

AMENDED IN ASSEMBLY APRIL 10, 2014

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 19302, 19304, 19305.5, 19306, 19312, 19313.8, and 19314 of the Food and Agricultural Code, and to amend Sections 2460, 2462, 2464, 2466, 2468, 2470, 2472, 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

(1) 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.

The department is authorized to issue licenses to renderers and collection centers and to issue registration certifications to persons engaged in the transportation of inedible kitchen grease. The department is authorized to refuse to issue a license to a renderer or collection center, after notice and hearing, unless the applicant satisfies specified requirements. The department is also authorized to suspend or revoke

a transporter's registration upon making specified findings and to establish procedures for an appeal of that suspension or revocation.

This bill would impose additional requirements upon an applicant for a rendering license and collection center license, and for registration as a certificated transporter. The bill would delete the requirement for a notice and hearing before refusing to issue a license and would instead authorize a person to whom the department refuses to issue a rendering or collection center license to appeal to the department, pursuant to a specified procedure. The bill would authorize the department to suspend or revoke a renderer license or collection center license if the department makes specified findings and would establish a procedure for appealing the suspension or revocation of a license. The bill would require the department to adopt regulations that specify the maximum time period for which a refusal of registration as a certificated transporter, and a suspension or denial of that registration, may be imposed.

(2) Existing law prohibits a registered transporter or any other person from taking possession of inedible kitchen grease from an unregistered transporter, or knowingly take possession of stolen inedible kitchen grease. A violation of the provisions regulating renderers is a crime.

This bill would additionally prohibit taking possession of inedible kitchen grease from an unlicensed collection center or an unlicensed renderer. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

Existing

(3) 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 an authorized employee of the Department of the California Highway Patrol or the Department of Food and Agriculture. By expanding the scope of crimes, this bill would impose a state-mandated local program. *This bill would make conforming and clarifying changes to other provisions of existing law to remove a conflict in those provisions.*

Existing

(4) *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. *Existing law prohibits a licensed renderer, registered transporter, or any other person from taking possession of inedible kitchen grease from an unregistered transporter, or knowingly take possession of stolen inedible kitchen grease.* 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. *The bill would additionally prohibit a renderer, registered transporter, or any other person from taking possession of inedible kitchen grease from an unlicensed renderer or collection center.* By expanding the scope of a ~~crime~~ *existing crimes*, this bill would impose a state-mandated local ~~program~~ *programs*.

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. The bill would authorize the peace officer to seize and impound the vehicle, after citing or arresting the responsible person, for up to 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

(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 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 19302 of the Food and Agricultural Code
2 is amended to read:

3 ~~19302. The department, after notice and hearing, may refuse~~
4 ~~to issue a license unless the department finds that the applicant~~
5 ~~satisfies both of the following:~~

6 19302. (a) *The department may refuse to issue a license if the*
7 ~~department finds that the applicant does not meet one or more of~~
8 ~~the following requirements:~~

9 ~~(a) Is~~

10 (1) *The applicant is properly equipped to engage in the business*
11 ~~of rendering or operating a collection center. For these purposes,~~
12 ~~the department shall consult with the rendering industry to~~
13 ~~determine the equipment that shall be required.~~

14 ~~(b) Has~~

15 (2) *The applicant has never been convicted of a felony involving*
16 ~~adulterated or misbranded food.~~

17 (3) *The applicant has not violated this article or Article 6.5*
18 ~~(commencing with Section 19310), or any regulations adopted to~~
19 ~~implement those provisions.~~

20 (b) *A person to whom the department refuses to issue a license*
21 ~~may appeal to the department within 20 days of the date of~~
22 ~~receiving notification of the refusal, in the following manner:~~

23 (1) *The appeal shall be in writing and signed by the appellant*
24 ~~or his or her authorized agent and shall state the grounds for the~~
25 ~~appeal.~~

26 (2) *A party, at the time of filing the appeal, or within 10 days*
27 ~~after filing the appeal, may present written evidence and a written~~
28 ~~argument to the department.~~

29 (3) *The department may grant oral arguments upon application*
30 ~~made at the time written arguments are made.~~

1 (4) If an application to present an oral argument is granted,
2 the department shall give written notice of the time and place for
3 the oral argument at least 10 days prior to the date set for the oral
4 argument. This time requirement may be altered by an agreement
5 between the department and the person appealing the refusal to
6 issue the license.

