

AMENDED IN ASSEMBLY MARCH 17, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1566

Introduced by Assembly Member Holden

January 29, 2014

An act to amend Sections 2460, 2462, 2464, 2466, 2468, 2470, 2472, ~~2476, and 23109.2~~ and 2476 of, and to add Sections 2480 and 2482 to, the Vehicle Code, relating to inedible kitchen grease.

LEGISLATIVE COUNSEL'S DIGEST

AB 1566, as amended, Holden. Inedible kitchen grease.

Existing law generally regulates persons engaged in certain businesses dealing with dead animals and pet food processing, including, among others, renderers, collection center operators, pet food processors, dead animal haulers, and transporters of inedible kitchen grease, as defined. These regulatory provisions are enforced by the Department of Food and Agriculture.

Existing law requires every licensed renderer to record and keep for 2 years records containing specified information, including the name, address, and registration number of every transporter of inedible kitchen grease who has delivered to the renderer, the total amount of inedible kitchen grease purchased in each transaction, and the date of each transaction. Existing law provides that any licensed renderer who fails to keep specified records, and any licensed renderer or registered transporter who refuses, upon demand of any peace officer, to exhibit any required records, is guilty of a misdemeanor punishable by: (1) for a first offense, a fine of \$500, imprisonment in a county jail, or both the fine and imprisonment; (2) for a 2nd offense within a period of one year, by a fine of not less than \$1,000, imprisonment in a county jail,

or both the fine and imprisonment; (3) for a 3rd or any subsequent offense within a period of 2 years, by a fine of not less than \$2,000, imprisonment in a county jail, or both the fine and imprisonment.

This bill would increase the amount of these fines to \$1,000, \$5,000, and \$10,000, respectively. The bill would apply these provisions to licensed collection centers, as defined. The bill would *additionally* allow for the inspection of any required records by ~~a motor carrier specialist with the~~ *an authorized employee of the* Department of the California Highway Patrol ~~or authorized employee of~~ *or* the Department of Food and Agriculture. By expanding the scope of crimes, this bill would impose a state-mandated local program.

Existing law prohibits any person from engaging in the transportation of inedible kitchen grease without being registered with the Department of Food and Agriculture and without being in possession of a valid registration certificate issued by the department. Violation of these provisions is punishable by a fine, imprisonment in a county jail, or both the fine and imprisonment, as specified.

This bill would additionally require possession of a manifest, as defined, for the inedible kitchen grease being transported. By expanding the scope of a crime, this bill would impose a state-mandated local program.

~~The~~

This bill would authorize a peace officer to remove a vehicle, within the territorial limits in which the officer may act, if the vehicle is involved in the theft or movement of stolen inedible kitchen grease, ~~or if the vehicle is transporting inedible kitchen grease without being properly licensed, as specified. The bill would authorize a peace officer, if a vehicle is involved in the theft or movement of stolen inedible kitchen grease, grease. The bill would authorize the peace officer to~~ seize and impound the vehicle, after citing or arresting the responsible person, for up to ~~30~~ *15* days, as specified.

This bill would require each vehicle transporting inedible kitchen grease to display both a specified decal and certain information on the front doors of the vehicle, as specified.

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 no reimbursement is required by this act for a specified reason.

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 2460 of the Vehicle Code is amended to
2 read:

3 2460. (a) The definitions set forth in Article 1 (commencing
4 with Section 19200) of Chapter 5 of Part 3 of Division 9 of the
5 Food and Agricultural Code apply for purposes of interpreting this
6 article. The definitions set forth elsewhere in this section also apply
7 for purposes of interpreting this article.

8 (b) A “licensed renderer” is a renderer licensed under Article 6
9 (commencing with Section 19300) of Chapter 5 of Part 3 of
10 Division 9 of the Food and Agricultural Code.

11 (c) A “registered transporter” is a transporter of inedible kitchen
12 grease registered under Article 6.5 (commencing with Section
13 19310) of Chapter 5 of Part 3 of Division 9 of the Food and
14 Agricultural Code.

15 (d) A “peace officer” is any peace officer defined in Chapter
16 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
17 Code.

18 (e) A “container” is a receptacle, including, but not limited to,
19 a box, barrel, tank, or jar, for holding meat or meat products,
20 poultry meat or poultry meat products, animal carcasses or parts,
21 inedible kitchen grease, packinghouse waste, or other such items.

