

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 26, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 19-0002-S50
Assignment No: 19-04-0319

SUBJECT: AB 516 (Chiu)

CLA RECOMMENDATION: Adopt the attached Resolution (Smith – Buscaino) to include in the City’s 2019 - 2020 State Legislative Program OPPOSITION to AB 516 (Chiu), which would prohibit local jurisdictions from towing vehicles that have five or more unpaid parking citations, registration that is six months or more out of date, or that have been left on a public street for over 72 hours without being moved.

SUMMARY

On March 27, 2019 a Resolution (Smith – Buscaino) was introduced in opposition to AB 516, which would limit the authority of local jurisdictions to remove vehicles from the public right-of-way. The Resolution states that current law allows local jurisdictions to have vehicles removed from the public right-of-way and impounded in certain specified circumstances. The Resolution states that these circumstances include instances when a vehicle has five or more unpaid parking citations, a vehicles registration is six months or more out of date, or a vehicle has been left unattended in the public right-of-way for 72 hours or more.

The Resolution states that AB 516 is intended to help the economically disadvantaged, but in reality the bill will only enable scofflaws to flout parking restrictions and allow individuals to refuse to pay vehicle registration fees without consequences. The Resolution, therefore, seeks an official position of the City of Los Angeles to oppose AB 516.

BACKGROUND

Current law authorizes a peace officer or other specified public employee of a city, county, or jurisdiction of a state agency where a vehicle is located, to remove a vehicle located within their jurisdiction under designated circumstances. Under current law, a vehicle that has been removed and impounded that is not released may be subject to a lien sale to compensate for the costs of towage and for caring for and keeping safe the vehicle. Existing law also allows jurisdictions to use immobilization devices such as “boots” as an alternative to vehicle removal in specified circumstances.

Specific circumstances where a vehicle could be towed and impounded include:

- Instances where a vehicle has five or more unpaid parking tickets (Vehicle Code (V.C.) § 22651(i));
- Instances where a vehicle has been left in the public right-of-way for more than 72 hours (V.C. § 22651(k)); and,

- Instances when a vehicle's registration has been expired for more than six months (V.C. § 22651(o)).

AB 516 would delete the authority of peace officers and other specified public employees to tow or immobilize vehicles for the above reasons, while only continuing to allow for it in very narrow circumstances. Both the Police Department (LAPD) and the Department of Transportation (LADOT) indicate that this bill would have significant negative impacts on their abilities to enforce the law and parking regulations, and would likely significantly reduce compliance. Further, LADOT states that AB 516 would eliminate the only immobilization practice of the City, which applies to placing boots on the vehicles of parking scofflaws (defined in the Vehicle Code as vehicles with five or more unpaid parking violations). LADOT also notes that, even with the ability to tow or immobilize scofflaw vehicles, there are 19,482 vehicles currently with five or more parking citations in the City, which translates to \$23,899,033 in outstanding unpaid violations. These numbers would likely increase without towing or immobilization as a deterrent to scofflaw behavior.

AB 516 would also make it impossible to tow vehicles abandoned in the public right-of way. This includes abandoned Recreational Vehicles and other nuisance vehicles. LADOT states that in 2018, the City removed 7,816 abandoned vehicles from the public right-of-way. If the City lost its ability to remove abandoned vehicles, residents would have to deal with increased harms to public safety and serious quality of life issues related to abandoned vehicles left in their neighborhoods.

Finally, AB 516 would prohibit vehicles from being towed or immobilized for registration that is expired for over six months. This would encourage more people to avoid renewing their vehicle registration, and could make it harder for law enforcement to identify the owner of vehicles involved in crimes, as annual registration ensures that license plate numbers match vehicle identification numbers and are associated with a vehicle owner. LAPD states that in many cases, the only clue as to the identity of a suspect is the license plate of their vehicle. Without regular vehicle registration, the system will break down and it will be more difficult to find individuals who have committed crimes using their vehicles. Further, vehicle registration ensures that vehicles operating on public roads are safe. Removing the towing deterrent for non-registration will likely encourage individuals to operate unsafe, illegal vehicles on public streets.

