

AMENDED IN SENATE JULY 7, 2009

AMENDED IN SENATE JUNE 29, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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 impoundment. 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 *knowingly* 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) This bill would also incorporate additional changes in Section 21100.4 of the Vehicle Code proposed by AB 282, to be operative only if AB 282 and this bill are both enacted and become effective on or before January 1, 2010, and this bill is enacted last.

(4)

(5) 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

1 their respective departments. Those employees are authorized to
2 actively cooperate with the bureau in the investigation of those
3 activities.

4 (c) A proceeding to impose the penalties specified in subdivision
5 (a) may be brought in any court of competent jurisdiction in the
6 name of the people of the State of California by the Attorney
7 General or by any district attorney or city attorney, or with the
8 consent of the district attorney, by the city prosecutor in any city
9 or city and county having a full-time city prosecutor, for the
10 jurisdiction in which the violation occurred. If the action is brought
11 by a district attorney, the penalty collected shall be paid to the
12 treasurer of the county in which the judgment is entered. If the
13 action is brought by a city attorney or city prosecutor, one-half of
14 the penalty collected shall be paid to the treasurer of the city in
15 which the judgment was entered and one-half to the treasurer of
16 the county in which the judgment was entered. If the action is
17 brought by the Attorney General, all of the penalty collected shall
18 be deposited in the Private Security Services Fund.

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

21 7504. (a) Except as otherwise provided in this chapter, an
22 applicant for a qualification certificate shall comply with all of the
23 following:

24 (1) Be at least 18 years of age.

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

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

37 An applicant shall certify that he or she has completed the
38 claimed hours of qualifying experience and the exact details as to
39 the character and nature thereof by written certifications from the
40 employer, licensee, financial institution, or vehicle dealer, subject

1 to independent verification by the director as he or she may
2 determine. In the event of the inability of an applicant to supply
3 the written certifications from the employer, licensee, financial
4 institution or vehicle dealer, in whole or in part, applicants may
5 offer other written certifications from other persons substantiating
6 their experience for consideration by the director. All certifications
7 shall include a statement that representations made are true, correct,
8 and contain no material omissions of fact to the best knowledge
9 and belief of the applicant or the person submitting the certification.
10 An applicant or person submitting the certification who declares
11 as true any material matter pursuant to this paragraph that he or
12 she knows to be false is guilty of a misdemeanor.

13 (3) Complete and forward to the bureau a qualified certificate
14 holder application which shall be on a form prescribed by the
15 director and signed by the applicant. An applicant who declares
16 as true any material matter pursuant to this paragraph that he or
17 she knows to be false is guilty of a misdemeanor. The application
18 shall be accompanied by two recent photographs of the applicant,
19 of a type prescribed by the director, and two classifiable sets of
20 his or her fingerprints. The residence address, residence telephone
21 number, and driver's license number of each qualified certificate
22 holder or applicant for a qualification certificate, if requested, shall
23 be confidential pursuant to the Information Practices Act of 1977
24 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
25 4 of Division 3 of the Civil Code) and shall not be released to the
26 public.

27 (4) Pass the required examination.

28 (5) Pay the required application and examination fees to the
29 bureau.

30 (b) Upon the issuance of the initial qualification certificate or
31 renewal qualification certificate, the bureau shall issue to the
32 certificate holder a suitable pocket identification card which
33 includes a photograph of the certificate holder. The photograph
34 shall be of a size prescribed by the bureau. The card shall contain
35 the name of the licensee with whom the certificate holder is
36 employed.

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

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

3 7505.1. Every office licensed as a repossession agency shall
4 be under the active charge of a qualified certificate holder. Nothing
5 in this chapter prohibits a licensee from having more than one
6 qualified certificate holder in an office.

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

9 7507.10. A licensee shall serve a debtor with a notice of seizure
10 as soon as possible after the recovery of collateral and not later
11 than 48 hours, except that if the 48-hour period encompasses a
12 Saturday, Sunday, or postal holiday, the notice of seizure shall be
13 provided not later than 72 hours or, if the 48-hour period
14 encompasses a Saturday or Sunday and a postal holiday, the notice
15 of seizure shall be provided not later than 96 hours, after the
16 repossession of collateral. The notice shall include all of the
17 following:

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

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

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

31 (d) A disclosure that “Damage to a vehicle during or subsequent
32 to a repossession and only while the vehicle is in possession of the
33 repossession agency and which is caused by the repossession
34 agency is the liability of the repossession agency. A mechanical,
35 electrical, or tire failure, or the loss of, or any damage to, or as a
36 result of, or caused by, any aftermarket parts and accessories not
37 in compliance with Section 24008 of the Vehicle Code shall not
38 be the responsibility of the repossession agency unless the failure,
39 damage, or loss is due to the negligence of the repossession
40 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.”

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

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

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

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

(2) 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 been impounded. Failure to notify the legal owner within two working days shall prohibit the impounding agency from charging for more than 15 days’ impoundment when the legal owner redeems the impounded vehicle. The impounding agency shall maintain a published telephone number that provides information 24 hours a day regarding the impoundment of vehicles and the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (3) The legal owner or the legal owner's agent presents a copy
38 of the assignment, as defined in subdivision (b) of Section 7500.1
39 of the Business and Professions Code; a release from the one
40 responsible governmental agency, only if required by the agency;

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

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

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

6 (g) (1) A legal owner or the legal owner's agent that obtains
7 release of the vehicle pursuant to subdivision (f) shall not release
8 the vehicle to the registered owner of the vehicle, or the person
9 who was listed as the registered owner when the vehicle was
10 impounded, or any agents of the registered owner, unless the
11 registered owner is a rental car agency, until after the termination
12 of the 30-day impoundment period.