22 (f) A “manifest” is a written or electronic record that contains
23 information required by Section 1180.24 of Article 42 of
24 Subchapter 2 of Chapter 4 of Division 2 of Title 3 of the California
25 Code of Regulations.

26 (g) “Transportation” means the movement of inedible kitchen
27 grease and the loading, unloading, or storage incidental to that
28 movement.

29 (h) “Inedible kitchen grease” means any fat or used cooking
30 grease or oils from any source.

31 SEC. 2. Section 2462 of the Vehicle Code is amended to read:

32 2462. (a) In addition to any other records required to be
33 maintained and retained pursuant to Chapter 5 (commencing with
34 Section 19200) of Part 3 of Division 9 of the Food and Agricultural
35 Code, each licensed renderer and collection center shall record

1 and maintain for two years, in connection with the receipt of
2 kitchen grease that is not intended for human food, all of the
3 information required by Section 1180.24 of Article 42 of
4 Subchapter 2 of Chapter 4 of Division 2 of Title 3 of the California
5 Code of Regulations, including, but not limited to, the following:

6 (1) The name of each registered transporter of inedible kitchen
7 grease who has delivered that material to the licensed renderer or
8 collection center.

9 (2) The total amount of inedible kitchen grease purchased in
10 each transaction.

11 (3) The date of delivery for each transaction.

12 (b) Each registered transporter shall record and maintain for
13 two years a manifest that includes, but is not limited to, all of the
14 following:

15 (1) The name and address of each location from which the
16 registered transporter obtained the inedible kitchen grease.

17 (2) The quantity of inedible kitchen grease received from each
18 location.

19 (3) The date on which the inedible kitchen grease was obtained
20 from each location.

21 SEC. 3. Section 2464 of the Vehicle Code is amended to read:

22 2464. All records required to be retained pursuant to this article
23 shall be maintained and retained at the regular place of business
24 of each licensed renderer, collection center, and registered
25 transporter. Those records shall be exhibited on demand to any
26 ~~peace officer, motor carrier specialist with~~ *officer or authorized*
27 *employee of the Department of the California Highway Patrol, or*
28 ~~authorized employee of Patrol or~~ the Department of Food and
29 Agriculture.

30 SEC. 4. Section 2466 of the Vehicle Code is amended to read:

31 2466. A ~~peace officer, motor carrier specialist with~~ *officer or*
32 *an authorized employee of the Department of the California*
33 ~~Highway Patrol, or authorized employee of Patrol or~~ the
34 Department of Food and Agriculture ~~investigator~~ may, during
35 normal business hours, inspect any premises maintained by a
36 licensed renderer, collection center, or registered transporter, and
37 any inedible kitchen grease located on the premises, for the purpose
38 of determining whether that renderer, collection center, or
39 transporter is complying with the record maintenance requirements
40 of this article.

1 SEC. 5. Section 2468 of the Vehicle Code is amended to read:

2 2468. (a) A licensed renderer, collection center, or registered
3 transporter who fails in any respect to keep the records required
4 by this article, or to set out in that record any matter required by
5 this article to be set out in the record, is guilty of a misdemeanor.

6 (b) Each licensed renderer or collection center, or registered
7 transporter, who refuses, upon demand of any peace officer, motor
8 carrier specialist with officer or authorized employee of the
9 Department of the California Highway Patrol, or authorized
10 employee of *Patrol* or the Department of Food and Agriculture,
11 to exhibit any record required by this article, or who destroys that
12 record within two years after making the final entry of any
13 information required by this article, is guilty of a misdemeanor.

14 (c) A violation of subdivision (a) or (b) is punishable as follows:

15 (1) For a first offense, by a fine of not less than one thousand
16 dollars (\$1,000), or by imprisonment in the county jail for not more
17 than 30 days, or by both that fine and imprisonment.

18 (2) For a second offense within a period of one year, by a fine
19 of not less than five thousand dollars (\$5,000), or by imprisonment
20 in the county jail for not more than 30 days, or by both that fine
21 and imprisonment. In addition to any other punishment imposed
22 pursuant to this paragraph, the court may enjoin the defendant
23 from engaging in the business as a transporter, collection center,
24 or renderer for a period not to exceed 30 days.

25 (3) For a third or any subsequent offense within a period of two
26 years, by a fine of not less than ten thousand dollars (\$10,000), or
27 by imprisonment in the county jail for not more than six months,
28 or by both that fine and imprisonment. In addition to any other
29 sentence imposed pursuant to this paragraph, the court shall enjoin
30 the defendant from engaging in the business as a transporter,
31 collection center, or renderer for a period of 30 days.

