

AMENDED IN ASSEMBLY AUGUST 18, 2010

AMENDED IN SENATE APRIL 13, 2010

AMENDED IN SENATE MARCH 24, 2010

**SENATE BILL**

**No. 1394**

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**Introduced by Senator Kehoe**

February 19, 2010

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*An act to amend Section 22651 of the Vehicle Code, relating to An act to amend Section 13803 of, and to amend and repeal Sections 12808, 12814, and 12818 of, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1394, as amended, Kehoe. Vehicles: ~~removal of unattended vehicles.~~ drivers' licenses: reexaminations.

*Existing law requires, until January 1, 2011, the Department of Motor Vehicles to reexamine a driver upon receipt of a report from a local health officer indicating that the driver suffers from disorders characterized by lapses of consciousness, and upon receipt of a report from certain family members stating that the driver cannot safely operate a motor vehicle, the reexaminations to include a demonstration of the person's ability to operate a motor vehicle. Existing law requires, until January 1, 2011, the department, before issuing or renewing any license, to check its records for these reports.*

*This bill would make the above requirements permanent and would make conforming changes.*

~~(1) Existing law authorizes a peace officer, as defined, or a regularly employed and salaried public employee, who is engaged in directing traffic or enforcing parking laws and regulations of a city, county, or jurisdiction of a state agency in which a vehicle is located, to remove~~

and impound a vehicle located within the territorial limits in which the officer or employee may act, under specified circumstances. One of those circumstances authorizes the removal and impoundment of a vehicle when the vehicle is illegally parked so as to block the entrance to a private driveway.

~~This bill would instead authorize the removal or impoundment of a vehicle when the vehicle is parked so as to block the entrance to any driveway.~~

~~(2) Existing law authorizes the removal of a vehicle when the vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move the vehicle from in front of the fire hydrant to another point on the highway.~~

~~This bill would instead broaden this authority to allow for the removal or impoundment of a vehicle when a vehicle is illegally parked so as to prevent access by an authorized emergency vehicle, as defined, or equipment associated with an authorized emergency vehicle, including a fire hydrant, to the scene of an emergency, and it is impracticable to move the vehicle to another point on the highway.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12808 of the Vehicle Code, as amended  
2 by Section 8 of Chapter 985 of the Statutes of 2000, is amended  
3 to read:

4 12808. (a) The department shall, before issuing or renewing  
5 any license, check the record of the applicant for conviction of  
6 traffic violations, traffic accidents, reports filed pursuant to Section  
7 103900 of the Health and Safety Code, reports filed pursuant to  
8 Section 13803, or notices issued pursuant to Section 21061.

9 (b) The department shall, before issuing or renewing any license,  
10 check the record of the applicant for notices of failure to appear  
11 in court filed with it and shall withhold or shall not issue a license  
12 to any applicant who has violated his or her written promise to  
13 appear in court unless the department has received a certificate  
14 issued by the magistrate or clerk of the court hearing the case in  
15 which the promise was given showing that the case has been  
16 adjudicated or unless the applicant’s record is cleared as provided  
17 in Chapter 6 (commencing with Section 41500) of Division 17. In

1 lieu of the certificate of adjudication, a notice from the court stating  
2 that the original records have been lost or destroyed shall permit  
3 the department to issue a license.

4 (c) (1) Any notice received by the department pursuant to  
5 Section 40509, 40509.1, or 40509.5, except subdivision (c) of  
6 Section 40509.5, that has been on file five years may be removed  
7 from the department records and destroyed at the discretion of the  
8 department.

9 (2) Any notice received by the department under subdivision  
10 (c) of Section 40509.5 that has been on file 10 years may be  
11 removed from the department records and destroyed at the  
12 discretion of the department.