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

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

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

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

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

6 (2) The owner of a rental vehicle that was seized under this
7 section may continue to rent the vehicle upon recovery of the
8 vehicle. However, the rental car agency may not rent another
9 vehicle to the driver of the vehicle that was seized until 30 days
10 after the date that the vehicle was seized.

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

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

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

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

38 14602.7. (a) A magistrate presented with the affidavit of a
39 peace officer establishing reasonable cause to believe that a vehicle,
40 described by vehicle type and license number, was an

1 instrumentality used in the peace officer's presence in violation
2 of Section 2800.1, 2800.2, 2800.3, or 23103, shall issue a warrant
3 or order authorizing any peace officer to immediately seize and
4 cause the removal of the vehicle. The warrant or court order may
5 be entered into a computerized database. A vehicle so impounded
6 may be impounded for a period not to exceed 30 days.

7 The impounding agency, within two working days of
8 impoundment, shall send a notice by certified mail, return receipt
9 requested, to the legal owner of the vehicle, at the address obtained
10 from the department, informing the owner that the vehicle has
11 been impounded and providing the owner with a copy of the
12 warrant or court order. Failure to notify the legal owner within
13 two working days shall prohibit the impounding agency from
14 charging for more than 15 days impoundment when a legal owner
15 redeems the impounded vehicle. The law enforcement agency shall
16 be open, without the necessity of making an appointment, to issue
17 a release to the registered owner or legal owner, or the agent of
18 either, whenever the agency is open to serve the public.

19 (b) (1) An impounding agency shall release a vehicle to the
20 registered owner or his or her agent prior to the end of the
21 impoundment period and without the permission of the magistrate
22 authorizing the vehicle's seizure under any of the following
23 circumstances:

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

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

28 (C) When the registered owner of the vehicle causes a peace
29 officer to reasonably believe, based on the totality of the
30 circumstances, that the registered owner was not the driver who
31 violated Section 2800.1, 2800.2, or 2800.3, the agency shall
32 immediately release the vehicle to the registered owner or his or
33 her agent.

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

38 (c) (1) Whenever a vehicle is impounded under this section,
39 the magistrate ordering the storage shall provide the vehicle's
40 registered and legal owners of record, or their agents, with the

1 opportunity for a poststorage hearing to determine the validity of
2 the storage.

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

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

10 (B) The location of the place of storage and a description of the
11 vehicle, which shall include, if available, the name or make, the
12 manufacturer, the license plate number, and the mileage of the
13 vehicle.

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

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

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

23 (4) At the hearing, the magistrate may order the vehicle released
24 if he or she finds any of the circumstances described in subdivision
25 (b) or (e) that allow release of a vehicle by the impounding agency.
26 The magistrate may also consider releasing the vehicle when the
27 continued impoundment will cause undue hardship to persons
28 dependent upon the vehicle for employment or to a person with a
29 community property interest in the vehicle.

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

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

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

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

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

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

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

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

33 (D) A person operating or in charge of a storage facility
34 described in subparagraph (B) shall have sufficient funds on the
35 premises of the primary storage facility during normal business
36 hours to accommodate, and make change in, a reasonable monetary
37 transaction.

38 (E) Credit charges for towing and storage services shall comply
39 with Section 1748.1 of the Civil Code. Law enforcement agencies

1 may include the costs of providing for payment by credit when
2 making agreements with towing companies on rates.

3 (3) The legal owner or the legal owner's agent presents, to the
4 law enforcement agency, impounding agency, person in possession
5 of the vehicle, or any person acting on behalf of those agencies, a
6 copy of the assignment, as defined in subdivision (b) of Section
7 7500.1 of the Business and Professions Code; a release from the
8 one responsible governmental agency, only if required by the
9 agency; a government-issued photographic identification card; and
10 any one of the following, as determined by the legal owner or the
11 legal owner's agent: a certificate of repossession for the vehicle,
12 a security agreement for the vehicle, or title, whether paper or
13 electronic, showing proof of legal ownership for the vehicle. Any
14 documents presented may be originals, photocopies, or facsimile
15 copies, or may be transmitted electronically. The law enforcement
16 agency, impounding agency, or any other governmental agency,
17 or any person acting on behalf of those agencies, shall not require
18 any documents to be notarized. The law enforcement agency,
19 impounding agency, or any person acting on behalf of those
20 agencies, may require the agent of the legal owner to produce a
21 photocopy or facsimile copy of its repossession agency license or
22 registration issued pursuant to Chapter 11 (commencing with
23 Section 7500) of Division 3 of the Business and Professions Code,
24 or to demonstrate, to the satisfaction of the law enforcement
25 agency, impounding agency, or any person acting on behalf of
26 those agencies that the agent is exempt from licensure pursuant to
27 Section 7500.2 or 7500.3 of the Business and Professions Code.

28 No administrative costs authorized under subdivision (a) of
29 Section 22850.5 shall 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, or other governmental agency, or any person acting on
37 behalf of those agencies, shall not require any documents other
38 than those specified in this paragraph. The law enforcement agency,
39 impounding agency, or other governmental agency, or any person
40 acting on behalf of those agencies, shall not require any documents

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

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

13 (f) (1) A legal owner or the legal owner's agent that obtains
14 release of the vehicle pursuant to subdivision (e) shall not release
15 the vehicle to the registered owner or the person who was listed
16 as the registered owner when the vehicle was impounded of the
17 vehicle or any agents of the registered owner, unless a registered
18 owner is a rental car agency, until the termination of the
19 impoundment period.