Supporters of AB 516 believe that towing and immobilization of vehicles negatively impacts the poor, as the costs associated with retrieving a vehicle from impound can be prohibitive. However, these fees can be avoided by following posted restrictions, or other policies can be adopted to address this issue. As an example, the City offers a program that provides a parking citation payment plan for indigent individuals, and LADOT administers the Community Assistance Parking Program (CAPP), which allows homeless individuals to pay their parking citations through voluntary community service or through enrollment in a homeless service program. LADOT states that participation in the program has been significant, with 610 participants to date and \$240,373 worth of citations converted to community service.

DEPARTMENTS NOTIFIED

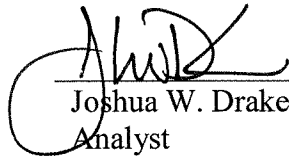
Police Department

Department of Transportation

City Attorney's Office

BILL STATUS

02/13/2019	Read first time. To print.
03/28/2019	Referred to the Assembly Committee on Transportation
03/28/2019	From committee chair, with author's amendments: Amend, and re-refer to the Committee on Transportation. Read second time and amended.
04/01/2019	Re-referred to the Committee on Transportation
04/23/2019	From Committee: Do pass and re-refer to the Committee on Appropriations.


Joshua W. Drake
Analyst

SMT:jwd

Attachments: Resolution (Smith - Buscaino)
AB 516 (Chiu)

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under current law, local jurisdictions are authorized to have vehicles removed from the public-right-of way and impounded under specific circumstances; and

WHEREAS, these circumstances include instances where an individual has received five or more parking citations and failed to pay them, a vehicle's registration is six months out of date, and instances where a vehicle has been left in the public right-of way for over 72 hours without being moved; and

WHEREAS, the ability to remove vehicles for these types of violations is an important enforcement tool for law enforcement and parking enforcement agencies; and

WHEREAS, AB 516 (Chiu) would place new restrictions on the removal and impoundment of vehicles by local jurisdictions by prohibiting the towing of vehicles for these violations; and

WHEREAS, supporters of AB 516 state that this bill will help the economically disadvantaged, but in reality this bill will only enable scofflaws to flout parking restrictions, as well as allow individuals to refuse to pay vehicle registration fees without fear of any consequences;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019 - 2020 State Legislative Program OPPOSITION to AB 516 (Chiu), which would prohibit local jurisdictions from towing vehicles that have five or more unpaid parking citations, registration that is six months or more out of date, or that have been left on a public street for over 72 hours without being moved.


PRESENTED BY: 

GREG SMITH

Councilmember, 12th District

SECONDED BY: 

ORIGINAL

MAR 27 2019 

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 516

Introduced by Assembly Member Chiu

February 13, 2019

An act to amend ~~Section 22651~~ of Sections 2810.2, 2814.2, 4000, 14602, 22651, and 40206.5 of, and to repeal Sections 22651.7, 22651.8, and 22851.1 of, the Vehicle Code relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 516, as amended, Chiu. Authority to remove vehicles.

Existing law authorizes a peace officer, as defined, or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency where a vehicle is located, to remove a vehicle located within the territorial limits where the officer or employee may act, under designated circumstances: *circumstances, including, but not limited to, when a vehicle is found upon a highway or public land or removed pursuant to the Vehicle Code, and has been issued 5 or more notices of parking violations to which the owner or person in control of the vehicle has not responded within a designated time period.* Under existing law, a vehicle that has been removed and impounded under those circumstances that is not released may be subject to a lien sale to compensate for the costs of towage and for caring for and keeping safe the vehicle.

Existing law authorizes a peace officer and specified public employees, as an alternative to removal of a vehicle, to immobilize the vehicle with a device designed and manufactured for that purpose, if, among other circumstances, the vehicle is found upon a highway or

public lands by the peace officer or employee and it is known to have been issued 5 or more notices of parking violations that are delinquent because the owner or person in control of the vehicle has not responded to the appropriate agency within a designated time period.

