

AMENDED IN SENATE AUGUST 24, 2009

AMENDED IN SENATE AUGUST 17, 2009

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 to issue a release to the registered owner or legal owner of a vehicle whenever the agency is open to serve the public for regular, nonemergency business. 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 SB 201~~, to be operative only if ~~AB 282 SB 201~~, and this bill are ~~both~~ enacted and become effective on or before January 1, 2010, and this bill is enacted last.

(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

1 of Motor Vehicles may each designate employees to investigate
2 and report on violations of this chapter by any of the licensees of
3 their respective departments. Those employees are authorized to
4 actively cooperate with the bureau in the investigation of those
5 activities.

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

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

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

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

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

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

39 An applicant shall certify that he or she has completed the
40 claimed hours of qualifying experience and the exact details as to

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

15 (3) Complete and forward to the bureau a qualified certificate
16 holder application which shall be on a form prescribed by the
17 director and signed by the applicant. An applicant who declares
18 as true any material matter pursuant to this paragraph that he or
19 she knows to be false is guilty of a misdemeanor. The application
20 shall be accompanied by two recent photographs of the applicant,
21 of a type prescribed by the director, and two classifiable sets of
22 his or her fingerprints. The residence address, residence telephone
23 number, and driver's license number of each qualified certificate
24 holder or applicant for a qualification certificate, if requested, shall
25 be confidential pursuant to the Information Practices Act of 1977
26 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
27 4 of Division 3 of the Civil Code) and shall not be released to the
28 public.

29 (4) Pass the required examination.

30 (5) Pay the required application and examination fees to the
31 bureau.

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

39 (c) The application form shall contain a statement informing
40 the applicant that a false or dishonest answer to a question may be

1 grounds for denial or subsequent suspension or revocation of a
2 qualification certificate.

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

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

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

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

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

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

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

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

1 damage, or loss is due to the negligence of the repossession
2 agency.”

3 (e) If applicable, a disclosure that “Environmental, Olympic,
4 special interest, or other license plates issued pursuant to Article
5 8 (commencing with Section 5000), Article 8.4 (commencing with
6 Section 5060) or Article 8.5 (commencing with Section 5100) of
7 Chapter 1 of Division 3 of the Vehicle Code that remain the
8 personal effects of the debtor will be removed from the collateral
9 and inventoried, and that if the plates are not claimed by the debtor
10 within 60 days, they will be destroyed.”

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

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

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

20 14602.6. (a) (1) Whenever a peace officer determines that a
21 person was driving a vehicle while his or her driving privilege was
22 suspended or revoked, driving a vehicle while his or her driving
23 privilege is restricted pursuant to Section 13352 or 23575 and the
24 vehicle is not equipped with a functioning, certified interlock
25 device, or driving a vehicle without ever having been issued a
26 driver’s license, the peace officer may either immediately arrest
27 that person and cause the removal and seizure of that vehicle or,
28 if the vehicle is involved in a traffic collision, cause the removal
29 and seizure of the vehicle without the necessity of arresting the
30 person in accordance with Chapter 10 (commencing with Section
31 22650) of Division 11. A vehicle so impounded shall be impounded
32 for 30 days.

33 (2) The impounding agency, within two working days of
34 impoundment, shall send a notice by certified mail, return receipt
35 requested, to the legal owner of the vehicle, at the address obtained
36 from the department, informing the owner that the vehicle has
37 been impounded. Failure to notify the legal owner within two
38 working days shall prohibit the impounding agency from charging
39 for more than 15 days’ impoundment when the legal owner
40 redeems the impounded vehicle. The impounding agency shall

1 maintain a published telephone number that provides information
2 24 hours a day regarding the impoundment of vehicles and the
3 rights of a registered owner to request a hearing. The law
4 enforcement agency shall be open to issue a release to the registered
5 owner or legal owner, or the agent of either, whenever the agency
6 is open to serve the public for regular, nonemergency business.