20 (2) The legal owner or the legal owner's agent shall not
21 relinquish the vehicle to the registered owner or the person who
22 was listed as the registered owner when the vehicle was impounded
23 until the registered owner or that owner's agent presents his or her
24 valid driver's license or valid temporary driver's license to the
25 legal owner or the legal owner's agent. The legal owner or the
26 legal owner's agent shall make every reasonable effort to ensure
27 that the license presented is valid and possession of the vehicle
28 will not be given to the driver who was involved in the original
29 impoundment proceeding until the expiration of the impoundment
30 period.

31 (3) Prior to relinquishing the vehicle, the legal owner may
32 require the registered owner to pay all towing and storage charges
33 related to the impoundment and the administrative charges
34 authorized under Section 22850.5 that were incurred by the legal
35 owner in connection with obtaining the custody of the vehicle.

36 (4) Any legal owner who *knowingly* releases or causes the
37 release of a vehicle to a registered owner or the person in
38 possession of the vehicle at the time of the impoundment or any
39 agent of the registered owner in violation of this subdivision shall
40 be guilty of a misdemeanor and subject to a fine in the amount of

1 two thousand dollars (\$2,000) in addition to any other penalties
2 established by law.

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

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

12 (2) The owner of a rental vehicle that was seized under this
13 section may continue to rent the vehicle upon recovery of the
14 vehicle. However, the rental car agency shall not rent another
15 vehicle to the driver who used the vehicle that was seized to evade
16 a police officer until 30 days after the date that the vehicle was
17 seized.

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

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

30 (i) (1) This section does not apply to vehicles abated under the
31 Abandoned Vehicle Abatement Program pursuant to Sections
32 22660 to 22668, inclusive, and Section 22710, or to vehicles
33 impounded for investigation pursuant to Section 22655, or to
34 vehicles removed from private property pursuant to Section 22658.

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

38 (j) The law enforcement agency and the impounding agency,
39 including any storage facility acting on behalf of the law
40 enforcement agency or impounding agency, shall comply with this

1 section and shall not be liable to the registered owner for the
2 improper release of the vehicle to the legal owner or the legal
3 owner's agent provided the release complies with the provisions
4 of this section. The legal owner shall indemnify and hold harmless
5 a storage facility from any claims arising out of the release of the
6 vehicle to the legal owner or the legal owner's agent and from any
7 damage to the vehicle after its release, including the reasonable
8 costs associated with defending any such claims. A law
9 enforcement agency shall not refuse to issue a release to a legal
10 owner or the agent of a legal owner on the grounds that it
11 previously issued a release.

12 SEC. 7. Section 14602.8 of the Vehicle Code is amended to
13 read:

14 14602.8. (a) (1) If a peace officer determines that a person
15 has been convicted of a violation of Section 23140, 23152, or
16 23153, that the violation occurred within the preceding 10 years,
17 and that one or more of the following circumstances applies to that
18 person, the officer may immediately cause the removal and seizure
19 of the vehicle that the person was driving, under either of the
20 following circumstances:

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

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

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

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

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

34 (3) Within two working days after impoundment, the
35 impounding agency shall send a notice by certified mail, return
36 receipt requested, to the legal owner of the vehicle, at the address
37 obtained from the department, informing the owner that the vehicle
38 has been impounded. Failure to notify the legal owner within two
39 working days shall prohibit the impounding agency from charging
40 for more than five days' impoundment when the legal owner

1 redeems the impounded vehicle. The impounding agency shall
2 maintain a published telephone number that provides information
3 24 hours a day regarding the impoundment of vehicles and the
4 rights of a registered owner to request a hearing. The law
5 enforcement agency shall be open, without the necessity of making
6 an appointment, to issue a release to the registered owner or legal
7 owner, or the agent of either, whenever the agency is open to serve
8 the public.

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

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

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

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

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

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

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

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

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

39 (1) The legal owner is a motor vehicle dealer, bank, credit union,
40 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 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 other related fees, but not to exceed five hundred dollars (\$500).

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

(E) 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 on rates.

(3) (A) The legal owner or the legal owner's agent presents to the law enforcement agency or impounding agency, or any person acting on behalf of those agencies, a copy of the assignment, as defined in subdivision (b) of Section 7500.1 of the Business and Professions Code; a release from the one responsible governmental

1 agency, only if required by the agency; a government-issued
2 photographic identification card; and any one of the following as
3 determined by the legal owner or the legal owner's agent: a
4 certificate of repossession for the vehicle, a security agreement
5 for the vehicle, or title, whether paper or electronic, showing proof
6 of legal ownership for the vehicle. The law enforcement agency,
7 impounding agency, or any other governmental agency, or any
8 person acting on behalf of those agencies, shall not require the
9 presentation of any other documents.

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

23 (C) All presented documents may be originals, photocopies, or
24 facsimile copies, or may be transmitted electronically. The law
25 enforcement agency, impounding agency, or any person acting on
26 behalf of them, shall not require a document to be notarized. The
27 law enforcement agency, impounding agency, or any person in
28 possession of the vehicle, or anyone acting on behalf of those
29 agencies may require the agent of the legal owner to produce a
30 photocopy or facsimile copy of its repossession agency license or
31 registration issued pursuant to Chapter 11 (commencing with
32 Section 7500) of Division 3 of the Business and Professions Code,
33 or to demonstrate, to the satisfaction of the law enforcement
34 agency, impounding agency, any other governmental agency, or
35 any person in possession of the vehicle, or anyone acting on behalf
36 of them, that the agent is exempt from licensure pursuant to Section
37 7500.2 or 7500.3 of the Business and Professions Code.

