hydrant
7 or in a fire lane, or in a manner that interferes with an entrance to,
8 or exit from, the private property, the towing company shall take,
9 prior to the removal of that vehicle, a photograph of the vehicle
10 that clearly indicates that parking violation. Prior to accepting
11 payment, the towing company shall keep one copy of the
12 photograph taken pursuant to this paragraph, and shall present that
13 photograph and provide, without charge, a photocopy to the owner
14 or an agent of the owner, when that person claims the vehicle.

15 (3) A towing company shall maintain the original written
16 authorization, or the general authorization described in
17 subparagraph (E) of paragraph (1) and the photograph of the
18 violation, required pursuant to this section, and any written requests
19 from a tenant to the property owner or owner's agent required by
20 subparagraph (A) of paragraph (1), for a period of three years and
21 shall make them available for inspection and copying within 24
22 hours of a request without a warrant to law enforcement, the
23 Attorney General, district attorney, or city attorney.

24 (4) A person who violates this subdivision is guilty of a
25 misdemeanor, punishable by a fine of not more than two thousand
26 five hundred dollars (\$2,500), or by imprisonment in the county
27 jail for not more than three months, or by both that fine and
28 imprisonment.

29 (5) A person who violates this subdivision is civilly liable to
30 the owner of the vehicle or his or her agent for four times the
31 amount of the towing and storage charges.

32 (m) (1) A towing company that removes a vehicle from private
33 property under this section shall notify the local law enforcement
34 agency of that tow after the vehicle is removed from the private
35 property and is in transit.

36 (2) A towing company is guilty of a misdemeanor if the towing
37 company fails to provide the notification required under paragraph
38 (1) within 60 minutes after the vehicle is removed from the private
39 property and is in transit or 15 minutes after arriving at the storage
40 facility, whichever time is less.

(3) A towing company that does not provide the notification under paragraph (1) within 30 minutes after the vehicle is removed from the private property and is in transit is civilly liable to the registered owner of the vehicle, or the person who tenders the fees, for three times the amount of the towing and storage charges.

(4) If notification is impracticable, the times for notification, as required pursuant to paragraphs (2) and (3), shall be tolled for the time period that notification is impracticable. This paragraph is an affirmative defense.

(n) A vehicle removed from private property pursuant to this section shall be stored in a facility that meets all of the following requirements:

(1) (A) Is located within a 10-mile radius of the property from where the vehicle was removed.

(B) The 10-mile radius requirement of subparagraph (A) does not apply if a towing company has prior general written approval from the law enforcement agency that exercises primary jurisdiction in the city in which is located the private property from which the vehicle was removed, or if the private property is not located within a city, then the law enforcement agency that exercises primary jurisdiction in the county in which is located the private property.

(2) (A) Remains open during normal business hours and releases vehicles after normal business hours.

(B) A gate fee may be charged for releasing a vehicle after normal business hours, weekends, and state holidays. However, the maximum hourly charge for releasing a vehicle after normal business hours shall be one-half of the hourly tow rate charged for initially towing the vehicle, or less.

(C) Notwithstanding any other provision of law and for purposes of this paragraph, “normal business hours” are Monday to Friday, inclusive, from 8 a.m. to 5 p.m., inclusive, except state holidays.

(3) Has a public pay telephone in the office area that is open and accessible to the public.

(o) (1) It is the intent of the Legislature in the adoption of subdivision (k) to assist vehicle owners or their agents by, among other things, allowing payment by credit cards for towing and storage services, thereby expediting the recovery of towed vehicles and concurrently promoting the safety and welfare of the public.

1 (2) It is the intent of the Legislature in the adoption of
2 subdivision (l) to further the safety of the general public by
3 ensuring that a private property owner or lessee has provided his
4 or her authorization for the removal of a vehicle from his or her
5 property, thereby promoting the safety of those persons involved
6 in ordering the removal of the vehicle as well as those persons
7 removing, towing, and storing the vehicle.

8 (3) It is the intent of the Legislature in the adoption of
9 subdivision (g) to promote the safety of the general public by
10 requiring towing companies to unconditionally release a vehicle
11 that is not lawfully in their possession, thereby avoiding the
12 likelihood of dangerous and violent confrontation and physical
13 injury to vehicle owners and towing operators, the stranding of
14 vehicle owners and their passengers at a dangerous time and
15 location, and impeding expedited vehicle recovery, without wasting
16 law enforcement's limited resources.