32 SEC. 6. Section 2470 of the Vehicle Code is amended to read:

33 2470. It is unlawful for a person to engage in the transportation
34 of inedible kitchen grease without being registered with the
35 Department of Food and Agriculture and without being in
36 possession of a valid registration certificate issued by that
37 department, or a copy of the certificate, and a manifest for the
38 inedible kitchen grease being transported.

39 SEC. 7. Section 2472 of the Vehicle Code is amended to read:

1 2472. (a) It is unlawful for any person who is not a licensed
 2 renderer or collection center or registered transporter of inedible
 3 kitchen grease to transport that product from any place within this
 4 state to any place outside the borders of this state.

5 (b) It is unlawful for any person who is not a licensed renderer
 6 or collection center or registered transporter of inedible kitchen
 7 grease to transport that product from any place outside this state
 8 to any place inside the borders of this state.

9 SEC. 8. Section 2476 of the Vehicle Code is amended to read:

10 2476. A licensed renderer or collection center, registered
 11 transporter, or any other person shall not take possession of inedible
 12 kitchen grease from an unregistered transporter, unlicensed renderer
 13 or collection center, or any other person, or knowingly take
 14 possession of stolen inedible kitchen grease.

15 SEC. 9. Section 2480 is added to the Vehicle Code, to read:

16 2480. (a) A peace officer may remove a vehicle, within the
 17 territorial limits in which the officer may act, ~~pursuant to either of~~
 18 ~~the following:~~ *if the vehicle is involved in the theft or movement*
 19 *of stolen inedible kitchen grease. If a peace officer removes a*
 20 *vehicle pursuant to this subdivision, the officer may, after citing*
 21 *or arresting the responsible person, seize the vehicle, which may*
 22 *be impounded for up to 15 days.*

23 ~~(a) If the vehicle is involved in the theft or movement of stolen~~
 24 ~~inedible kitchen grease. If a peace officer removes a vehicle~~
 25 ~~pursuant to this subdivision, the officer may, after citing or~~
 26 ~~arresting the responsible person, seize the vehicle, which may be~~
 27 ~~impounded for up to 30 days, pursuant to Section 23109.2.~~

28 ~~(b) If the vehicle is transporting inedible kitchen grease without~~
 29 ~~being properly licensed by the Department of Food and Agriculture.~~

30 *(b) The registered and legal owner of a vehicle removed and*
 31 *seized pursuant to subdivision (a) or their agents shall be provided*
 32 *the opportunity for a storage hearing to determine the validity of*
 33 *the storage in accordance with Section 22852.*

34 *(c) (1) Notwithstanding Chapter 10 (commencing with Section*
 35 *22650) or any other law, an impounding agency shall release a*
 36 *motor vehicle to the registered owner or his or her agent prior to*
 37 *the conclusion of the impoundment period described in subdivision*

38 *(a) under any of the following circumstances:*

39 *(A) If the vehicle is a stolen vehicle.*

1 (B) *If the registered owner of the vehicle was neither the driver*
2 *nor a passenger of the vehicle at the time of the alleged violation,*
3 *or was unaware that the driver was using the vehicle to engage in*
4 *theft or movement of stolen inedible kitchen grease.*

5 (C) *If the legal owner or registered owner of the vehicle is a*
6 *rental car agency.*

7 (D) *If, prior to the conclusion of the impoundment period, a*
8 *citation or notice is dismissed under Section 40500, criminal*
9 *charges are not filed by the district attorney because of a lack of*
10 *evidence, or the charges are otherwise dismissed by the court.*

11 (2) *A vehicle shall be released pursuant to this subdivision only*
12 *if the registered owner or his or her agent presents a currently*
13 *valid driver's license to operate the vehicle and proof of current*
14 *vehicle registration, or if ordered by a court.*

15 (3) *If, pursuant to subparagraph (D) of paragraph (1), a motor*
16 *vehicle is released prior to the conclusion of the impoundment*
17 *period, neither the person charged with the theft or movement of*
18 *stolen inedible kitchen grease nor the registered owner of the*
19 *motor vehicle is responsible for towing and storage charges nor*
20 *shall the motor vehicle be sold to satisfy those charges.*