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

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

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

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

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

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

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

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

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

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

37 (f) A vehicle removed and seized under subdivision (a) shall be
38 released to the legal owner of the vehicle or the legal owner's agent
39 prior to the end of 30 days' impoundment if all of the following
40 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 to issue a release to the registered owner or legal owner,
17 or the agent of either, whenever the agency is open to serve the
18 public for regular, nonemergency business.

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 to issue a release to the registered
6 owner or legal owner, or the agent of either, whenever the agency
7 is open to serve the public for regular, nonemergency business.

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

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

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

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

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

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

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

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

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

38 (1) The legal owner is a motor vehicle dealer, bank, credit union,
39 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 to issue a release to the registered owner or legal owner,

1 or the agent of either, whenever the agency is open to serve the
2 public for regular, nonemergency business.

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 impoundment or any
34 agent of the registered owner in violation of this subdivision shall
35 be guilty of a misdemeanor and subject to a civil penalty in the
36 amount of two thousand dollars (\$2,000).

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

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

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

SEC. 8.5. ~~Section 21100.4 of the Vehicle Code is amended to read:~~

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

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

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

~~(4) The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return receipt~~

1 requested, to the legal owner of the vehicle, at an address obtained
2 from the department, informing the owner that the vehicle has
3 been impounded and providing the owner with a copy of the
4 warrant or court order. Failure to notify the legal owner within
5 two working days shall prohibit the impounding agency from
6 charging for more than 15 days' impoundment when a legal owner
7 redeems the impounded vehicle. The law enforcement agency shall
8 be open to issue a release to the registered owner or legal owner,
9 or the agent of either, whenever the agency is open to serve the
10 public for regular, nonemergency business.

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

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

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

19 (2) A vehicle shall not be released under this subdivision, except
20 upon presentation of the registered owner's or agent's currently
21 valid license to operate the vehicle under the licensing requirements
22 adopted by the local authority under subdivision (b) of Section
23 21100, and proof of current vehicle registration, or upon order of
24 the court.

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

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

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

37 (B) The location of the place of storage and a description of the
38 vehicle, which shall include, if available, the name or make, the
39 manufacturer, the license plate number, and the mileage of the
40 vehicle.

1 ~~(C) A copy of the warrant or court order and the peace officer's~~
2 ~~affidavit, as described in subdivision (a):~~

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

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

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

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

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

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

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

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

33 ~~(2) (A) The legal owner or the legal owner's agent pays all~~
34 ~~towing and storage fees related to the seizure of the vehicle. A lien~~
35 ~~sale processing fee shall not be charged to the legal owner who~~
36 ~~redeems the vehicle prior to the 15th day of impoundment. Neither~~
37 ~~the impounding authority nor any person having possession of the~~
38 ~~vehicle shall collect from the legal owner of the type specified in~~
39 ~~paragraph (1), or the legal owner's agent, any administrative~~

1 charges imposed pursuant to Section 22850.5 unless the legal
2 owner voluntarily requested a poststorage hearing.

3 (B) A person operating or in charge of a storage facility where
4 vehicles are stored pursuant to this section shall accept a valid
5 bank credit card or cash for payment of towing, storage, and related
6 fees by a legal or registered 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.

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

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

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

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

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

14 ~~(C) All presented documents may be originals, photocopies, or~~
15 ~~facsimile copies, or may be transmitted electronically. The law~~
16 ~~enforcement agency, impounding agency, or any person in~~
17 ~~possession of the vehicle, or anyone acting on behalf of them, shall~~
18 ~~not require any documents to be notarized. The law enforcement~~
19 ~~agency, impounding agency, or any person acting on behalf of~~
20 ~~those agencies, may require the agent of the legal owner to produce~~
21 ~~a photocopy or facsimile copy of its repossession agency license~~
22 ~~or 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 in possession of the~~
26 ~~vehicle, or anyone acting on behalf of them, that the agent is~~
27 ~~exempt from licensure pursuant to Section 7500.2 or 7500.3 of the~~
28 ~~Business and Professions Code.~~