17 (p) The remedies, sanctions, restrictions, and procedures
18 provided in this section are not exclusive and are in addition to
19 other remedies, sanctions, restrictions, or procedures that may be
20 provided in other provisions of law, including, but not limited to,
21 those that are provided in Sections 12110 and 34660.

22 (q) *A vehicle removed and stored pursuant to this section shall*
23 *be released by the law enforcement agency, impounding agency,*
24 *or person in possession of the vehicle, or any person acting on*
25 *behalf of them, to the legal owner or the legal owner's agent upon*
26 *presentation of the assignment, as defined in subdivision (b) of*
27 *Section 7500.1 of the Business and Professions Code; a release*
28 *from the one responsible governmental agency, only if required*
29 *by the agency; a government-issued photographic identification*
30 *card; and any one of the following as determined by the legal*
31 *owner or the legal owner's agent: a certificate of repossession for*
32 *the vehicle, a security agreement for the vehicle or title, whether*
33 *paper or electronic, showing proof of legal ownership for the*
34 *vehicle. Any documents presented may be originals, photocopies,*
35 *or facsimile copies, or may be transmitted electronically. The*
36 *storage facility shall not require any documents to be notarized.*
37 *The storage facility may require the agent of the legal owner to*
38 *produce a photocopy or facsimile copy of its repossession agency*
39 *license or registration issued pursuant to Chapter 11 (commencing*
40 *with Section 7500) of Division 3 of the Business and Professions*

1 *Code, or to demonstrate, to the satisfaction of the storage facility,*
2 *that the agent is exempt from licensure pursuant to Section 7500.2*
3 *or 7500.3 of the Business and Professions Code.*

4 SEC. 11. Section 23118 is added to the Vehicle Code, to read:

5 23118. (a) (1) A magistrate presented with the affidavit of a
6 peace officer establishing reasonable cause to believe that a vehicle,
7 described by vehicle type and license number, is being used or
8 operated in violation of Section 7502.1 of the Business and
9 Professions Code shall issue a warrant or order authorizing any
10 peace officer to immediately seize and cause the removal of the
11 vehicle.

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

14 (3) Any vehicle so impounded may be impounded until such
15 time as the owner of the property, or the person in possession of
16 the property at the time of the impound, produces proof of licensure
17 pursuant to Chapter 11 (commencing with Section 7500) of
18 Division 3 of the Business and Professions Code, or proof of an
19 exemption from licensure pursuant to Section 7500.2 or 7500.3 of
20 the Business and Professions Code.

21 (4) The impounding agency, within two working days of
22 impoundment, shall send a notice by certified mail, return receipt
23 requested, to the legal owner of the vehicle, at an address obtained
24 from the department, informing the owner that the vehicle has
25 been impounded and providing the owner with a copy of the
26 warrant or court order. Failure to notify the legal owner within
27 two working days shall prohibit the impounding agency from
28 charging for more than 15 days impoundment when a legal owner
29 redeems the impounded vehicle. The law enforcement agency shall
30 be open, without the necessity of making an appointment, to issue
31 a release to the registered owner or legal owner, or the agent of
32 either, whenever the agency is open to serve the public.

33 (b) (1) An impounding agency shall release a vehicle to the
34 registered owner or his or her agent prior to the end of the
35 impoundment period and without the permission of the magistrate
36 authorizing the vehicle's seizure under any of the following
37 circumstances:

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

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

1 (2) No vehicle may be released under this subdivision, except
2 upon presentation of the registered owner's or agent's currently
3 valid license to operate the vehicle, and proof of current vehicle
4 registration, or upon order of the court.

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

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

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

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

21 (C) A copy of the warrant or court order and the peace officer's
22 affidavit, as described in subdivision (a).