38 (D) Administrative costs authorized under subdivision (a) of
39 Section 22850.5 shall not be charged to the legal owner of the type
40 specified in paragraph (1), who redeems the vehicle unless the

1 legal owner voluntarily requests a poststorage hearing. A city,
2 county, city and county, or state agency shall not require a legal
3 owner or a legal owner's agent to request a poststorage hearing as
4 a requirement for release of the vehicle to the legal owner or the
5 legal owner's agent. The law enforcement agency, impounding
6 agency, or any governmental agency, or any person acting on
7 behalf of those agencies, shall not require any documents other
8 than those specified in this paragraph. The law enforcement agency,
9 impounding agency, other governmental agency, or any person
10 acting on behalf of those agencies, shall not require any documents
11 to be notarized. The legal owner or the legal owner's agent shall
12 be given a copy of any documents he or she is required to sign,
13 except for a vehicle evidentiary hold logbook. The law enforcement
14 agency, impounding agency, or any person acting on behalf of
15 those agencies, or any person in possession of the vehicle, may
16 photocopy and retain the copies of any documents presented by
17 the legal owner or legal owner's agent.

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

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

30 (2) The legal owner or the legal owner's agent shall not
31 relinquish the vehicle to the registered owner or the person who
32 was listed as the registered owner when the vehicle was impounded
33 until the registered owner or that owner's agent presents his or her
34 valid driver's license or valid temporary driver's license to the
35 legal owner or the legal owner's agent. The legal owner or the
36 legal owner's agent or the person in possession of the vehicle shall
37 make every reasonable effort to ensure that the license presented
38 is valid and possession of the vehicle will not be given to the driver
39 who was involved in the original impoundment proceeding until
40 the expiration of the impoundment period.

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

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

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

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

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

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

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

38 (j) The law enforcement agency and the impounding agency,
39 including any storage facility acting on behalf of the law
40 enforcement agency or impounding agency, shall comply with this

1 section and shall not be liable to the registered owner for the
2 improper release of the vehicle to the legal owner or the legal
3 owner's agent provided the release complies with the provisions
4 of this section. The legal owner shall indemnify and hold harmless
5 a storage facility from any claims arising out of the release of the
6 vehicle to the legal owner or the legal owner's agent and from any
7 damage to the vehicle after its release, including the reasonable
8 costs associated with defending any such claims. A law
9 enforcement agency shall not refuse to issue a release to a legal
10 owner or the agent of a legal owner on the grounds that it
11 previously issued a release.

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

14 21100.4. (a) (1) A magistrate presented with the affidavit of
15 a peace officer or a designated local transportation officer
16 establishing reasonable cause to believe that a vehicle, described
17 by vehicle type and license number, is being operated as a taxicab
18 or other passenger vehicle for hire in violation of licensing
19 requirements adopted by a local authority under subdivision (b)
20 of Section 21100 shall issue a warrant or order authorizing the
21 peace officer or designated local transportation officer to
22 immediately seize and cause the removal of the vehicle. As used
23 in this section, "designated local transportation officer" means any
24 local public officer employed by a local authority to investigate
25 and enforce local taxicab and vehicle for hire laws and regulations.

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

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

30 (4) The impounding agency, within two working days of
31 impoundment, shall send a notice by certified mail, return receipt
32 requested, to the legal owner of the vehicle, at an address obtained
33 from the department, informing the owner that the vehicle has
34 been impounded and providing the owner with a copy of the
35 warrant or court order. Failure to notify the legal owner within
36 two working days shall prohibit the impounding agency from
37 charging for more than 15 days' impoundment when a legal owner
38 redeems the impounded vehicle. The law enforcement agency shall
39 be open, without the necessity of making an appointment, to issue

1 a release to the registered owner or legal owner, or the agent of
2 either, whenever the agency is open to serve the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (B) A person operating or in charge of a storage facility where
36 vehicles are stored pursuant to this section shall accept a valid
37 bank credit card or cash for payment of towing, storage, and related
38 fees by a legal or registered owner or the owner's agent claiming
39 the vehicle. A credit card shall be in the name of the person
40 presenting the card. "Credit card" means "credit card" as defined

1 in subdivision (a) of Section 1747.02 of the Civil Code, except,
2 for the purposes of this section, credit card does not include a credit
3 card issued by a retail seller.

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

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

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

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

32 (B) The legal owner or the legal owner's agent presents to the
33 person in possession of the vehicle, or any person acting on behalf
34 of the person in possession, a copy of the assignment, as defined
35 in subdivision (b) of Section 7500.1 of the Business and
36 Professions Code; a release from the one responsible governmental
37 agency, only if required by the agency; a government-issued
38 photographic identification card; and any one of the following as
39 determined by the legal owner or the legal owner's agent: a
40 certificate of repossession for the vehicle, a security agreement

1 for the vehicle, or title, whether paper or electronic, showing proof
2 of legal ownership for the vehicle. The person in possession of the
3 vehicle, or any person acting on behalf of the person in possession,
4 shall not require the presentation of any other documents.

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

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

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

6 (f) (1) A legal owner or the legal owner's agent that obtains
7 release of the vehicle pursuant to subdivision (e) shall not release
8 the vehicle to the registered owner of the vehicle or the person
9 who was listed as the registered owner when the vehicle was
10 impounded or any agents of the registered owner until the
11 termination of the impoundment period.