29 ~~(D) Administrative costs authorized under subdivision (a) of~~
30 ~~Section 22850.5 shall not be charged to the legal owner of the type~~
31 ~~specified in paragraph (1) who redeems the vehicle unless the legal~~
32 ~~owner voluntarily requests a poststorage hearing. A city, county,~~
33 ~~city and county, or state agency shall not require a legal owner or~~
34 ~~a legal owner's agent to request a poststorage hearing as a~~
35 ~~requirement for release of the vehicle to the legal owner or the~~
36 ~~legal owner's agent. The law enforcement agency, impounding~~
37 ~~agency, or any other governmental agency, or any person acting~~
38 ~~on behalf of those agencies, shall not require any documents other~~
39 ~~than those specified in this paragraph. The law enforcement agency,~~
40 ~~impounding agency, or other governmental agency, or any person~~

1 acting on behalf of those agencies, shall not require any documents
2 to be notarized. The legal owner or the legal owner's agent shall
3 be given a copy of any documents he or she is required to sign,
4 except for a vehicle evidentiary hold logbook. The law enforcement
5 agency, impounding agency, or any person acting on behalf of
6 those agencies, or any person in possession of the vehicle, may
7 photocopy and retain the copies of any documents presented by
8 the legal owner or legal owner's agent.

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

14 (f) (1) A legal owner or the legal owner's agent that obtains
15 release of the vehicle pursuant to subdivision (e) shall not release
16 the vehicle to the registered owner of the vehicle or the person
17 who was listed as the registered owner when the vehicle was
18 impounded or any agents of the registered owner until the
19 termination of the 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, and an
25 operator's license that is in compliance with the licensing
26 requirements adopted by the local authority under subdivision (b)
27 of Section 21100, to the legal owner or the legal owner's agent.
28 The legal owner or the legal owner's agent or the person in
29 possession of the vehicle shall make every reasonable effort to
30 ensure that the licenses presented are valid and possession of the
31 vehicle will not be given to the driver who was involved in the
32 original impoundment proceeding until the expiration of the
33 impoundment period.

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

39 (4) Any legal owner who knowingly releases or causes the
40 release of a vehicle to a registered owner or the person in

1 possession of the vehicle at the time of the impoundment or any
2 agent of the registered owner in violation of this subdivision shall
3 be guilty of a misdemeanor and subject to a civil penalty in the
4 amount of two thousand dollars (\$2,000).

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

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

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

29 *SEC. 8.5. Section 21100.4 of the Vehicle Code is amended to*
30 *read:*

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

1 a local public officer employed by a local authority to investigate
2 and enforce local taxicab and vehicle for hire laws and regulations.

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

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

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

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

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

38 (2) A notice of the storage shall be mailed or personally
39 delivered to the registered and legal owners within 48 hours after
40 issuance of the warrant or court order, excluding weekends and

1 holidays, by the person or agency executing the warrant or court
2 order, and shall include all of the following information:

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

5 (B) The location of the place of storage and a description of the
6 vehicle, ~~that~~ which shall include, if available, the name or make,
7 the manufacturer, the license plate number, and the mileage of the
8 vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (3) (A) *The legal owner or the legal owner's agent presents to*
35 *the law enforcement agency or impounding agency, or any person*
36 *acting on behalf of those agencies, a copy of the assignment, as*
37 *defined in subdivision (b) of Section 7500.1 of the Business and*
38 *Professions Code; a release from the one responsible governmental*
39 *agency, only if required by the agency; a government-issued*
40 *photographic identification 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. The law enforcement agency, impounding agency, or any other governmental agency, or any person acting on behalf of those agencies, shall not require the presentation of any other documents.

(B) The legal owner or the legal owner's agent presents to the person in possession of the vehicle, or any person acting on behalf of the person in possession, 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 agency, only if required by the agency; a government-issued photographic identification 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. The person in possession of the vehicle, or any person acting on behalf of the person in possession, shall not require the presentation of any other documents.