7 (5) The department shall decide the appeal on any oral or
8 written arguments, briefs, and evidence that the department
9 receives.

10 (6) The department shall render a written decision within 45
11 days of the date of appeal, or within 15 days of the date of oral
12 arguments. A copy of the department's decision shall be delivered
13 or mailed to the appellant.

14 (7) The department may sustain the decision to refuse to issue
15 a license or reverse that decision.

16 (8) The appellant may seek a review of the decision of the
17 department pursuant to Section 1094.5 of the Code of Civil
18 Procedure.

19 SEC. 2. Section 19304 of the Food and Agricultural Code is
20 amended to read:

21 19304. All records required to be retained pursuant to this
22 chapter shall be maintained for two years at the regular place of
23 business of every renderer and collection center operator licensed
24 pursuant to this article and every transporter registered pursuant
25 to Article 6.5 (commencing with Section 19310). Those records
26 shall be exhibited on demand to any peace officer of this state or
27 any or authorized employee of the department the Department of
28 the California Highway Patrol and the Department of Food and
29 Agriculture.

30 SEC. 3. Section 19305.5 of the Food and Agricultural Code is
31 amended to read:

32 19305.5. (a) The department may suspend or revoke a
33 registration certificate renderer license or collection center license
34 at any time, if it finds any of the following has occurred:

35 (1) The licensee has sold or offered for sale to an unlicensed
36 person, any inedible kitchen grease.

37 (2) The licensee has stolen, misappropriated, contaminated, or
38 damaged inedible kitchen grease or containers thereof of inedible
39 kitchen grease.

1 (3) The licensee has violated any provision of this article or any
2 regulations adopted to implement this article.

3 (4) The licensee has taken possession of inedible kitchen grease
4 from an unregistered transporter or has knowingly taken possession
5 of inedible kitchen grease that has been stolen.

6 (b) ~~(4)~~ The licensee may appeal any suspension or revocation
7 decision to the department within 20 days of the date of receiving
8 notification of the suspension or revocation, pursuant to the
9 following procedure:

10 (1) *The appeal shall be in writing and signed by the appellant*
11 *or his or her authorized agent and shall state the grounds for the*
12 *appeal.*

13 (2) *A party, at the time of filing the appeal, or within 10 days*
14 *after filing the appeal, may present written evidence and a written*
15 *argument to the department.*

16 (3) *The department may grant oral arguments upon application*
17 *made at the time written arguments are made.*

18 (4) *If an application to present an oral argument is granted,*
19 *the department shall give written notice of the time and place for*
20 *the oral argument at least 10 days prior to the date set for an oral*
21 *argument. This time requirement may be altered by an agreement*
22 *between the department and the person appealing the suspension*
23 *or revocation of the license.*

24 (5) *The department shall decide the appeal on any oral or*
25 *written arguments, briefs, and evidence that the department*
26 *receives.*

27 (6) *The department shall render a written decision within 45*
28 *days of the date of appeal, or within 15 days of the date of oral*
29 *arguments. A copy of the department's decision shall be delivered*
30 *or mailed to the appellant.*

31 (7) *The department may sustain the suspension or revocation*
32 *decision or reverse that decision.*

33 (8) *The appellant may seek a review of the decision of the*
34 *department pursuant to Section 1094.5 of the Code of Civil*
35 *Procedure.*

36 ~~(2) The department shall establish procedures for the appeals~~
37 ~~process, to include a noticed hearing.~~

38 ~~(3) The department may reverse a suspension or revocation~~
39 ~~upon a finding of good cause to do so.~~

1 *SEC. 4. Section 19306 of the Food and Agricultural Code is*
2 *amended to read:*

3 19306. (a) Any renderer or collection center operator licensed
4 pursuant to this article or transporter registered pursuant to Article
5 6.5 (commencing with Section 19310) who fails in any respect to
6 keep the written records required by this article, or to set out in
7 that written record any matter required by this article to be set out
8 in the record, is guilty of a misdemeanor.