12 (2) The legal owner or the legal owner's agent shall not
13 relinquish the vehicle to the registered owner or the person who
14 was listed as the registered owner when the vehicle was impounded
15 until the registered owner or that owner's agent presents his or her
16 valid driver's license or valid temporary driver's license, and an
17 operator's license that is in compliance with the licensing
18 requirements adopted by the local authority under subdivision (b)
19 of Section 21100, to the legal owner or the legal owner's agent.
20 The legal owner or the legal owner's agent or the person in
21 possession of the vehicle shall make every reasonable effort to
22 ensure that the licenses presented are valid and possession of the
23 vehicle will not be given to the driver who was involved in the
24 original impoundment proceeding until the expiration of the
25 impoundment period.

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

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

38 (5) The legal owner, registered owner, or person in possession
39 of the vehicle shall not change or attempt to change the name of

1 the legal owner or the registered owner on the records of the
2 department until the vehicle is released from the impoundment.

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

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

23 *SEC. 8.5. Section 21100.4 of the Vehicle Code is amended to*
24 *read:*

25 21100.4. (a) (1) A magistrate presented with the affidavit of
26 a peace officer or a designated local transportation officer
27 establishing reasonable cause to believe that a vehicle, described
28 by vehicle type and license number, is being operated as a taxicab
29 or other passenger vehicle for hire in violation of licensing
30 requirements adopted by a local authority under subdivision (b)
31 of Section 21100 shall issue a warrant or order authorizing ~~the~~ a
32 peace officer or designated local transportation officer to
33 immediately seize and cause the removal of the vehicle. As used
34 in this section, "designated local transportation officer" means ~~any~~
35 a local public officer employed by a local authority to investigate
36 and enforce local taxicab and vehicle for hire laws and regulations.

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

39 (3) A vehicle so impounded may be impounded for a period not
40 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 redeems the impounded vehicle. *The law enforcement agency shall be open, without the necessity of making an appointment, to issue a release to the registered owner or legal owner, or the agent of either, whenever the agency is open to serve the public.*

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

(A) When the vehicle is a stolen vehicle.

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

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

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

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

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

(B) The location of the place of storage and a description of the vehicle, ~~that~~ *which* shall include, if available, the name or make,

1 the manufacturer, the license plate number, and the mileage of the
2 vehicle.

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

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

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

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

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

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

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

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

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

35 (2) (A) The legal owner or the legal owner's agent pays all
36 towing and storage fees related to the seizure of the vehicle. A lien
37 sale processing fee shall not be charged to the legal owner who
38 redeems the vehicle prior to the 15th day of impoundment. Neither
39 the impounding authority nor any person having possession of the
40 vehicle shall collect from the legal owner of the type specified in

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

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

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

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

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

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

1 *for the vehicle, or title, whether paper or electronic, showing proof*
 2 *of legal ownership for the vehicle. The law enforcement agency,*
 3 *impounding agency, or any other governmental agency, or any*
 4 *person acting on behalf of those agencies, shall not require the*
 5 *presentation of any other documents.*

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

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

34 ~~*(B) No administrative*~~

35 *(D) Administrative costs authorized under subdivision (a) of*
 36 *Section 22850.5—may shall not be charged to the legal owner of*
 37 *the type specified in paragraph (1); who redeems the vehicle unless*
 38 *the legal owner voluntarily requests a poststorage hearing. No A*
 39 *city, county, city and county, or state agency shall not require a*
 40 *legal owner or a legal owner's agent to request a poststorage*

1 hearing as a requirement for release of the vehicle to the legal
2 owner or the legal owner's agent. The law enforcement agency,
3 impounding agency~~may~~, or any other governmental agency, or
4 any person acting on behalf of those agencies, shall not require
5 any documents other than those specified in this paragraph. The
6 law enforcement agency, impounding agency~~may~~, or other
7 governmental agency, or any person acting on behalf of those
8 agencies, shall not require any documents to be notarized. The
9 legal owner or the legal owner's agent shall be given a copy of
10 any documents he or she is required to sign, except for a vehicle
11 evidentiary hold logbook. The law enforcement agency, impounding
12 agency, or any person acting on behalf of those agencies, or any
13 person in possession of the vehicle, may photocopy and retain the
14 copies of any documents presented by the legal owner or legal
15 owner's agent.

16 ~~(C) As used in this paragraph, "foreclosure documents" means~~
17 ~~an "assignment" as that term is defined in subdivision (o) of~~
18 ~~Section 7500.1 of the Business and Professions Code.~~

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

24 (f) (1) A legal owner or the legal owner's agent that obtains
25 release of the vehicle pursuant to subdivision (e)~~may~~ shall not
26 release the vehicle to the registered owner of the vehicle or the
27 person who was listed as the registered owner when the vehicle
28 was impounded or any agents of the registered owner until the
29 termination of the impoundment period.

30 (2) The legal owner or the legal owner's agent~~may~~ shall not
31 relinquish the vehicle to the registered owner or the person who
32 was listed as the registered owner when the vehicle was impounded
33 until the registered owner or that owner's agent presents his or her
34 valid driver's license or valid temporary driver's license, and an
35 operator's license that is in compliance with the licensing
36 requirements adopted by the local authority under subdivision (b)
37 of Section 21100, to the legal owner or the legal owner's agent.
38 The legal owner or the legal owner's agent or the person in
39 possession of the vehicle shall make every reasonable effort to
40 ensure that the licenses presented are valid and possession of the

1 vehicle will not be given to the driver who was involved in the
2 original impoundment proceeding until the expiration of the
3 impoundment period.