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

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

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

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

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

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

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

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

(2) (A) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle. Except as specifically authorized by this subdivision, no other fees shall be charged to the legal owner or the agent of the legal owner. No lien sale processing fees shall be charged to the legal owner who redeems the vehicle prior to the 15th day of impoundment. Neither the impounding authority nor any person having possession of the vehicle shall collect from the legal owner of the type specified in paragraph (1), or the legal owner's agent any administrative charges imposed pursuant to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

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

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

(D) A person operating or in charge of the storage facility shall have sufficient funds on the premises of the primary storage facility

1 during normal business hours to accommodate, and make change
2 in, a reasonable monetary transaction.

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

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

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

34 (C) All presented documents may be originals, photocopies, or
35 facsimile copies, or may be transmitted electronically. The law
36 enforcement agency, impounding agency, or any person in
37 possession of the vehicle, or anyone acting on behalf of them, shall
38 not require a document to be notarized. The law enforcement
39 agency, impounding agency, or any person acting on behalf of
40 those agencies, may require the agent of the legal owner to produce

1 a photocopy or facsimile copy of its repossession agency license
2 or registration issued pursuant to Chapter 11 (commencing with
3 Section 7500) of Division 3 of the Business and Professions Code,
4 or to demonstrate, to the satisfaction of the law enforcement
5 agency, impounding agency, or any person in possession of the
6 vehicle, or anyone acting on behalf of them, that the agent is
7 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the
8 Business and Professions Code.

9 (D) No administrative costs authorized under subdivision (a)
10 of Section 22850.5 shall be charged to the legal owner of the type
11 specified in paragraph (1), who redeems the vehicle unless the
12 legal owner voluntarily requests a poststorage hearing. No city,
13 county, city and county, or state agency shall require a legal owner
14 or a legal owner's agent to request a poststorage hearing as a
15 requirement for release of the vehicle to the legal owner or the
16 legal owner's agent. The law enforcement agency, impounding
17 agency, or any other governmental agency, or any person acting
18 on behalf of those agencies, shall not require any documents other
19 than those specified in this paragraph. The law enforcement agency,
20 impounding agency, or other governmental agency, or any person
21 acting on behalf of those agencies, may not require any documents
22 to be notarized. The legal owner or the legal owner's agent shall
23 be given a copy of any documents he or she is required to sign,
24 except for a vehicle evidentiary hold log book. The law
25 enforcement agency, impounding agency, or any person acting on
26 behalf of those agencies, or any person in possession of the vehicle,
27 may photocopy and retain the copies of any documents presented
28 by the legal owner or legal owner's agent.

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

34 (f) (1) A legal owner or the legal owner's agent that obtains
35 release of the vehicle pursuant to subdivision (e) shall not release
36 the vehicle to the registered owner of the vehicle or the person
37 who was listed as the registered owner when the vehicle was
38 impounded or the person in possession of the vehicle at the time
39 of the impound or any agents of the registered owner until the
40 termination of the impoundment period.

1 (2) The legal owner or the legal owner's agent shall not
2 relinquish the vehicle to the registered owner or the person who
3 was listed as the registered owner when the vehicle was impounded
4 until the registered owner or that owner's agent presents his or her
5 valid driver's license or valid temporary driver's license to the
6 legal owner or the legal owner's agent. The legal owner or the
7 legal owner's agent or the person in possession of the vehicle shall
8 make every reasonable effort to ensure that the licenses presented
9 are valid and possession of the vehicle will not be given to the
10 driver who was involved in the original impound proceeding until
11 the expiration of the 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 releases or causes the release of a
18 vehicle to a registered owner or the person in possession of the
19 vehicle at the time of the impound or any agent of the registered
20 owner in violation of this subdivision shall be guilty of a
21 misdemeanor and subject to a fine in the amount of two thousand
22 dollars (\$2,000) in addition to any other penalties established by
23 law.

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

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

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

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

8 SEC. 12. Section 24605 of the Vehicle Code is amended to
9 read:

10 24605. (a) A tow truck or an automobile dismantler's tow
11 vehicle used to tow a vehicle shall be equipped with and carry a
12 taillamp, a stoplamp, *and* turn signal lamps, ~~and a portable~~
13 ~~electrical extension cord~~ for use in displaying the lamps on the
14 rear of a towed vehicle.