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

(C) All presented documents may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The law enforcement agency, impounding agency ~~may~~, or any person in possession of the vehicle, or anyone acting on behalf of them, shall not require any documents to be notarized. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies, 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 law enforcement agency, impounding agency, or any person in possession of the vehicle, or anyone acting on behalf of them, that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

~~(B)~~

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

22 (C) ~~As used~~

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

30 (f) (1) A legal owner or the legal owner's agent that obtains
31 release of the vehicle pursuant to subdivision (e) ~~may shall not~~
32 release the vehicle to the registered owner of the vehicle or *the*
33 *person who was listed as the registered owner when the vehicle*
34 *was impounded* or any agents of the registered owner until the
35 termination of the impoundment period.

36 (2) The legal owner or the legal owner's agent ~~may shall not~~
37 relinquish the vehicle to the registered owner *or the person who*
38 *was listed as the registered owner when the vehicle was impounded*
39 until the registered owner or that owner's agent presents his or her
40 valid driver's license or valid temporary driver's license, and an

1 operator's license that is in compliance with the licensing
2 requirements adopted by the local authority under subdivision (b)
3 of Section 21100, to the legal owner or the legal owner's agent.
4 The legal owner or the legal owner's agent *or the person in*
5 *possession of the vehicle* shall make every reasonable effort to
6 ensure that the licenses presented are valid *and possession of the*
7 *vehicle will not be given to the driver who was involved in the*
8 *original impound proceeding until the expiration of the*
9 *impoundment period.*

10 (3) Prior to relinquishing the vehicle, the legal owner may
11 require the registered owner to pay all towing and storage charges
12 related to the impoundment and the administrative charges
13 authorized under Section 22850.5 that were incurred by the legal
14 owner in connection with obtaining the custody of the vehicle.

15 (4) *A legal owner who releases or causes the release of a vehicle*
16 *to a registered owner or the person in possession of the vehicle at*
17 *the time of the impound or an agent of the registered owner in*
18 *violation of this subdivision shall be guilty of a misdemeanor and*
19 *subject to a civil penalty in the amount of one thousand two*
20 *hundred fifty dollars (\$1,250).*

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

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

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

1 *costs associated with defending any such claims. A law enforcement*
2 *agency shall not refuse to issue a release to a legal owner or the*
3 *agent of a legal owner on the grounds that it previously issued a*
4 *release.*

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

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

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

27 SEC. 10. Section 22658 of the Vehicle Code is amended to
28 read:

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

35 (1) There is displayed, in plain view at all entrances to the
36 property, a sign not less than 17 inches by 22 inches in size, with
37 lettering not less than one inch in height, prohibiting public parking
38 and indicating that vehicles will be removed at the owner's
39 expense, and containing the telephone number of the local traffic
40 law enforcement agency and the name and telephone number of

1 each towing company that is a party to a written general towing
2 authorization agreement with the owner or person in lawful
3 possession of the property. The sign may also indicate that a
4 citation may also be issued for the violation.

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

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

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

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

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

38 (d) The owner of a vehicle removed from private property
39 pursuant to subdivision (a) may recover for any damage to the

1 vehicle resulting from any intentional or negligent act of a person
2 causing the removal of, or removing, the vehicle.

3 (e) (1) An owner or person in lawful possession of private
4 property, or an association of a common interest development,
5 causing the removal of a vehicle parked on that property is liable
6 for double the storage or towing charges whenever there has been
7 a failure to comply with paragraph (1), (2), or (3) of subdivision
8 (a) or to state the grounds for the removal of the vehicle if requested
9 by the legal or registered owner of the vehicle as required by
10 subdivision (f).

11 (2) A property owner or owner's agent or lessee who causes the
12 removal of a vehicle parked on that property pursuant to the
13 exemption set forth in subparagraph (A) of paragraph (1) of
14 subdivision (l) and fails to comply with that subdivision is guilty
15 of an infraction, punishable by a fine of one thousand dollars
16 (\$1,000).

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

32 (1) Damage to the vehicle in the transit and subsequent storage
33 of the vehicle.

34 (2) The removal of a vehicle other than the vehicle specified by
35 the owner or other person in lawful possession of the private
36 property.

