

AMENDED IN SENATE AUGUST 26, 2009

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 SB 201, to be operative only if SB 201, and this bill are 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.

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

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

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

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

(1) Be at least 18 years of age.

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

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

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

17 (3) Complete and forward to the bureau a qualified certificate
18 holder application which shall be on a form prescribed by the
19 director and signed by the applicant. An applicant who declares
20 as true any material matter pursuant to this paragraph that he or
21 she knows to be false is guilty of a misdemeanor. The application
22 shall be accompanied by two recent photographs of the applicant,
23 of a type prescribed by the director, and two classifiable sets of
24 his or her fingerprints. The residence address, residence telephone
25 number, and driver's license number of each qualified certificate
26 holder or applicant for a qualification certificate, if requested, shall
27 be confidential pursuant to the Information Practices Act of 1977
28 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
29 4 of Division 3 of the Civil Code) and shall not be released to the
30 public.

31 (4) Pass the required examination.

32 (5) Pay the required application and examination fees to the
33 bureau.

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

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

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

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

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

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

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

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

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

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

1 in compliance with Section 24008 of the Vehicle Code shall not
2 be the responsibility of the repossession agency unless the failure,
3 damage, or loss is due to the negligence of the repossession
4 agency.”

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

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

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

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

22 14602.6. (a) (1) Whenever a peace officer determines that a
23 person was driving a vehicle while his or her driving privilege was
24 suspended or revoked, driving a vehicle while his or her driving
25 privilege is restricted pursuant to Section 13352 or 23575 and the
26 vehicle is not equipped with a functioning, certified interlock
27 device, or driving a vehicle without ever having been issued a
28 driver’s license, the peace officer may either immediately arrest
29 that person and cause the removal and seizure of that vehicle or,
30 if the vehicle is involved in a traffic collision, cause the removal
31 and seizure of the vehicle without the necessity of arresting the
32 person in accordance with Chapter 10 (commencing with Section
33 22650) of Division 11. A vehicle so impounded shall be impounded
34 for 30 days.

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

1 for more than 15 days' impoundment when the legal owner
2 redeems the impounded vehicle. The impounding agency shall
3 maintain a published telephone number that provides information
4 24 hours a day regarding the impoundment of vehicles and the
5 rights of a registered owner to request a hearing. The law
6 enforcement agency shall be open to issue a release to the registered
7 owner or legal owner, or the agent of either, whenever the agency
8 is open to serve the public for regular, nonemergency business.

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

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

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

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

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

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

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

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

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

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

39 (f) A vehicle removed and seized under subdivision (a) shall be
40 released to the legal owner of the vehicle or the legal owner's agent

1 prior to the end of 30 days' impoundment if all of the following
2 conditions are met:

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

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

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

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

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

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

39 (3) The legal owner or the legal owner's agent presents a copy
40 of the assignment, as defined in subdivision (b) of Section 7500.1

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

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

1 photocopy and retain the copies of any documents presented by
2 the legal owner or legal owner's agent.

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

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

15 (2) The legal owner or the legal owner's agent shall not
16 relinquish the vehicle to the registered owner or the person who
17 was listed as the registered owner when the vehicle was impounded
18 until the registered owner or that owner's agent presents his or her
19 valid driver's license or valid temporary driver's license to the
20 legal owner or the legal owner's agent. The legal owner or the
21 legal owner's agent or the person in possession of the vehicle shall
22 make every reasonable effort to ensure that the license presented
23 is valid and possession of the vehicle will not be given to the driver
24 who was involved in the original impoundment proceeding until
25 the expiration of the 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 any administrative charges
29 authorized under Section 22850.5 that were incurred by the legal
30 owner in connection with obtaining 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 fine in the amount of
36 two thousand dollars (\$2,000) in addition to any other penalties
37 established by law.

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

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

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

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

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

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

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

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

1 14602.7. (a) A magistrate presented with the affidavit of a
2 peace officer establishing reasonable cause to believe that a vehicle,
3 described by vehicle type and license number, was an
4 instrumentality used in the peace officer's presence in violation
5 of Section 2800.1, 2800.2, 2800.3, or 23103, shall issue a warrant
6 or order authorizing any peace officer to immediately seize and
7 cause the removal of the vehicle. The warrant or court order may
8 be entered into a computerized database. A vehicle so impounded
9 may be impounded for a period not to exceed 30 days.