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

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

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

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

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

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

3 22651.1. Persons operating or in charge of any storage facility
4 where vehicles are stored pursuant to Section 22651 shall accept
5 a valid bank credit card or cash for payment of towing and storage
6 by the registered owner, legal owner, or the owner's agent claiming
7 the vehicle. A credit card shall be in the name of the person
8 presenting the card. "Credit card" means "credit card" as defined
9 in subdivision (a) of Section 1747.02 of the Civil Code, except,
10 for the purposes of this section, credit card does not include a credit
11 card issued by a retail seller. A person operating or in charge of
12 any storage facility who refuses to accept a valid bank credit card
13 shall be liable to the owner of the vehicle or to the person who
14 tendered the fees for four times the amount of the towing and
15 storage charges, but not to exceed five hundred dollars (\$500). In
16 addition, persons operating or in charge of the storage facility shall
17 have sufficient funds on the premises to accommodate and make
18 change in a reasonable monetary transaction.

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

23 SEC. 10. Section 22658 of the Vehicle Code is amended to
24 read:

25 22658. (a) The owner or person in lawful possession of private
26 property, including an association of a common interest
27 development as defined in Section 1351 of the Civil Code, may
28 cause the removal of a vehicle parked on the property to a storage
29 facility that meets the requirements of subdivision (n) under any
30 of the following circumstances:

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

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

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

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

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

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

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

38 (e) (1) An owner or person in lawful possession of private
39 property, or an association of a common interest development,
40 causing the removal of a vehicle parked on that property is liable

1 for double the storage or towing charges whenever there has been
2 a failure to comply with paragraph (1), (2), or (3) of subdivision
3 (a) or to state the grounds for the removal of the vehicle if requested
4 by the legal or registered owner of the vehicle as required by
5 subdivision (f).

6 (2) A property owner or owner's agent or lessee who causes the
7 removal of a vehicle parked on that property pursuant to the
8 exemption set forth in subparagraph (A) of paragraph (1) of
9 subdivision (l) and fails to comply with that subdivision is guilty
10 of an infraction, punishable by a fine of one thousand dollars
11 (\$1,000).

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

27 (1) Damage to the vehicle in the transit and subsequent storage
28 of the vehicle.

29 (2) The removal of a vehicle other than the vehicle specified by
30 the owner or other person in lawful possession of the private
31 property.

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

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

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

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

4 (h) A towing company may impose a charge of not more than
5 one-half of the regular towing charge for the towing of a vehicle
6 at the request of the owner, the owner's agent, or the person in
7 lawful possession of the private property pursuant to this section
8 if the owner of the vehicle or the vehicle owner's agent returns to
9 the vehicle after the vehicle is coupled to the tow truck by means
10 of a regular hitch, coupling device, drawbar, portable dolly, or is
11 lifted off the ground by means of a conventional trailer, and before
12 it is removed from the private property. The regular towing charge
13 may only be imposed after the vehicle has been removed from the
14 property and is in transit.

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

18 (i) That which would have been charged for that towing or
19 storage, or both, made at the request of a law enforcement agency
20 under an agreement between a towing company and the law
21 enforcement agency that exercises primary jurisdiction in the city
22 in which is located the private property from which the vehicle
23 was, or was attempted to be, removed, or if the private property
24 is not located within a city, then the law enforcement agency that
25 exercises primary jurisdiction in the county in which the private
26 property is located.

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

32 (B) A towing operator shall make available for inspection and
33 copying his or her rate approved by the California Highway Patrol,
34 if any, within 24 hours of a request without a warrant to law
35 enforcement, the Attorney General, district attorney, or city
36 attorney.

37 (2) If a vehicle is released within 24 hours from the time the
38 vehicle is brought into the storage facility, regardless of the
39 calendar date, the storage charge shall be for only one day. Not

1 more than one day's storage charge may be required for a vehicle
2 released the same day that it is stored.

3 (3) If a request to release a vehicle is made and the appropriate
4 fees are tendered and documentation establishing that the person
5 requesting release is entitled to possession of the vehicle, or is the
6 owner's insurance representative, is presented within the initial
7 24 hours of storage, and the storage facility fails to comply with
8 the request to release the vehicle or is not open for business during
9 normal business hours, then only one day's storage charge may
10 be required to be paid until after the first business day. A business
11 day is any day in which the lienholder is open for business to the
12 public for at least eight hours. If a request is made more than 24
13 hours after the vehicle is placed in storage, charges may be imposed
14 on a full calendar day basis for each day, or part thereof, that the
15 vehicle is in storage.

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

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

28 (k) (1) A person operating or in charge of a storage facility
29 where vehicles are stored pursuant to this section shall accept a
30 valid bank credit card or cash for payment of towing and storage
31 by a registered owner, the legal owner, or the owner's agent
32 claiming the vehicle. A credit card shall be in the name of the
33 person presenting the card. "Credit card" means "credit card" as
34 defined in subdivision (a) of Section 1747.02 of the Civil Code,
35 except, for the purposes of this section, credit card does not include
36 a credit card issued by a retail seller.

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

1 (3) A person operating or in charge of a storage facility who
2 refuses to accept a valid credit card or who fails to post the required
3 notice under paragraph (2) is guilty of a misdemeanor, punishable
4 by a fine of not more than two thousand five hundred dollars
5 (\$2,500), or by imprisonment in the county jail for not more than
6 three months, or by both that fine and imprisonment.