13 ~~(d) This section shall remain in effect only until January 1, 2011,~~  
14 ~~and as of that date is repealed, unless a later enacted statute, that~~  
15 ~~is enacted before January 1, 2011, deletes or extends that date.~~

16 *SEC. 2. Section 12808 of the Vehicle Code, as added by Section*  
17 *9 of Chapter 985 of the Statutes of 2000, is repealed.*

18 ~~12808. (a) The department shall, before issuing or renewing~~  
19 ~~any license, check the record of the applicant for conviction of~~  
20 ~~traffic violations and traffic accidents.~~

21 ~~(b) The department shall, before issuing or renewing any license,~~  
22 ~~check the record of the applicant for notices of failure to appear~~  
23 ~~in court filed with it and shall withhold or shall not issue a license~~  
24 ~~to any applicant who has violated his or her written promise to~~  
25 ~~appear in court unless the department has received a certificate~~  
26 ~~issued by the magistrate or clerk of the court hearing the case in~~  
27 ~~which the promise was given showing that the case has been~~  
28 ~~adjudicated or unless the applicant's record is cleared as provided~~  
29 ~~in Chapter 6 (commencing with Section 41500) of Division 17. In~~  
30 ~~lieu of the certificate of adjudication, a notice from the court stating~~  
31 ~~that the original records have been lost or destroyed shall permit~~  
32 ~~the department to issue a license.~~

33 ~~(e) (1) Any notice received by the department pursuant to~~  
34 ~~Section 40509, 40509.1, or 40509.5, except subdivision (e) of~~  
35 ~~Section 40509.5, that has been on file five years may be removed~~  
36 ~~from the department records and destroyed at the discretion of the~~  
37 ~~department.~~

38 ~~(2) Any notice received by the department under subdivision~~  
39 ~~(e) of Section 40509.5 that has been on file 10 years may be~~

1 removed from the department records and destroyed at the  
2 discretion of the department.

3 ~~(d) This section shall become operative on January 1, 2011.~~

4 *SEC. 3. Section 12814 of the Vehicle Code, as amended by*  
5 *Section 35 of Chapter 594 of the Statutes of 2003, is amended to*  
6 *read:*

7 12814. (a) Application for renewal of a license shall be made  
8 at an office of the department by the person to whom the license  
9 was issued. The department, in its discretion, may require an  
10 examination of the applicant as upon an original application, or  
11 an examination deemed by the department to be appropriate  
12 considering the licensee’s record of convictions and accidents, or  
13 an examination deemed by the department to be appropriate in  
14 relation to evidence of a condition that may affect the ability of  
15 the applicant to safely operate a motor vehicle. The age of a  
16 licensee, by itself, may not constitute evidence of a condition  
17 requiring an examination of the driving ability. If the department  
18 finds any evidence of a condition requiring an examination, the  
19 department shall disclose the evidence to the applicant or licensee.  
20 If the person is absent from the state at the time the license expires,  
21 the director may extend the license for a period of one year from  
22 the expiration date of the license.

23 (b) Renewal of a driver’s license shall be under terms and  
24 conditions prescribed by the department.

25 (c) The department may adopt and administer regulations it  
26 deems necessary for the public safety in the implementation of a  
27 program of selective testing of applicants, and, with reference to  
28 this section, the department may waive tests for purposes of  
29 evaluation of selective testing procedures.

30 ~~(d) This section shall remain in effect only until January 1, 2011,~~  
31 ~~and as of that date is repealed, unless a later enacted statute, that~~  
32 ~~is enacted before January 1, 2011, deletes or extends that date.~~

33 *SEC. 4. Section 12814 of the Vehicle Code, as amended by*  
34 *Section 36 of Chapter 594 of the Statutes of 2003, is repealed.*

35 12814. (a) Application for renewal of a license shall be made  
36 at an office of the department by the person to whom the license  
37 was issued. The department may in its discretion require an  
38 examination of the applicant as upon an original application, or  
39 an examination deemed by the department to be appropriate  
40 considering the licensee’s record of convictions and accidents, or