21 (d) *A vehicle seized and removed pursuant to subdivision (a)*
22 *shall be released to the legal owner of the vehicle, or the legal*
23 *owner's agent, on or before the 15th day of impoundment if all of*
24 *the following conditions are met:*

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

29 (2) *The legal owner or the legal owner's agent pays all towing*
30 *and storage fees related to the impoundment of the vehicle. No*
31 *lien sale processing fees shall be charged to a legal owner who*
32 *redeems the vehicle on or before the seventh day of impoundment.*

33 (3) *The legal owner or the legal owner's agent presents*
34 *foreclosure documents or an affidavit of repossession for the*
35 *vehicle.*

36 (e) (1) *The registered owner or his or her agent is responsible*
37 *for all towing and storage charges related to the impoundment,*
38 *and any administrative charges authorized under Section 22850.5.*

39 (2) *If the vehicle is a rental vehicle, the rental car agency may*
40 *require the person to whom the vehicle was rented to pay all towing*

1 and storage charges related to the impoundment and any
2 administrative charges authorized under Section 22850.5 incurred
3 by the rental car agency in connection with obtaining possession
4 of the vehicle.

5 (3) The owner is not liable for any towing and storage charges
6 related to the impoundment if acquittal or dismissal occurs.

7 (4) The vehicle may not be sold prior to the defendant's
8 conviction.

9 SEC. 10. Section 2482 is added to the Vehicle Code, to read:

10 2482. (a) To assist law enforcement personnel in enforcing
11 this article, each vehicle transporting inedible kitchen grease shall
12 have a current registration decal issued by the Department of Food
13 and Agriculture permanently affixed and prominently displayed
14 on the upper right corner of the vehicle windshield or in a
15 conspicuous location on the right side of the trailer being towed.

16 (b) Each vehicle used in the transportation of inedible kitchen
17 grease shall conspicuously display the following information on
18 both front doors of the vehicle in letters not less than two inches
19 high:

20 (1) The name of the business or person registered as a transporter
21 with the Department of Food and Agriculture.

22 (2) The address of the company or owner, or the carrier
23 identification number issued by the California Highway Patrol.

24 (c) Removable signs shall also display the information specified
25 in subdivision (b).

26 ~~SEC. 11. Section 23109.2 of the Vehicle Code is amended to~~
27 ~~read:~~

28 ~~23109.2. (a) (1) Whenever a peace officer determines that a~~
29 ~~person was engaged in any of the activities set forth in paragraph~~
30 ~~(2), the peace officer may immediately arrest and take into custody~~
31 ~~that person and may cause the removal and seizure of the motor~~
32 ~~vehicle used in that offense in accordance with Chapter 10~~
33 ~~(commencing with Section 22650). A motor vehicle so seized may~~
34 ~~be impounded for not more than 30 days.~~

35 ~~(2) (A) A motor vehicle speed contest, as described in~~
36 ~~subdivision (a) of Section 23109.~~

37 ~~(B) Reckless driving on a highway, as described in subdivision~~
38 ~~(a) of Section 23103.~~

39 ~~(C) Reckless driving in an offstreet parking facility, as described~~
40 ~~in subdivision (b) of Section 23103.~~