9 (b) Every renderer, collection center operator, or transporter
10 who refuses, upon demand of any peace officer ~~of this state or any~~
11 ~~employee of the department, or authorized employee of the~~
12 *Department of the California Highway Patrol and the Department*
13 *of Food and Agriculture*, to exhibit any written record required by
14 this article, or who destroys that record within two years after
15 making the final entry of any information required by this article,
16 is guilty of a misdemeanor.

17 (c) Any violation of subdivision (a) or (b) is punishable as
18 follows:

19 (1) For a first offense, by a fine of not less than ~~five hundred~~
20 ~~dollars (\$500); one thousand dollars (\$1,000)~~ or by imprisonment
21 in a county jail for not more than 30 days, or by both the fine and
22 imprisonment.

23 (2) For a second offense within a period of one year, by a fine
24 of not less than ~~one five thousand dollars (\$1,000); (\$5,000)~~ or by
25 imprisonment in a county jail for not more than 30 days, or by
26 both the fine and imprisonment. In addition to any other
27 punishment imposed pursuant to this paragraph, the court may
28 order the defendant to stop engaging in the business as a renderer,
29 collection center operator, or transporter for a period not to exceed
30 30 days.

31 (3) For a third or any subsequent offense within a period of two
32 years, by a fine of not less than ~~two ten thousand dollars (\$2,000);~~
33 ~~(\$10,000)~~ or by imprisonment in a county jail for not more than
34 six months, or by both the fine and imprisonment. In addition to
35 any other sentence imposed pursuant to this paragraph, the court
36 shall order the defendant to stop engaging in the business as a
37 renderer, collection center operator, or transporter for a period of
38 30 days.

39 *SEC. 5. Section 19312 of the Food and Agricultural Code is*
40 *amended to read:*

1 19312. (a) Registration shall be made with the department and
2 shall include all of the following:

- 3 (1) The applicant's name and address.
- 4 (2) A description of the operations to be performed by the
5 applicant.
- 6 (3) The vehicles to be used in the transportation.
- 7 (4) A registration fee of one hundred dollars (\$100).
- 8 (5) A list of the names of the drivers employed by the transporter
9 who transport inedible kitchen grease subject to this article and
10 their drivers' license numbers.
- 11 (6) Any other information that may be required by the
12 department.

13 (b) Any renderer or collection center that registers pursuant to
14 this article is not required to pay the fee prescribed in this section.

15 ~~(c) The department may refuse to issue an original or renewal
16 registration certificate to any applicant for which the grounds
17 specified in subdivisions (a) to (e), inclusive, of Section 19314
18 exist.~~

19 *(c) The department may refuse to issue an original or renewal
20 registration certificate to an applicant for either of the following
21 reasons:*

22 *(1) The existence of the grounds specified in subdivisions (a)
23 to (e), inclusive, of Section 19314.*

24 *(2) A failure to pay, in full by the established due date, any
25 penalty levied by the department for a previous violation of this
26 article or Article 6 (commencing with Section 19300).*

27 (d) (1) The applicant may appeal the decision of the department
28 to refuse to register the applicant.

29 (2) The department shall establish procedures for the appeals
30 process, to include a noticed hearing.

31 (3) The department may reverse a decision to refuse to register
32 the applicant, upon a finding of good cause to do so.