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

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

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

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

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

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

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

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

38 (B) A towing operator shall make available for inspection and
39 copying his or her rate approved by the California Highway Patrol,
40 if any, within 24 hours of a request without a warrant to law

1 enforcement, the Attorney General, district attorney, or city
2 attorney.

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

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

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

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

33 (k) (1) A person operating or in charge of a storage facility
34 where vehicles are stored pursuant to this section shall accept a
35 valid bank credit card or cash for payment of towing and storage
36 by a registered owner, the legal owner, or the owner's agent
37 claiming the vehicle. A credit card shall be in the name of the
38 person presenting the card. "Credit card" means "credit card" as
39 defined in subdivision (a) of Section 1747.02 of the Civil Code,

1 except, for the purposes of this section, credit card does not include
2 a credit card issued by a retail seller.

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

7 (3) A person operating or in charge of a storage facility who
8 refuses to accept a valid credit card or who fails to post the required
9 notice under paragraph (2) is guilty of a misdemeanor, punishable
10 by a fine of not more than two thousand five hundred dollars
11 (\$2,500), or by imprisonment in the county jail for not more than
12 three months, or by both that fine and imprisonment.

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

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

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

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

1 company within 48 hours of authorizing the tow. The signed
2 request or electronic mail shall contain the name and address of
3 the tenant, and the date and time the tenant requested the tow. A
4 towing company shall obtain, within 48 hours of receiving the
5 written authorization to tow, a copy of a tenant request required
6 pursuant to this subparagraph. For the purpose of this subparagraph,
7 a person providing the written authorization who is required to be
8 present on the private property at the time of the tow does not have
9 to be physically present at the specified location of where the
10 vehicle to be removed is located on the private property.

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

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

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

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

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

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

22 (C) (i) When the vehicle owner or his or her agent claims the
23 vehicle, the towing company prior to payment of a towing or
24 storage charge shall provide a photocopy of the written
25 authorization to the vehicle owner or the agent.

26 (ii) If the vehicle was towed from a residential property, the
27 towing company shall redact the information specified in clause
28 (ii) of subparagraph (B) in the photocopy of the written
29 authorization provided to the vehicle owner or the agent pursuant
30 to clause (i).

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

39 (D) A towing company shall not remove or commence the
40 removal of a vehicle from private property described in subdivision

(a) of Section 22953 unless the towing company has made a good faith inquiry to determine that the owner or the property owner's agent complied with Section 22953.

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

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

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

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

(4) A person who violates this subdivision is guilty of a misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county

1 jail for not more than three months, or by both that fine and
2 imprisonment.

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

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

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

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

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

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

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

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

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

39 (B) A gate fee may be charged for releasing a vehicle after
40 normal business hours, weekends, and state holidays. However,

1 the maximum hourly charge for releasing a vehicle after normal
2 business hours shall be one-half of the hourly tow rate charged for
3 initially towing the vehicle, or less.

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

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

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

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

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

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

35 (q) A vehicle removed and stored pursuant to this section shall
36 be released by the law enforcement agency, impounding agency,
37 or person in possession of the vehicle, or any person acting on
38 behalf of them, to the legal owner or the legal owner’s agent upon
39 presentation of the assignment, as defined in subdivision (b) of
40 Section 7500.1 of the Business and Professions Code; a release

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

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

18 23118. (a) (1) A magistrate presented with the affidavit of a
19 peace officer establishing reasonable cause to believe that a vehicle,
20 described by vehicle type and license number, is being used or
21 operated in violation of Section 7502.1 of the Business and
22 Professions Code shall issue a warrant or order authorizing any
23 peace officer to immediately seize and cause the removal of the
24 vehicle.

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

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

34 (4) The impounding agency, within two working days of
35 impoundment, shall send a notice by certified mail, return receipt
36 requested, to the legal owner of the vehicle, at an address obtained
37 from the department, informing the owner that the vehicle has
38 been impounded and providing the owner with a copy of the
39 warrant or court order. Failure to notify the legal owner within
40 two working days shall prohibit the impounding agency from

1 charging for more than 15 days impoundment when a legal owner
2 redeems the impounded vehicle. The law enforcement agency shall
3 be open to issue a release to the registered owner or legal owner,
4 or the agent of either, whenever the agency is open to serve the
5 public for regular, nonemergency ~~business~~ *business*.