1 ~~an examination deemed by the department to be appropriate in~~  
2 ~~relation to evidence of a condition which may affect the ability of~~  
3 ~~the applicant to safely operate a motor vehicle. The age of a~~  
4 ~~licensee, by itself, may not constitute evidence of a condition~~  
5 ~~requiring an examination of the driving ability. If the department~~  
6 ~~finds any evidence, the department shall disclose the evidence to~~  
7 ~~the applicant or licensee. If the person is absent from the state at~~  
8 ~~the time the license expires, the director may extend the license~~  
9 ~~for a period of one year from the expiration date of the license.~~

10 ~~(b) Renewal of a driver's license shall be under terms and~~  
11 ~~conditions prescribed by the department.~~

12 ~~(c) The department may adopt and administer those regulations~~  
13 ~~as shall be deemed necessary for the public safety in the~~  
14 ~~implementation of a program of selective testing of applicants,~~  
15 ~~and, with reference to this section, the department may waive tests~~  
16 ~~for purposes of evaluation of selective testing procedures.~~

17 ~~(d) This section shall become operative on January 1, 2011.~~

18 *SEC. 5. Section 12818 of the Vehicle Code, as amended by*  
19 *Section 13 of Chapter 985 of the Statutes of 2000, is amended to*  
20 *read:*

21 12818. (a) Upon receipt of a request for reexamination and  
22 presentation of a legible copy of a notice of reexamination by a  
23 person issued the notice pursuant to Section 21061, or upon receipt  
24 of a report from a local health officer issued pursuant to subdivision  
25 (b) of Section 103900 of the Health and Safety Code, the  
26 department shall reexamine the person's qualifications to operate  
27 a motor vehicle, including a demonstration of the person's ability  
28 to operate a motor vehicle as described in Section 12804.9.

29 (b) Based on the department's reexamination of the person's  
30 qualifications pursuant to subdivision (a), the department shall  
31 determine if either of the following actions should be taken:

32 (1) Suspend or revoke the driving privilege of that person if the  
33 department finds that any of the grounds exist which authorize the  
34 refusal to issue a license.

35 (2) Restrict, make subject to terms and conditions of probation,  
36 suspend, or revoke the driving privilege of that person based upon  
37 the records of the department as provided in Chapter 3  
38 (commencing with Section 13800).

1 (c) As an alternative to subdivision (a), the department may  
2 suspend or revoke the person’s driving privilege as provided under  
3 Article 2 (commencing with Section 13950) of Chapter 3.

4 (d) Upon request, the department shall notify the law  
5 enforcement agency which employs the traffic officer who issued  
6 the notice of reexamination described in subdivision (a) of the  
7 results of the reexamination.

8 ~~(e) This section shall remain in effect only until January 1, 2011,  
9 and as of that date is repealed, unless a later enacted statute, that  
10 is enacted before January 1, 2011, deletes or extends that date.~~

11 *SEC. 6. Section 12818 of the Vehicle Code, as added by Section*  
12 *14 of Chapter 985 of the Statutes of 2000, is repealed.*

13 ~~12818. (a) Upon receipt of a request for reexamination and  
14 presentation of a legible copy of a notice of reexamination by a  
15 person issued the notice pursuant to Section 21061, the department  
16 shall reexamine the person’s qualifications to operate a motor  
17 vehicle pursuant to Section 13801, notwithstanding the notice  
18 requirement of Section 13801.~~

19 ~~(b) Based on the department’s reexamination of the person’s  
20 qualifications pursuant to subdivision (a), the department shall  
21 determine if either of the following actions should be taken:~~

22 ~~(1) Suspend or revoke the driving privilege of that person if the  
23 department finds that any of the grounds exist which authorize the  
24 refusal to issue a license.~~