33 *(e) The department shall adopt regulations that specify the
34 maximum time period for which a refusal of registrations may be
35 imposed, based on the severity or the number of violations that
36 are the basis of the department's action. The time period for the
37 refusal of registration shall not exceed three years from the date
38 the refusal of registration is imposed.*

39 *SEC. 6. Section 19313.8 of the Food and Agricultural Code is
40 amended to read:*

1 19313.8. ~~No~~A registered transporter or any other person shall
2 *not* take possession of inedible kitchen grease from an unregistered
3 transporter, *an unlicensed collection center, or an unlicensed*
4 *renderer*, or knowingly take possession of stolen inedible kitchen
5 grease.

6 *SEC. 7. Section 19314 of the Food and Agricultural Code is*
7 *amended to read:*

8 19314. The department may suspend or revoke a registration
9 certificate, at any time, if it finds any of the following has occurred:

10 (a) The registrant has sold or offered for sale to an unlicensed
11 person, any inedible kitchen grease.

12 (b) The registrant has stolen, misappropriated, contaminated,
13 or damaged inedible kitchen grease or containers ~~thereof~~ *of inedible*
14 *kitchen grease*.

15 (c) The registrant has violated this article or any regulations
16 adopted to implement this article.

17 (d) The registrant has taken possession of inedible kitchen grease
18 from an unregistered transporter or has knowingly taken possession
19 of inedible kitchen grease that has been stolen.

20 (e) The registrant has been found to have engaged in, or aided
21 and abetted another person or entity in the commission of, any
22 violation of a statute, regulation, or order relating to the
23 transportation or disposal of inedible kitchen grease, including a
24 violation of the federal Water Pollution Control Act (33 U.S.C.
25 Sec. 1251 et seq.), the Porter-Cologne Water Quality Control Act
26 ~~(Chapter 1.5 (Division 7 (commencing with Section 13020) of~~
27 ~~Division 7 13000) of the Water Code),~~ Section 5650 of the Fish
28 and Game Code, commercial vehicle weight limits, or commercial
29 vehicle hours of service.

30 (f) For purposes of this section, “registrant” includes any
31 business entity, trustee, officer, director, partner, person, or other
32 entity holding more than 5 percent equity, ownership, or debt
33 liability in the registered entity engaged in the transportation of
34 inedible kitchen grease.

35 (g) (1) The registrant may appeal the suspension or revocation
36 decision of the department.

37 (2) The department shall establish procedures for the appeals
38 process, to include a noticed hearing.

39 (3) The department may reverse a suspension or revocation
40 upon a finding of good cause to do so.

1 (h) *The department shall adopt regulations that specify the*
2 *maximum time period during which a suspension or revocation of*
3 *a registration certificate may be imposed, based on the severity*
4 *or the number of violations that are the basis of the department's*
5 *action. The time period for the suspension or revocation of the*
6 *registration certificate shall not exceed three years from the date*
7 *the suspension or revocation of the registration certificate is*
8 *imposed.*

9 **SECTION 4.**

10 *SEC. 8.* Section 2460 of the Vehicle Code is amended to read:

11 2460. (a) The definitions set forth in Article 1 (commencing
12 with Section 19200) of Chapter 5 of Part 3 of Division 9 of the
13 Food and Agricultural Code apply for purposes of interpreting this
14 article. The definitions set forth elsewhere in this section also apply
15 for purposes of interpreting this article.

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

19 (c) A “registered transporter” is a transporter of inedible kitchen
20 grease registered under Article 6.5 (commencing with Section
21 19310) of Chapter 5 of Part 3 of Division 9 of the Food and
22 Agricultural Code.

23 (d) A “peace officer” is any peace officer defined in Chapter
24 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
25 Code.

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

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

34 (g) “Transportation” means the movement of inedible kitchen
35 grease and the loading, unloading, or storage incidental to that
36 movement.