- 1 ~~(D) Exhibition of speed on a highway, as described in~~
2 ~~subdivision (c) of Section 23109.~~
- 3 ~~(E) Theft or movement of stolen inedible kitchen grease, as~~
4 ~~described in subdivision (a) of Section 2480:~~
- 5 ~~(b) The registered and legal owner of a vehicle removed and~~
6 ~~seized under subdivision (a) or their agents shall be provided the~~
7 ~~opportunity for a storage hearing to determine the validity of the~~
8 ~~storage in accordance with Section 22852.~~
- 9 ~~(c) (1) Notwithstanding Chapter 10 (commencing with Section~~
10 ~~22650) or any other provision of law, an impounding agency shall~~
11 ~~release a motor vehicle to the registered owner or his or her agent~~
12 ~~prior to the conclusion of the impoundment period described in~~
13 ~~subdivision (a) under any of the following circumstances:~~
- 14 ~~(A) If the vehicle is a stolen vehicle.~~
- 15 ~~(B) If the person alleged to have been engaged in the motor~~
16 ~~vehicle speed contest, as described in subdivision (a), was not~~
17 ~~authorized by the registered owner of the motor vehicle to operate~~
18 ~~the motor vehicle at the time of the commission of the offense.~~
- 19 ~~(C) If the registered owner of the vehicle was neither the driver~~
20 ~~nor a passenger of the vehicle at the time of the alleged violation~~
21 ~~pursuant to subdivision (a), or was unaware that the driver was~~
22 ~~using the vehicle to engage in any of the activities described in~~
23 ~~subdivision (a):~~
- 24 ~~(D) If the legal owner or registered owner of the vehicle is a~~
25 ~~rental car agency.~~
- 26 ~~(E) If, prior to the conclusion of the impoundment period, a~~
27 ~~citation or notice is dismissed under Section 40500, criminal~~
28 ~~charges are not filed by the district attorney because of a lack of~~
29 ~~evidence, or the charges are otherwise dismissed by the court.~~
- 30 ~~(2) A vehicle shall be released pursuant to this subdivision only~~
31 ~~if the registered owner or his or her agent presents a currently valid~~
32 ~~driver's license to operate the vehicle and proof of current vehicle~~
33 ~~registration, or if ordered by a court.~~
- 34 ~~(3) If, pursuant to subparagraph (E) of paragraph (1) a motor~~
35 ~~vehicle is released prior to the conclusion of the impoundment~~
36 ~~period, neither the person charged with a violation of subdivision~~
37 ~~(a) of Section 23109 nor the registered owner of the motor vehicle~~
38 ~~is responsible for towing and storage charges nor shall the motor~~
39 ~~vehicle be sold to satisfy those charges.~~

1 ~~(d) A vehicle seized and removed under subdivision (a) shall~~
2 ~~be released to the legal owner of the vehicle, or the legal owner's~~
3 ~~agent, on or before the 30th day of impoundment if all of the~~
4 ~~following conditions are met:~~

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

9 ~~(2) The legal owner or the legal owner's agent pays all towing~~
10 ~~and storage fees related to the impoundment of the vehicle. No~~
11 ~~lien sale processing fees shall be charged to a legal owner who~~
12 ~~redeems the vehicle on or before the 15th day of impoundment.~~

13 ~~(3) The legal owner or the legal owner's agent presents~~
14 ~~foreclosure documents or an affidavit of repossession for the~~
15 ~~vehicle.~~

16 ~~(e) (1) The registered owner or his or her agent is responsible~~
17 ~~for all towing and storage charges related to the impoundment,~~
18 ~~and any administrative charges authorized under Section 22850.5.~~

19 ~~(2) Notwithstanding paragraph (1), if the person convicted of~~
20 ~~engaging in the activities set forth in paragraph (2) of subdivision~~
21 ~~(a) was not authorized by the registered owner of the motor vehicle~~
22 ~~to operate the motor vehicle at the time of the commission of the~~
23 ~~offense, the court shall order the convicted person to reimburse~~
24 ~~the registered owner for any towing and storage charges related~~
25 ~~to the impoundment, and any administrative charges authorized~~
26 ~~under Section 22850.5 incurred by the registered owner to obtain~~
27 ~~possession of the vehicle, unless the court finds that the person~~
28 ~~convicted does not have the ability to pay all or part of those~~
29 ~~charges.~~

30 ~~(3) If the vehicle is a rental vehicle, the rental car agency may~~
31 ~~require the person to whom the vehicle was rented to pay all towing~~
32 ~~and storage charges related to the impoundment and any~~
33 ~~administrative charges authorized under Section 22850.5 incurred~~
34 ~~by the rental car agency in connection with obtaining possession~~
35 ~~of the vehicle.~~

36 ~~(4) The owner is not liable for any towing and storage charges~~
37 ~~related to the impoundment if acquittal or dismissal occurs.~~

38 ~~(5) The vehicle may not be sold prior to the defendant's~~
39 ~~conviction.~~

1 ~~(6) The impounding agency is responsible for the actual costs~~
2 ~~incurred by the towing agency as a result of the impoundment~~
3 ~~should the registered owner be absolved of liability for those~~
4 ~~charges pursuant to paragraph (3) of subdivision (c).~~
5 ~~Notwithstanding this provision, nothing shall prohibit impounding~~
6 ~~agencies from making prior payment arrangements to satisfy this~~
7 ~~requirement.~~

8 ~~(f) Any period when a vehicle is subjected to storage under this~~
9 ~~section shall be included as part of the period of impoundment~~
10 ~~ordered by the court under subdivision (h) of Section 23109.~~

11 ~~SEC. 12.~~

12 ~~SEC. 11.~~ No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.