7 (4) A person described in paragraph (1) who violates paragraph
8 (1) or (2) is civilly liable to the registered owner of the vehicle or
9 the person who tendered the fees for four times the amount of the
10 towing and storage charges.

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

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

20 (I) (1) (A) A towing company shall not remove or commence
21 the removal of a vehicle from private property without first
22 obtaining the written authorization from the property owner or
23 lessee, including an association of a common interest development,
24 or an employee or agent thereof, who shall be present at the time
25 of removal and verify the alleged violation, except that presence
26 and verification is not required if the person authorizing the tow
27 is the property owner, or the owner's agent who is not a tow
28 operator, of a residential rental property of 15 or fewer units that
29 does not have an onsite owner, owner's agent or employee, and
30 the tenant has verified the violation, requested the tow from that
31 tenant's assigned parking space, and provided a signed request or
32 electronic mail, or has called and provides a signed request or
33 electronic mail within 24 hours, to the property owner or owner's
34 agent, which the owner or agent shall provide to the towing
35 company within 48 hours of authorizing the tow. The signed
36 request or electronic mail shall contain the name and address of
37 the tenant, and the date and time the tenant requested the tow. A
38 towing company shall obtain, within 48 hours of receiving the
39 written authorization to tow, a copy of a tenant request required
40 pursuant to this subparagraph. For the purpose of this subparagraph,

1 a person providing the written authorization who is required to be
2 present on the private property at the time of the tow does not have
3 to be physically present at the specified location of where the
4 vehicle to be removed is located on the private property.

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

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

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

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

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

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

16 (C) (i) When the vehicle owner or his or her agent claims the
17 vehicle, the towing company prior to payment of a towing or
18 storage charge shall provide a photocopy of the written
19 authorization to the vehicle owner or the agent.

20 (ii) If the vehicle was towed from a residential property, the
21 towing company shall redact the information specified in clause
22 (ii) of subparagraph (B) in the photocopy of the written
23 authorization provided to the vehicle owner or the agent pursuant
24 to clause (i).

25 (iii) The towing company shall also provide to the vehicle owner
26 or the agent a separate notice that provides the telephone number
27 of the appropriate local law enforcement or prosecuting agency
28 by stating "If you believe that you have been wrongfully towed,
29 please contact the local law enforcement or prosecuting agency at
30 [insert appropriate telephone number]." The notice shall be in
31 English and in the most populous language, other than English,
32 that is spoken in the jurisdiction.

33 (D) A towing company shall not remove or commence the
34 removal of a vehicle from private property described in subdivision
35 (a) of Section 22953 unless the towing company has made a good
36 faith inquiry to determine that the owner or the property owner's
37 agent complied with Section 22953.

38 (E) (i) General authorization to remove or commence removal
39 of a vehicle at the towing company's discretion shall not be
40 delegated to a towing company or its affiliates except in the case

1 of a vehicle unlawfully parked within 15 feet of a fire hydrant or
2 in a fire lane, or in a manner which interferes with an entrance to,
3 or exit from, the private property.

4 (ii) In those cases in which general authorization is granted to
5 a towing company or its affiliate to undertake the removal or
6 commence the removal of a vehicle that is unlawfully parked within
7 15 feet of a fire hydrant or in a fire lane, or that interferes with an
8 entrance to, or exit from, private property, the towing company
9 and the property owner, or owner's agent, or person in lawful
10 possession of the private property shall have a written agreement
11 granting that general authorization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (2) It is the intent of the Legislature in the adoption of
12 subdivision (l) to further the safety of the general public by
13 ensuring that a private property owner or lessee has provided his
14 or her authorization for the removal of a vehicle from his or her
15 property, thereby promoting the safety of those persons involved
16 in ordering the removal of the vehicle as well as those persons
17 removing, towing, and storing the vehicle.

18 (3) It is the intent of the Legislature in the adoption of
19 subdivision (g) to promote the safety of the general public by
20 requiring towing companies to unconditionally release a vehicle
21 that is not lawfully in their possession, thereby avoiding the
22 likelihood of dangerous and violent confrontation and physical
23 injury to vehicle owners and towing operators, the stranding of
24 vehicle owners and their passengers at a dangerous time and
25 location, and impeding expedited vehicle recovery, without wasting
26 law enforcement’s limited resources.

27 (p) The remedies, sanctions, restrictions, and procedures
28 provided in this section are not exclusive and are in addition to
29 other remedies, sanctions, restrictions, or procedures that may be
30 provided in other provisions of law, including, but not limited to,
31 those that are provided in Sections 12110 and 34660.

32 (q) A vehicle removed and stored pursuant to this section shall
33 be released by the law enforcement agency, impounding agency,
34 or person in possession of the vehicle, or any person acting on
35 behalf of them, to the legal owner or the legal owner’s agent upon
36 presentation of the assignment, as defined in subdivision (b) of
37 Section 7500.1 of the Business and Professions Code; a release
38 from the one responsible governmental agency, only if required
39 by the agency; a government-issued photographic identification
40 card; and any one of the following as determined by the legal

owner or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title, whether paper or electronic, showing proof of legal ownership for the vehicle. Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The storage facility shall not require any documents to be notarized. The storage facility may require the agent of the legal owner to produce a photocopy or facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the storage facility, that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

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

23118. (a) (1) 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, is being used or operated in violation of Section 7502.1 of the Business and Professions Code shall issue a warrant or order authorizing any peace officer to immediately seize and cause the removal of the vehicle.