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

39 (i) “Rendering” means all recycling, processing, and conversion
40 of animal and fish materials and carcasses and inedible kitchen

1 *grease into fats, oils, proteins, and other products that are used*
2 *in the animal, poultry, and pet food industries and other industries.*

3 (j) *“Collection center” means a receiving area for the temporary*
4 *storage of animal carcasses, packinghouse waste, or other products*
5 *before transportation to a licensed rendering plant or pet food*
6 *processor.*

7 (k) *“Licensed collection center” means a collection center*
8 *licensed pursuant to Section 19300.5 of the Food and Agricultural*
9 *Code.*

10 ~~SEC. 2.~~

11 SEC. 9. Section 2462 of the Vehicle Code is amended to read:

12 2462. (a) In addition to any other records required to be
13 maintained and retained pursuant to Chapter 5 (commencing with
14 Section 19200) of Part 3 of Division 9 of the Food and Agricultural
15 Code, each licensed renderer and collection center shall record
16 and maintain for two years, in connection with the receipt of
17 kitchen grease that is not intended for human food, all of the
18 information required by Section 1180.24 of Article 42 of
19 Subchapter 2 of Chapter 4 of Division 2 of Title 3 of the California
20 Code of Regulations, including, but not limited to, the following:

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

24 (2) The total amount of inedible kitchen grease purchased in
25 each transaction.

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

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

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

32 (2) The quantity of inedible kitchen grease received from each
33 location.

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

36 ~~SEC. 3.~~

37 SEC. 10. Section 2464 of the Vehicle Code is amended to read:

38 2464. All records required to be retained pursuant to this article
39 shall be maintained and retained at the regular place of business
40 of each licensed renderer, collection center, and registered

1 transporter *for two years*. Those records shall be exhibited on
2 demand to any peace officer or authorized employee of the
3 Department of the California Highway Patrol or the Department
4 of Food and Agriculture.

5 ~~SEC. 4.~~

6 *SEC. 11.* Section 2466 of the Vehicle Code is amended to read:

7 2466. A peace officer or an authorized employee of the
8 Department of the California Highway Patrol or the Department
9 of Food and Agriculture may, during normal business hours,
10 inspect any premises maintained by a licensed renderer, collection
11 center, or registered transporter, and any inedible kitchen grease
12 located on the premises, for the purpose of determining whether
13 that renderer, collection center, or transporter is complying with
14 the record maintenance requirements of this article.

15 ~~SEC. 5.~~

16 *SEC. 12.* Section 2468 of the Vehicle Code is amended to read:

17 2468. (a) A licensed renderer, collection center, or registered
18 transporter who fails in any respect to keep the records required
19 by this article, or to set out in that record any matter required by
20 this article to be set out in the record, is guilty of a misdemeanor.

21 (b) Each licensed renderer or collection center, or registered
22 transporter, who refuses, upon demand of any peace officer or
23 authorized employee of the Department of the California Highway
24 Patrol or the Department of Food and Agriculture, to exhibit any
25 record required by this article, or who destroys that record within
26 two years after making the final entry of any information required
27 by this article, is guilty of a misdemeanor.

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

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

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

39 (3) For a third or any subsequent offense within a period of two
40 years, by a fine of not less than ten thousand dollars (\$10,000), or

1 by imprisonment in the county jail for not more than six months,
2 or by both that fine and imprisonment. In addition to any other
3 sentence imposed pursuant to this paragraph, the court shall enjoin
4 the defendant from engaging in the business as a transporter,
5 collection center, or renderer for a period of 30 days.

6 ~~SEC. 6.~~

7 *SEC. 13.* Section 2470 of the Vehicle Code is amended to read:

8 2470. It is unlawful for a person to engage in the transportation
9 of inedible kitchen grease without being registered with the
10 Department of Food and Agriculture and without being in
11 possession of a valid registration certificate issued by that
12 department, or a copy of the certificate, and a manifest for the
13 inedible kitchen grease being transported.

14 ~~SEC. 7.~~

15 *SEC. 14.* Section 2472 of the Vehicle Code is amended to read:

16 2472. (a) It is unlawful for any person who is not a licensed
17 renderer or collection center or registered transporter of inedible
18 kitchen grease to transport that product from any place within this
19 state to any place outside the borders of this state.