25 ~~(2) Restrict, make subject to terms and conditions of probation,  
26 suspend, or revoke the driving privilege of that person based upon  
27 the records of the department as provided in Chapter 3  
28 (commencing with Section 13800).~~

29 ~~(e) As an alternative to subdivision (a), the department may  
30 suspend or revoke the person’s driving privilege as provided under  
31 Article 2 (commencing with Section 13950) of Chapter 3.~~

32 ~~(d) Upon request, the department shall notify the law  
33 enforcement agency which employs the traffic officer who issued  
34 the notice of reexamination of the results of the reexamination.~~

35 ~~(e) This section shall become operative on January 1, 2011.~~

36 *SEC. 7. Section 13803 of the Vehicle Code is amended to read:*

37 13803. (a) The department shall conduct a reexamination,  
38 including a demonstration of the person’s ability to operate a motor  
39 vehicle as described in Section 12804.9, to determine whether the  
40 driving privilege of any person to operate a motor vehicle should

1 be suspended or revoked, or whether terms or conditions of  
2 probation should be imposed upon receiving information from any  
3 member of the vehicle operator's family within 3 degrees of  
4 consanguinity, or the operator's spouse, who has reached 18 years  
5 of age, except that no person may report the same family member  
6 pursuant to this section more than one time during a 12-month  
7 period.

8 (b) The report described in subdivision (a) shall state that the  
9 person filing the report reasonably and in good faith believes that  
10 the operator cannot safely operate a motor vehicle. The report shall  
11 be based upon personal observation or physical evidence of a  
12 physical or medical condition that has the potential to impair the  
13 ability to drive safely, or upon personal knowledge of a driving  
14 record that, based on traffic citations or other evidence, indicates  
15 an unsafe driver. The observation or physical evidence, or the  
16 driving record, shall be described in the report, or the report shall  
17 be based upon an investigation by a law enforcement officer.

18 (c) No person who makes a report in good faith pursuant to this  
19 section shall be civilly or criminally liable for making that report.

20 ~~(d) This section shall remain in effect only until January 1, 2011,~~  
21 ~~and as of that date is repealed, unless a later enacted statute, that~~  
22 ~~is enacted before January 1, 2011, deletes or extends that date.~~

23 SECTION 1. ~~Section 22651 of the Vehicle Code is amended~~  
24 ~~to read:~~

25 ~~22651. A peace officer, as defined in Chapter 4.5 (commencing~~  
26 ~~with Section 830) of Title 3 of Part 2 of the Penal Code, or a~~  
27 ~~regularly employed and salaried employee, who is engaged in~~  
28 ~~directing traffic or enforcing parking laws and regulations, of a~~  
29 ~~city, county, or jurisdiction of a state agency in which a vehicle is~~  
30 ~~located, may remove a vehicle located within the territorial limits~~  
31 ~~in which the officer or employee may act, under the following~~  
32 ~~circumstances:~~

33 ~~(a) When a vehicle is left unattended upon a bridge, viaduct, or~~  
34 ~~causeway or in a tube or tunnel where the vehicle constitutes an~~  
35 ~~obstruction to traffic:~~

36 ~~(b) When a vehicle is parked or left standing upon a highway~~  
37 ~~in a position so as to obstruct the normal movement of traffic or~~  
38 ~~in a condition so as to create a hazard to other traffic upon the~~  
39 ~~highway.~~

1 ~~(e) When a vehicle is found upon a highway or public land and~~  
2 ~~a report has previously been made that the vehicle is stolen or a~~  
3 ~~complaint has been filed and a warrant thereon is issued charging~~  
4 ~~that the vehicle was embezzled.~~

5 ~~(d) When a vehicle is illegally parked so as to block the entrance~~  
6 ~~to a driveway and it is impractical to move the vehicle from in~~  
7 ~~front of the driveway to another point on the highway.~~