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

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

(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 redeems the impounded vehicle. The law enforcement agency shall be open, without the necessity of making an appointment, to issue

1 a release to the registered owner or legal owner, or the agent of
2 either, whenever the agency is open to serve the public.

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

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

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

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

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

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

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

27 (B) The location of the place of storage and a description of the
28 vehicle, which shall include, if available, the name or make, the
29 manufacturer, the license plate number, and the mileage of the
30 vehicle.

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

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

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

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

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

(6) The agency employing the peace officer who caused the magistrate to issue the warrant or court order shall be responsible for the costs incurred for towing and storage if it is determined in the poststorage hearing that reasonable grounds for the storage are 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

1 in subdivision (a) of Section 1747.02 of the Civil Code, except,
2 for the purposes of this section, credit card does not include a credit
3 card issued by a retail seller.

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

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

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

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

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

1 of legal ownership for the vehicle. The person in possession of the
2 vehicle, or any person acting on behalf of the person in possession,
3 shall not require the presentation of any other documents.

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

19 (D) No administrative costs authorized under subdivision (a)
20 of 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 any other governmental agency, or any person acting
28 on 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, may 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 logbook. 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 owner's
3 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 of the vehicle or the person
7 who was listed as the registered owner when the vehicle was
8 impounded or the person in possession of the vehicle at the time
9 of the impound or any agents of the registered owner until the
10 termination of the 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 or the person in possession of the vehicle shall
18 make every reasonable effort to ensure that the licenses presented
19 are valid and possession of the vehicle will not be given to the
20 driver who was involved in the original impound proceeding until
21 the expiration of the impoundment 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 *knowingly* releases or causes the
28 release of a vehicle to a registered owner or the person in
29 possession of the vehicle at the time of the impound or any agent
30 of the registered owner in violation of this subdivision shall be
31 guilty of a misdemeanor and subject to a fine in the amount of two
32 thousand dollars (\$2,000) in addition to any other penalties
33 established by 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) Notwithstanding any other provision of this section, the
39 registered owner and not the legal owner shall remain responsible
40 for any towing and storage charges related to the impoundment

1 and the administrative charges authorized under Section 22850.5
2 and any parking fines, penalties, and administrative fees incurred
3 by the registered owner.

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

18 SEC. 12. Section 24605 of the Vehicle Code is amended to
19 read:

20 24605. (a) A tow truck or an automobile dismantler's tow
21 vehicle used to tow a vehicle shall be equipped with and carry a
22 taillamp, a stoplamp, and turn signal lamps for use on the rear of
23 a towed vehicle.

24 (b) Whenever a tow truck or an automobile dismantler's tow
25 vehicle is towing a vehicle and a stoplamp and turn signal lamps
26 cannot be lighted and displayed on the rear of the towed vehicle,
27 the operator of the tow truck or the automobile dismantler's tow
28 vehicle shall display to the rear a stoplamp and turn signal lamps
29 mounted on the towed vehicle, except as provided in subdivision
30 (c). During darkness, if a taillamp on the towed vehicle cannot be
31 lighted, the operator of the tow truck or the automobile dismantler's
32 tow vehicle shall display to the rear a taillamp mounted on the
33 towed vehicle. No other lighting equipment need be displayed on
34 the towed vehicle.

35 (c) Whenever any motor vehicle is towing another motor vehicle,
36 stoplamps and turn signal lamps are not required on the towed
37 motor vehicle, but only if a stoplamp and a turn signal lamp on
38 each side of the rear of the towing vehicle is plainly visible to the
39 rear of the towed vehicle. This subdivision does not apply to
40 driveaway-towaway operations.

1 SEC. 13. Section 29004 of the Vehicle Code is amended to
2 read:

3 29004. (a) (1) Except as required under paragraph (2), every
4 towed vehicle shall be coupled to the towing vehicle by means of
5 a safety chain, cable, or equivalent device in addition to the regular
6 drawbar, tongue, or other connection.

7 (2) Any vehicle towed by a tow truck shall be coupled to the
8 tow truck by means of at least two safety chains in addition to the
9 primary restraining system. The safety chains shall be securely
10 affixed to the truck frame, bed, or towing equipment, independent
11 of the towing sling, wheel lift, or under-reach towing equipment.

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

18 (b) All safety connections and attachments shall be of sufficient
19 strength to control the towed vehicle in the event of failure of the
20 regular hitch, coupling device, drawbar, tongue, or other
21 connection. All safety connections and attachments also shall have
22 a positive means of ensuring that the safety connection or
23 attachment does not become dislodged while in transit.

24 (c) No more slack may be left in a safety chain, cable, or
25 equivalent device than is necessary to permit proper turning. When
26 a drawbar is used as the towing connection, the safety chain, cable,
27 or equivalent device shall be connected to the towed and towing
28 vehicle and to the drawbar so as to prevent the drawbar from
29 dropping to the ground if the drawbar fails.

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

34 (e) For purposes of this section, a "tow truck" includes both of
35 the following:

36 (1) A reposessor's tow vehicle, as defined in subdivision (b)
37 of Section 615.

38 (2) An automobile dismantler's tow vehicle, as defined in
39 subdivision (c) of Section 615.

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

SEC. 14. Section 8.5 of this bill incorporates amendments to Section 21100.4 of the Vehicle Code proposed by both this bill and AB 282. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2010, (2) each bill amends Section 21100.4 of the Vehicle Code, and (3) this bill is enacted after AB 282, in which case Section 8 of this bill shall not become operative.

~~SEC. 14.~~

SEC. 15. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.