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

24 ~~SEC. 8.~~

25 *SEC. 15.* Section 2476 of the Vehicle Code is amended to read:

26 2476. A licensed renderer or collection center, registered
27 transporter, or any other person shall not take possession of inedible
28 kitchen grease from an unregistered transporter, unlicensed renderer
29 or collection center, or any other person, or knowingly take
30 possession of stolen inedible kitchen grease.

31 ~~SEC. 9.~~

32 *SEC. 16.* Section 2480 is added to the Vehicle Code, to read:

33 2480. (a) A peace officer may remove a vehicle, within the
34 territorial limits in which the officer may act, if the vehicle is
35 involved in the theft or movement of stolen inedible kitchen grease.
36 If a peace officer removes a vehicle pursuant to this subdivision,
37 the officer may, after citing or arresting the responsible person,
38 seize the vehicle, which may be impounded for up to 15 days.

39 (b) The registered and legal owner of a vehicle removed and
40 seized pursuant to subdivision (a) or their agents shall be provided

1 the opportunity for a storage hearing to determine the validity of
2 the storage in accordance with Section 22852.

3 (c) (1) Notwithstanding Chapter 10 (commencing with Section
4 22650) or any other law, an impounding agency shall release a
5 motor vehicle to the registered owner or his or her agent prior to
6 the conclusion of the impoundment period described in subdivision

7 (a) under any of the following circumstances:

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

9 (B) If the registered owner of the vehicle was neither the driver
10 nor a passenger of the vehicle at the time of the alleged violation,
11 or was unaware that the driver was using the vehicle to engage in
12 theft or movement of stolen inedible kitchen grease.

13 (C) If the legal owner or registered owner of the vehicle is a
14 rental car agency.

15 (D) If, prior to the conclusion of the impoundment period, a
16 citation or notice is dismissed under Section 40500, criminal
17 charges are not filed by the district attorney because of a lack of
18 evidence, or the charges are otherwise dismissed by the court.

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

23 (3) If, pursuant to subparagraph (D) of paragraph (1), a motor
24 vehicle is released prior to the conclusion of the impoundment
25 period, neither the person charged with the theft or movement of
26 stolen inedible kitchen grease nor the registered owner of the motor
27 vehicle is responsible for towing and storage charges nor shall the
28 motor vehicle be sold to satisfy those charges.

29 (d) A vehicle seized and removed pursuant to subdivision (a)
30 shall be released to the legal owner of the vehicle, or the legal
31 owner's agent, on or before the 15th day of impoundment if all of
32 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
36 registered owner, holding a security interest in the vehicle.

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

1 (3) The legal owner or the legal owner’s agent presents
2 foreclosure documents or an affidavit of repossession for the
3 vehicle.

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

7 (2) If the vehicle is a rental vehicle, the rental car agency may
8 require the person to whom the vehicle was rented to pay all towing
9 and storage charges related to the impoundment and any
10 administrative charges authorized under Section 22850.5 incurred
11 by the rental car agency in connection with obtaining possession
12 of the vehicle.

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

15 (4) The vehicle may not be sold prior to the defendant’s
16 conviction.

17 ~~SEC. 10.~~

18 *SEC. 17.* Section 2482 is added to the Vehicle Code, to read:

19 2482. (a) To assist law enforcement personnel in enforcing
20 this article, each vehicle transporting inedible kitchen grease shall
21 have a current registration decal issued by the Department of Food
22 and Agriculture permanently affixed and prominently displayed
23 on the upper right corner of the vehicle windshield or in a
24 conspicuous location on the right side of the trailer being towed.

25 (b) Each vehicle used in the transportation of inedible kitchen
26 grease shall conspicuously display the following information on
27 both front doors of the vehicle in letters not less than two inches
28 high:

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

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

33 (c) Removable signs shall also display the information specified
34 in subdivision (b).

35 ~~SEC. 11.~~

36 *SEC. 18.* No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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