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

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

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

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

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

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

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

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

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

36 (D) A statement that, in order to receive their poststorage
37 hearing, the owners, or their agents, are required to request the
38 hearing from the magistrate issuing the warrant or court order in
39 person, in writing, or by telephone, within 10 days of the date of
40 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 who caused the
10 magistrate to issue the warrant or court order shall be responsible
11 for the costs incurred for towing and storage if it is determined in
12 the poststorage hearing that reasonable grounds for the storage are
13 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. Except
28 as specifically authorized by this subdivision, no other fees shall
29 be charged to the legal owner or the agent of the legal owner. No
30 lien sale processing fees shall be charged to the legal owner who
31 redeems the vehicle prior to the 15th day of impoundment. Neither
32 the impounding authority nor any person having possession of the
33 vehicle shall collect from the legal owner of the type specified in
34 paragraph (1), or the legal owner's agent any administrative charges
35 imposed pursuant to Section 22850.5 unless the legal owner
36 voluntarily requested a poststorage hearing.

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

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

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

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

15 (E) 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 on rates.

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

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

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

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

21 (D) No administrative costs authorized under subdivision (a)
22 of Section 22850.5 shall be charged to the legal owner of the type
23 specified in paragraph (1), who redeems the vehicle unless the
24 legal owner voluntarily requests a poststorage hearing. No city,
25 county, city and county, or state agency shall require a legal owner
26 or a legal owner's agent to request a poststorage hearing as a
27 requirement for release of the vehicle to the legal owner or the
28 legal owner's agent. The law enforcement agency, impounding
29 agency, or any other governmental agency, or any person acting
30 on behalf of those agencies, shall not require any documents other
31 than those specified in this paragraph. The law enforcement agency,
32 impounding agency, or other governmental agency, or any person
33 acting on behalf of those agencies, may not require any documents
34 to be notarized. The legal owner or the legal owner's agent shall
35 be given a copy of any documents he or she is required to sign,
36 except for a vehicle evidentiary hold logbook. The law enforcement
37 agency, impounding agency, or any person acting on behalf of
38 those agencies, or any person in possession of the vehicle, may
39 photocopy and retain the copies of any documents presented by
40 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 the person in possession of the vehicle at the time
11 of the impound or any agents of the registered owner until the
12 termination of the 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 licenses presented
21 are valid and possession of the vehicle will not be given to the
22 driver who was involved in the original impound 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 the administrative charges
27 authorized under Section 22850.5 that were incurred by the legal
28 owner in connection with obtaining the 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 impound or any agent
32 of the registered owner in violation of this subdivision shall be
33 guilty of a misdemeanor and subject to a fine in the amount of two
34 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 impound.

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

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

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

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

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

(c) Whenever any motor vehicle is towing another motor vehicle, stoplamps and turn signal lamps are not required on the towed motor vehicle, but only if a stoplamp and a turn signal lamp on

1 each side of the rear of the towing vehicle is plainly visible to the
2 rear of the towed vehicle. This subdivision does not apply to
3 driveaway-towaway operations.

4 SEC. 13. Section 29004 of the Vehicle Code is amended to
5 read:

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

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

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

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

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

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

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

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

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

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

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

15 *SEC. 14. Section 8.5 of this bill incorporates amendments to*
16 *Section 21100.4 of the Vehicle Code proposed by this bill and SB*
17 *201. It shall only become operative if (1) this bill and SB 201 are*
18 *enacted and become effective on or before January 1, 2010, (2)*
19 *each bill amends Section 21100.4 of the Vehicle Code, and (3) this*
20 *bill is enacted after SB 201, in which case Section 8 of this bill*
21 *shall not become operative.*

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

31 However, if the Commission on State Mandates determines that
32 this act contains other costs mandated by the state, reimbursement
33 to local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.