

ASSEMBLY BILL

No. 718

Introduced by Assembly Member Chu

February 25, 2015

An act to amend Section 14602.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 718, as introduced, Chu. Vehicles: impounded vehicles.

Existing law authorizes a peace officer who determines that a person was driving a vehicle while his or her driving privilege was suspended or revoked, driving in violation of a driver's license restriction, or driving a vehicle without ever having been issued a driver's license, to cause the removal and seizure of the vehicle. Existing law requires a 30-day impoundment period for seized vehicles, subject to exceptions allowing earlier release.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

1 SECTION 1. Section 14602.6 of the Vehicle Code is amended
2 to read:
3 14602.6. (a) (1) ~~Whenever~~*If* a peace officer determines that
4 a person was driving a vehicle while his or her driving privilege
5 was suspended or revoked, driving a vehicle while his or her
6 driving privilege is restricted pursuant to Section 13352 or 23575

1 and the vehicle is not equipped with a functioning, certified
 2 interlock device, or driving a vehicle without ever having been
 3 issued a driver’s license, the peace officer may either immediately
 4 arrest that person and cause the removal and seizure of that vehicle
 5 or, if the vehicle is involved in a traffic collision, cause the removal
 6 and seizure of the vehicle without the necessity of arresting the
 7 person in accordance with Chapter 10 (commencing with Section
 8 22650) of Division 11. A vehicle—~~so~~ impounded *pursuant to this*
 9 *paragraph* shall be impounded for 30 days.

10 (2) 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. Failure to notify the legal owner within two
 15 working days shall prohibit the impounding agency from charging
 16 for more than 15 days’ impoundment when the legal owner
 17 redeems the impounded vehicle. The impounding agency shall
 18 maintain a published telephone number that provides information
 19 24 hours a day regarding the impoundment of vehicles and the
 20 rights of a registered owner to request a hearing. The law
 21 enforcement agency shall be open to issue a release to the registered
 22 owner or legal owner, or the agent of either, whenever the agency
 23 is open to serve the public for regular, nonemergency business.

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

29 (c) Any period in which a vehicle is subjected to storage under
 30 this section shall be included as part of the period of impoundment
 31 ordered by the court—~~under~~ *pursuant to* subdivision (a) of Section
 32 14602.5.

33 (d) (1) An impounding agency shall release a vehicle to the
 34 registered owner or his or her agent prior to the end of 30 days’
 35 impoundment under any of the following circumstances:

- 36 (A) ~~When the~~ *The* vehicle is a stolen vehicle.
- 37 (B) ~~When the~~ *The* vehicle is subject to bailment and is driven
 38 by an unlicensed employee of a business establishment, including
 39 a parking service or repair garage.

1 (C) ~~When the~~*The* license of the driver was suspended or
2 revoked for an offense other than those included in Article 2
3 (commencing with Section 13200) of Chapter 2 of Division 6 or
4 Article 3 (commencing with Section 13350) of Chapter 2 of
5 Division 6.

6 (D) ~~When the~~*The* vehicle was seized ~~under~~ *pursuant to* this
7 section for an offense that does not authorize the seizure of the
8 vehicle.

9 (E) ~~When the~~*The* driver reinstates his or her driver's license or
10 acquires a driver's license and proper insurance.

11 (2) ~~No~~*A* vehicle shall *not* be released pursuant to this
12 subdivision without presentation of the registered owner's or
13 agent's currently valid driver's license to operate the vehicle and
14 proof of current vehicle registration, or upon order of a court.

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

19 (f) A vehicle removed and seized ~~under~~ *pursuant to* subdivision
20 (a) shall be released to the legal owner of the vehicle or the legal
21 owner's agent prior to the end of 30 days' impoundment if all of
22 the following conditions are met:

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

27 (2) (A) The legal owner or the legal owner's agent pays all
28 towing and storage fees related to the seizure of the vehicle. No
29 lien sale processing fees shall be charged to the legal owner who
30 redeems the vehicle prior to the 15th day of impoundment. Neither
31 the impounding authority nor any person having possession of the
32 vehicle shall collect from the legal owner of the type specified in
33 paragraph (1), or the legal owner's ~~agent~~ *agent*, any administrative
34 charges imposed pursuant to Section 22850.5 unless the legal
35 owner voluntarily requested a poststorage hearing.

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

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

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

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

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

19 (3) (A) The legal owner or the legal owner’s agent presents a
20 copy of the assignment, as defined in subdivision (b) of Section
21 7500.1 of the Business and Professions ~~Code~~; *Code*, a release from
22 the one responsible governmental agency, only if required by the
23 ~~agency~~; *agency*, a government-issued photographic identification
24 ~~card~~; *card*, and any one of the following, as determined by the
25 legal owner or the legal owner’s agent: a certificate of repossession
26 for the vehicle, a security agreement for the vehicle, or title,
27 whether paper or electronic, showing proof of legal ownership for
28 the vehicle. Any documents presented may be originals,
29 photocopies, or facsimile copies, or may be transmitted
30 electronically. The law enforcement agency, impounding agency,
31 or any other governmental agency, or any person acting on behalf
32 of those agencies, shall not require any documents to be notarized.
33 The law enforcement agency, impounding agency, or any person
34 acting on behalf of those agencies may require the agent of the
35 legal owner to produce a photocopy or facsimile copy of its
36 repossession agency license or registration issued pursuant to
37 Chapter 11 (commencing with Section 7500) of Division 3 of the
38 Business and Professions Code, or to demonstrate, to the
39 satisfaction of the law enforcement agency, impounding agency,
40 or any person acting on behalf of those agencies, that the agent is

1 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the
2 Business and Professions Code.

3 ~~No administrative~~

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

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

29 (g) (1) A legal owner or the legal owner's agent that obtains
30 release of the vehicle pursuant to subdivision (f) shall not release
31 the vehicle to the registered owner of the vehicle, or the person
32 who was listed as the registered owner when the vehicle was
33 impounded, or any agents of the registered owner, unless the
34 registered owner is a rental car agency, until after the termination
35 of the 30-day impoundment period.

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

1 legal owner or the legal owner's agent. The legal owner or the
2 legal owner's agent or the person in possession of the vehicle shall
3 make every reasonable effort to ensure that the license presented
4 is valid and possession of the vehicle will not be given to the driver
5 who was involved in the original impoundment proceeding until
6 the expiration of the impoundment period.

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

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

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

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

28 (2) The owner of a rental vehicle that was seized under this
29 section may continue to rent the vehicle upon recovery of the
30 vehicle. However, the rental car agency may not rent another
31 vehicle to the driver of the vehicle that was seized until 30 days
32 after the date that the vehicle was seized.

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

38 (i) Notwithstanding any other provision of this section, the
39 registered owner and not the legal owner shall remain responsible
40 for any towing and storage charges related to the impoundment,

1 any administrative charges authorized under Section 22850.5, and
2 any parking fines, penalties, and administrative fees incurred by
3 the registered owner.

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

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