10 The impounding agency, within two working days of
11 impoundment, shall send a notice by certified mail, return receipt
12 requested, to the legal owner of the vehicle, at the address obtained
13 from the department, informing the owner that the vehicle has
14 been impounded and providing the owner with a copy of the
15 warrant or court order. Failure to notify the legal owner within
16 two working days shall prohibit the impounding agency from
17 charging for more than 15 days impoundment when a legal owner
18 redeems the impounded vehicle. The law enforcement agency shall
19 be open to issue a release to the registered owner or legal owner,
20 or the agent of either, whenever the agency is open to serve the
21 public for regular, nonemergency business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (4) Any legal owner who knowingly releases or causes the
39 release of a vehicle to a registered owner or the person in
40 possession of the vehicle at the time of the impoundment or any

1 agent of the registered owner in violation of this subdivision shall
2 be guilty of a misdemeanor and subject to a fine in the amount of
3 two thousand dollars (\$2,000) in addition to any other penalties
4 established by law.

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

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

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

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

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

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

(j) 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. 7. Section 14602.8 of the Vehicle Code is amended to read:

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

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

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

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

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

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

(3) Within two working days after impoundment, the impounding agency shall send a notice by certified mail, return receipt requested, to the legal owner of the vehicle, at the address obtained from the department, informing the owner that the vehicle

1 has been impounded. Failure to notify the legal owner within two
2 working days shall prohibit the impounding agency from charging
3 for more than five days' impoundment when the legal owner
4 redeems the impounded vehicle. The impounding agency shall
5 maintain a published telephone number that provides information
6 24 hours a day regarding the impoundment of vehicles and the
7 rights of a registered owner to request a hearing. The law
8 enforcement agency shall be open to issue a release to the registered
9 owner or legal owner, or the agent of either, whenever the agency
10 is open to serve the public for regular, nonemergency business.

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

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

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

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

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

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

30 (2) A vehicle shall not 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 the impoundment period 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 who is not the
4 registered owner and holds 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. A lien
7 sale processing fee shall not be charged to the legal owner who
8 redeems the vehicle prior to the 10th day of impoundment. The
9 impounding authority or any person having possession of the
10 vehicle shall not collect from the legal owner of the type specified
11 in paragraph (1), or the legal owner's agent any administrative
12 charges imposed pursuant to Section 22850.5 unless the legal
13 owner 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 other related fees, but not to exceed five hundred dollars
28 (\$500).

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

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

38 (3) (A) The legal owner or the legal owner's agent presents to
39 the law enforcement agency or impounding agency, or any person
40 acting on behalf of those agencies, a copy of the assignment, as

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

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

25 (C) All presented documents may be originals, photocopies, or
26 facsimile copies, or may be transmitted electronically. The law
27 enforcement agency, impounding agency, or any person acting on
28 behalf of them, shall not require a document to be notarized. The
29 law enforcement agency, impounding agency, or any person in
30 possession of the vehicle, or anyone acting on behalf of those
31 agencies may require the agent of the legal owner to produce a
32 photocopy or facsimile copy of its repossession agency license or
33 registration issued pursuant to Chapter 11 (commencing with
34 Section 7500) of Division 3 of the Business and Professions Code,
35 or to demonstrate, to the satisfaction of the law enforcement
36 agency, impounding agency, any other governmental agency, or
37 any person in possession of the vehicle, or anyone acting on behalf
38 of them, that the agent is exempt from licensure pursuant to Section
39 7500.2 or 7500.3 of the Business and Professions Code.

(D) Administrative costs authorized under subdivision (a) of Section 22850.5 shall not be charged to the legal owner of the type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage hearing. A city, county, city and county, or state agency shall not require a legal owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The law enforcement agency, impounding agency, or any governmental agency, or any person acting on behalf of those agencies, shall not require any documents other than those specified in this paragraph. The law enforcement agency, impounding agency, other governmental agency, or any person acting on behalf of those agencies, shall not require any documents to be notarized. The legal owner or the legal owner's agent shall be given a copy of any documents he or she is required to sign, except for a vehicle evidentiary hold logbook. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies, or any person in possession of the vehicle, may photocopy and retain the copies of any documents presented by the legal owner or legal owner's agent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (4) 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 an address obtained
36 from the department, informing the owner that the vehicle has
37 been impounded and providing the owner with a copy of the
38 warrant or court order. Failure to notify the legal owner within
39 two working days shall prohibit the impounding agency from
40 charging for more than 15 days' impoundment when a legal owner

1 redeems the impounded vehicle. The law enforcement agency shall
2 be open to issue a release to the registered owner or legal owner,
3 or the agent of either, whenever the agency is open to serve the
4 public for regular, nonemergency business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (B) A person operating or in charge of a storage facility where
38 vehicles are stored pursuant to this section shall accept a valid
39 bank credit card or cash for payment of towing, storage, and 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 a storage facility
12 described in subparagraph (B) shall have sufficient funds on the
13 premises of the primary storage facility during normal business
14 hours to accommodate, and make change in, a reasonable monetary
15 transaction.