8 ~~(e) When a vehicle is illegally parked so as to prevent access~~  
9 ~~by an authorized emergency vehicle, as defined in Section 165, or~~  
10 ~~equipment associated with an authorized emergency vehicle,~~  
11 ~~including a fire hydrant, to the scene of an emergency, and it is~~  
12 ~~impracticable to move the vehicle to another point on the highway.~~

13 ~~(f) When a vehicle, except highway maintenance or construction~~  
14 ~~equipment, is stopped, parked, or left standing for more than four~~  
15 ~~hours upon the right-of-way of a freeway that has full control of~~  
16 ~~access and no crossings at grade and the driver, if present, cannot~~  
17 ~~move the vehicle under its own power.~~

18 ~~(g) When the person in charge of a vehicle upon a highway or~~  
19 ~~public land is, by reason of physical injuries or illness,~~  
20 ~~incapacitated to an extent so as to be unable to provide for its~~  
21 ~~custody or removal.~~

22 ~~(h) (1) When an officer arrests a person driving or in control~~  
23 ~~of a vehicle for an alleged offense and the officer is, by this code~~  
24 ~~or other law, required or permitted to take, and does take, the~~  
25 ~~person into custody.~~

26 ~~(2) When an officer serves a notice of an order of suspension~~  
27 ~~or revocation pursuant to Section 13388 or 13389.~~

28 ~~(i) (1) When a vehicle, other than a rented vehicle, is found~~  
29 ~~upon a highway or public land, or is removed pursuant to this code,~~  
30 ~~and it is known that the vehicle has been issued five or more notices~~  
31 ~~of parking violations to which the owner or person in control of~~  
32 ~~the vehicle has not responded within 21 calendar days of notice~~  
33 ~~of citation issuance or citation issuance or 14 calendar days of the~~  
34 ~~mailing of a notice of delinquent parking violation to the agency~~  
35 ~~responsible for processing notices of parking violations, or the~~  
36 ~~registered owner of the vehicle is known to have been issued five~~  
37 ~~or more notices for failure to pay or failure to appear in court for~~  
38 ~~traffic violations for which a certificate has not been issued by the~~  
39 ~~magistrate or clerk of the court hearing the case showing that the~~  
40 ~~case has been adjudicated or concerning which the registered~~

1 owner's record has not been cleared pursuant to Chapter 6  
2 (commencing with Section 41500) of Division 17, the vehicle may  
3 be impounded until that person furnishes to the impounding law  
4 enforcement agency all of the following:

- 5 (A) Evidence of his or her identity.
- 6 (B) An address within this state at which he or she can be  
7 located.
- 8 (C) Satisfactory evidence that all parking penalties due for the  
9 vehicle and all other vehicles registered to the registered owner of  
10 the impounded vehicle, and all traffic violations of the registered  
11 owner, have been cleared.

12 (2) The requirements in subparagraph (C) of paragraph (1) shall  
13 be fully enforced by the impounding law enforcement agency on  
14 and after the time that the Department of Motor Vehicles is able  
15 to provide access to the necessary records.

16 (3) A notice of parking violation issued for an unlawfully parked  
17 vehicle shall be accompanied by a warning that repeated violations  
18 may result in the impounding of the vehicle. In lieu of furnishing  
19 satisfactory evidence that the full amount of parking penalties or  
20 bail has been deposited, that person may demand to be taken  
21 without unnecessary delay before a magistrate, for traffic offenses,  
22 or a hearing examiner, for parking offenses, within the county in  
23 which the offenses charged are alleged to have been committed  
24 and who has jurisdiction of the offenses and is nearest or most  
25 accessible with reference to the place where the vehicle is  
26 impounded. Evidence of current registration shall be produced  
27 after a vehicle has been impounded, or, at the discretion of the  
28 impounding law enforcement agency, a notice to appear for  
29 violation of subdivision (a) of Section 4000 shall be issued to that  
30 person.