15 (b) Whenever a tow truck or an automobile dismantler's tow
16 vehicle is towing a vehicle and a stoplamp and turn signal lamps
17 cannot be lighted and displayed on the rear of the towed vehicle,
18 the operator of the tow truck or the automobile dismantler's tow
19 vehicle shall, ~~by means of an extension cord~~, display to the rear a
20 stoplamp and turn signal lamps mounted on the towed vehicle,
21 except as provided in subdivision (c). During darkness, if a taillamp
22 on the towed vehicle cannot be lighted, the operator of the tow
23 truck or the automobile dismantler's tow vehicle shall, ~~by means~~
24 ~~of an extension cord~~, display to the rear a taillamp mounted on the
25 towed vehicle. No other lighting equipment need be displayed on
26 the towed vehicle.

27 (c) Whenever any motor vehicle is towing another motor vehicle,
28 stoplamps and turn signal lamps are not required on the towed
29 motor vehicle, but only if a stoplamp and a turn signal lamp on
30 each side of the rear of the towing vehicle is plainly visible to the
31 rear of the towed vehicle. This subdivision does not apply to
32 driveaway-towaway operations.

33 SEC. 13. Section 29004 of the Vehicle Code is amended to
34 read:

35 29004. (a) (1) Except as required under paragraph (2), every
36 towed vehicle shall be coupled to the towing vehicle by means of
37 a safety chain, cable, or equivalent device in addition to the regular
38 drawbar, tongue or other connection.

39 (2) Any vehicle towed by a tow truck shall be coupled to the
40 tow truck by means of at least two safety chains in addition to the

1 primary restraining system. The safety chains shall be securely
2 affixed to the truck frame, bed, or towing equipment, independent
3 of the towing sling, wheel lift, or under-reach towing equipment.

4 (3) Any vehicle transported on a slide back carrier or
5 conventional trailer shall be secured by at least four tiedown chains,
6 straps, or an equivalent device, independent of the winch or loading
7 cable. This subdivision shall not apply to vehicle bodies that are
8 being transported in compliance with Sections 1340 to 1344,
9 inclusive, of Title 13 of the California Code of Regulations.

10 (b) All safety connections and attachments shall be of sufficient
11 strength to control the towed vehicle in the event of failure of the
12 regular hitch, coupling device, drawbar, tongue, or other
13 connection. All safety connections and attachments also shall have
14 a positive means of ensuring that the safety connection or
15 attachment does not become dislodged while in transit.

16 (c) No more slack may be left in a safety chain, cable, or
17 equivalent device than is necessary to permit proper turning. When
18 a drawbar is used as the towing connection, the safety chain, cable,
19 or equivalent device shall be connected to the towed and towing
20 vehicle and to the drawbar so as to prevent the drawbar from
21 dropping to the ground if the drawbar fails.

22 (d) Subdivision (a) does not apply to a semitrailer having a
23 connecting device composed of a fifth wheel and kingpin assembly,
24 and it does not apply to a towed motor vehicle when steered by a
25 person who holds a license for the type of vehicle being towed.

26 (e) For purposes of this section, a “tow truck” includes both of
27 the following:

28 (1) A reposessor’s tow vehicle, as defined in subdivision (b)
29 of Section 615.

30 (2) An automobile dismantler’s tow vehicle, as defined in
31 subdivision (c) of Section 615.

32 (f) Vehicles towed by a reposessor’s tow vehicle, as defined
33 in subdivision (b) of Section 615, are exempt from the multisafety
34 chain requirement of paragraph (2) of subdivision (a) so long as
35 the vehicle is not towed more than one mile ~~from the point of~~
36 ~~repossession on a public highway~~ and is secured by one safety
37 chain.

38 ~~(g) This section shall become operative only if Senate Bill 378~~
39 ~~of the 1999–2000 Regular Session is enacted and becomes~~
40 ~~operative and amends Section 615 of the Vehicle Code.~~

1 SEC. 14. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution for certain
3 costs that may be incurred by a local agency or school district
4 because, in that regard, this act creates a new crime or infraction,
5 eliminates a crime or infraction, or changes the penalty for a crime
6 or infraction, within the meaning of Section 17556 of the
7 Government Code, or changes the definition of a crime within the
8 meaning of Section 6 of Article XIII B of the California
9 Constitution.
10 However, if the Commission on State Mandates determines that
11 this act contains other costs mandated by the state, reimbursement
12 to local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.