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

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

34 (B) The legal owner or the legal owner’s agent presents to the
35 person in possession of the vehicle, or any person acting on behalf
36 of the person in possession, a copy of the assignment, as defined
37 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

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

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

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

1 photocopy and retain the copies of any documents presented by
2 the legal owner or legal owner's agent.

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

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

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

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

33 (4) Any legal owner who knowingly releases or causes the
34 release of a vehicle to a registered owner or the person in
35 possession of the vehicle at the time of the impoundment or any
36 agent of the registered owner in violation of this subdivision shall
37 be guilty of a misdemeanor and subject to a civil penalty in the
38 amount of two thousand dollars (\$2,000).

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

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

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

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

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

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

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

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

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

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

(A) When the vehicle is a stolen vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (2) (A) The legal owner or the legal owner's agent pays all
38 towing and storage fees related to the seizure of the vehicle. A lien
39 sale processing fee shall not be charged to the legal owner who
40 redeems the vehicle prior to the 15th day of impoundment. Neither

1 the impounding authority nor any person having possession of the
2 vehicle shall collect from the legal owner of the type specified in
3 paragraph (1), or the legal owner's agent, any administrative
4 charges imposed pursuant to Section 22850.5 unless the legal
5 owner voluntarily requested a poststorage hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 22651.1. Persons operating or in charge of any storage facility
34 where vehicles are stored pursuant to Section 22651 shall accept
35 a valid bank credit card or cash for payment of towing and storage
36 by the registered owner, legal owner, or the owner's agent claiming
37 the vehicle. A credit card shall be in the name of the person
38 presenting the card. "Credit card" means "credit card" as defined
39 in subdivision (a) of Section 1747.02 of the Civil Code, except,
40 for the purposes of this section, credit card does not include a credit

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

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

13 SEC. 10. Section 22658 of the Vehicle Code is amended to
14 read:

15 22658. (a) The owner or person in lawful possession of private
16 property, including an association of a common interest
17 development as defined in Section 1351 of the Civil Code, may
18 cause the removal of a vehicle parked on the property to a storage
19 facility that meets the requirements of subdivision (n) under any
20 of the following circumstances:

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

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

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

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

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

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

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

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

(2) A property owner or owner's agent or lessee who causes the removal of a vehicle parked on that property pursuant to the exemption set forth in subparagraph (A) of paragraph (1) of subdivision (l) and fails to comply with that subdivision is guilty

1 of an infraction, punishable by a fine of one thousand dollars
2 (\$1,000).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (4) The impounding agency, within two working days of
22 impoundment, shall send a notice by certified mail, return receipt
23 requested, to the legal owner of the vehicle, at an address obtained
24 from the department, informing the owner that the vehicle has
25 been impounded and providing the owner with a copy of the
26 warrant or court order. Failure to notify the legal owner within
27 two working days shall prohibit the impounding agency from
28 charging for more than 15 days impoundment when a legal owner
29 redeems the impounded vehicle. The law enforcement agency shall
30 be open to issue a release to the registered owner or legal owner,
31 or the agent of either, whenever the agency is open to serve the
32 public for regular, nonemergency business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 SEC. 13. Section 29004 of the Vehicle Code is amended to
32 read:

33 29004. (a) (1) Except as required under paragraph (2), every
34 towed vehicle shall be coupled to the towing vehicle by means of
35 a safety chain, cable, or equivalent device in addition to the regular
36 drawbar, tongue, or other connection.

37 (2) Any vehicle towed by a tow truck shall be coupled to the
38 tow truck by means of at least two safety chains in addition to the
39 primary restraining system. The safety chains shall be securely

1 affixed to the truck frame, bed, or towing equipment, independent
2 of the towing sling, wheel lift, or under-reach towing equipment.

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

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

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

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

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

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

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

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

36 SEC. 14. Section 8.5 of this bill incorporates amendments to
37 Section 21100.4 of the Vehicle Code proposed by this bill and SB
38 201. It shall only become operative if (1) this bill and SB 201 are
39 enacted and become effective on or before January 1, 2010, (2)
40 each bill amends Section 21100.4 of the Vehicle Code, and (3)

1 this bill is enacted after SB 201, in which case Section 8 of this
2 bill shall not become operative.

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

12 However, if the Commission on State Mandates determines that
13 this act contains other costs mandated by the state, reimbursement
14 to local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.