31 (4) A vehicle shall be released to the legal owner, as defined in  
32 Section 370, if the legal owner does all of the following:

- 33 (A) Pays the cost of towing and storing the vehicle.
- 34 (B) Submits evidence of payment of fees as provided in Section  
35 9561.
- 36 (C) Completes an affidavit in a form acceptable to the  
37 impounding law enforcement agency stating that the vehicle was  
38 not in possession of the legal owner at the time of occurrence of  
39 the offenses relating to standing or parking. A vehicle released to  
40 a legal owner under this subdivision is a repossessed vehicle for

1 purposes of disposition or sale. The impounding agency shall have  
2 a lien on any surplus that remains upon sale of the vehicle to which  
3 the registered owner is or may be entitled, as security for the full  
4 amount of the parking penalties for all notices of parking violations  
5 issued for the vehicle and for all local administrative charges  
6 imposed pursuant to Section 22850.5. The legal owner shall  
7 promptly remit to, and deposit with, the agency responsible for  
8 processing notices of parking violations from that surplus, on  
9 receipt of that surplus, the full amount of the parking penalties for  
10 all notices of parking violations issued for the vehicle and for all  
11 local administrative charges imposed pursuant to Section 22850.5.

12 (5) ~~The impounding agency that has a lien on the surplus that~~  
13 ~~remains upon the sale of a vehicle to which a registered owner is~~  
14 ~~entitled pursuant to paragraph (4) has a deficiency claim against~~  
15 ~~the registered owner for the full amount of the parking penalties~~  
16 ~~for all notices of parking violations issued for the vehicle and for~~  
17 ~~all local administrative charges imposed pursuant to Section~~  
18 ~~22850.5, less the amount received from the sale of the vehicle.~~

19 (j) ~~When a vehicle is found illegally parked and there are no~~  
20 ~~license plates or other evidence of registration displayed, the~~  
21 ~~vehicle may be impounded until the owner or person in control of~~  
22 ~~the vehicle furnishes the impounding law enforcement agency~~  
23 ~~evidence of his or her identity and an address within this state at~~  
24 ~~which he or she can be located.~~

25 (k) ~~When a vehicle is parked or left standing upon a highway~~  
26 ~~for 72 or more consecutive hours in violation of a local ordinance~~  
27 ~~authorizing removal.~~

28 (l) ~~When a vehicle is illegally parked on a highway in violation~~  
29 ~~of a local ordinance forbidding standing or parking and the use of~~  
30 ~~a highway, or a portion thereof, is necessary for the cleaning,~~  
31 ~~repair, or construction of the highway, or for the installation of~~  
32 ~~underground utilities, and signs giving notice that the vehicle may~~  
33 ~~be removed are erected or placed at least 24 hours prior to the~~  
34 ~~removal by a local authority pursuant to the ordinance.~~

35 (m) ~~Where the use of the highway, or a portion of the highway,~~  
36 ~~is authorized by a local authority for a purpose other than the~~  
37 ~~normal flow of traffic or for the movement of equipment, articles,~~  
38 ~~or structures of unusual size, and the parking of a vehicle would~~  
39 ~~prohibit or interfere with that use or movement, and signs giving~~  
40 ~~notice that the vehicle may be removed are erected or placed at~~

1 least 24 hours prior to the removal by a local authority pursuant  
2 to the ordinance.

3 ~~(n) When a vehicle is parked or left standing where local  
4 authorities, by resolution or ordinance, have prohibited parking  
5 and have authorized the removal of vehicles. A vehicle shall not  
6 be removed unless signs are posted giving notice of the removal.~~

7 ~~(o) (1) When a vehicle is found or operated upon a highway,  
8 public land, or an offstreet parking facility under the following  
9 circumstances:~~

10 ~~(A) With a registration expiration date in excess of six months  
11 before the date it is found or operated on the highway, public lands,  
12 or the offstreet parking facility.~~

13 ~~(B) Displaying in, or upon, the vehicle, a registration card,  
14 identification card, temporary receipt, license plate, special plate,  
15 registration sticker, device issued pursuant to Section 4853, or  
16 permit that was not issued for that vehicle, or is not otherwise  
17 lawfully used on that vehicle under this code.~~

18 ~~(C) Displaying in, or upon, the vehicle, an altered, forged,  
19 counterfeit, or falsified registration card, identification card,  
20 temporary receipt, license plate, special plate, registration sticker,  
21 device issued pursuant to Section 4853, or permit.~~

22 ~~(2) When a vehicle described in paragraph (1) is occupied, only  
23 a peace officer, as defined in Chapter 4.5 (commencing with  
24 Section 830) of Title 3 of Part 2 of the Penal Code, may remove  
25 the vehicle.~~

26 ~~(3) For the purposes of this subdivision, the vehicle shall be  
27 released to the owner or person in control of the vehicle only after  
28 the owner or person furnishes the storing law enforcement agency  
29 with proof of current registration and a currently valid driver's  
30 license to operate the vehicle.~~

31 ~~(4) As used in this subdivision, "offstreet parking facility" means  
32 an offstreet facility held open for use by the public for parking  
33 vehicles and includes a publicly owned facility for offstreet  
34 parking, and a privately owned facility for offstreet parking if a  
35 fee is not charged for the privilege to park and it is held open for  
36 the common public use of retail customers.~~

37 ~~(p) When the peace officer issues the driver of a vehicle a notice  
38 to appear for a violation of Section 12500, 14601, 14601.1,  
39 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle is  
40 not impounded pursuant to Section 22655.5. A vehicle so removed~~

1 from the highway or public land, or from private property after  
2 having been on a highway or public land, shall not be released to  
3 the registered owner or his or her agent, except upon presentation  
4 of the registered owner's or his or her agent's currently valid  
5 driver's license to operate the vehicle and proof of current vehicle  
6 registration, or upon order of a court.

7 (q) ~~When a vehicle is parked for more than 24 hours on a portion  
8 of highway that is located within the boundaries of a common  
9 interest development, as defined in subdivision (e) of Section 1351  
10 of the Civil Code, and signs, as required by paragraph (1) of  
11 subdivision (a) of Section 22658 of this code, have been posted  
12 on that portion of highway providing notice to drivers that vehicles  
13 parked thereon for more than 24 hours will be removed at the  
14 owner's expense, pursuant to a resolution or ordinance adopted  
15 by the local authority.~~

16 (r) ~~When a vehicle is illegally parked and blocks the movement  
17 of a legally parked vehicle.~~

18 (s) ~~(1) When a vehicle, except highway maintenance or  
19 construction equipment, an authorized emergency vehicle, or a  
20 vehicle that is properly permitted or otherwise authorized by the  
21 Department of Transportation, is stopped, parked, or left standing  
22 for more than eight hours within a roadside rest area or viewpoint.~~

23 ~~(2) Notwithstanding paragraph (1), when a commercial motor  
24 vehicle, as defined in paragraph (1) of subdivision (b) of Section  
25 15210, is stopped, parked, or left standing for more than 10 hours  
26 within a roadside rest area or viewpoint.~~

27 ~~(3) For purposes of this subdivision, a roadside rest area or  
28 viewpoint is a publicly maintained vehicle parking area, adjacent  
29 to a highway, utilized for the convenient, safe stopping of a vehicle  
30 to enable motorists to rest or to view the scenery. If two or more  
31 roadside rest areas are located on opposite sides of the highway,  
32 or upon the center divider, within seven miles of each other, then  
33 that combination of rest areas is considered to be the same rest  
34 area.~~

35 (t) ~~When a peace officer issues a notice to appear for a violation  
36 of Section 25279.~~

37 (u) ~~When a peace officer issues a citation for a violation of  
38 Section 11700 and the vehicle is being offered for sale.~~

O