This bill would ~~make technical, nonsubstantive changes to these provisions~~. delete the authority of a peace officer or public employee, as appropriate, to remove or immobilize a vehicle under those circumstances. The bill would also delete the authority to remove a vehicle parked or left standing for 72 or more consecutive hours in violation of a local ordinance, or a vehicle with a registration expiration date in excess of 6 months found or operated on the highway or on public lands or in an offstreet parking facility. The bill would repeal the related authority to conduct a lien sale to cover towing and storage expenses. The bill would make various conforming and technical changes.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) It is a fundamental and constitutional principle that a state
- 4 cannot take and sell the private property of its residents except
- 5 under limited circumstances, nor can it punish people because
- 6 they cannot afford to pay its fines and fees.
- 7 (b) It is not sound public policy to tow privately owned vehicles
- 8 that are safely parked, not causing traffic inconvenience, and not
- 9 involved in a crime. To retrieve a vehicle from a tow yard can cost
- 10 thousands of dollars. For people who cannot afford to pay the
- 11 often-astronomical fines and fees, their cars are sold and they lose
- 12 them permanently. Over 500,000 vehicles are sold at lien sales
- 13 each year in California.
- 14 (c) Approximately 78 percent of Californians have to drive for
- 15 work or to get to work. Studies have shown that the ability to drive
- 16 significantly impacts employment rates, and that over the past 50
- 17 years, American households without cars consistently lost income.
- 18 For many Californians, their vehicle is their only shelter, their
- 19 only way to get needed medical care, or their most valuable asset.

(d) Towing for debt collection purposes is not cost effective. It costs money for a local government to find the car, order the tow, and pay a private tow company to transport it. Vehicles towed for debt collection are more likely to be sold instead of reclaimed, which means the tow company has to use its limited lot space to store them for at least 30 days, and pay for an auction. Since vehicles towed because their owners could not afford to pay fees tend to be low in value, these lien sales usually fail to cover the cost of the tow and storage, let alone the cost of enforcement.

(e) There is no public safety purpose when a local government uses towing as a costly and draconian method to collect small amounts of debt, and this sanction has a disproportionate impact on lower income families and people of color.

SEC. 2. Section 2810.2 of the Vehicle Code is amended to read:

2810.2. (a) (1) A peace officer, as described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may stop a vehicle transporting agricultural irrigation supplies that are in plain view to inspect the bills of lading, shipping, or delivery papers, or other evidence to determine whether the driver is in legal possession of the load, if the vehicle is on a rock road or unpaved road that is located in a county that has elected to implement this section and the road is located as follows:

(A) Located under the management of the Department of Parks and Recreation, the Department of Fish and Wildlife, the Department of Forestry and Fire Protection, the State Lands Commission, a regional park district, the United States Forest Service, or the federal Bureau of Land Management.

(B) Located within the respective ownership of a timberland production zone, as defined in Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5 of the Government Code, either that is larger than 50,000 acres or for which the owner of more than 2,500 acres has given express written permission for a vehicle to be stopped within that zone pursuant to this section.

(2) Upon reasonable belief that the driver of the vehicle is not in legal possession, the law enforcement officer specified in paragraph (1) shall take custody of the vehicle and load and turn them over to the custody of the sheriff of the county that has elected to implement this section where the agricultural irrigation supplies are apprehended.

(b) The sheriff shall receive and provide for the care and safekeeping of the apprehended agricultural irrigation supplies that were in plain view within the boundaries of public lands under the management of the entities listed in subparagraph (A) of paragraph (1) of subdivision (a) or on a timberland production zone as specified in subparagraph (B) of paragraph (1) of subdivision (a), and immediately, in cooperation with the department, proceed with an investigation and its legal disposition.

(c) An expense incurred by the sheriff in the performance of ~~his or her~~ *the sheriff's* duties under this section shall be a legal charge against the county.

(d) Except as provided in subdivision (e), a peace officer shall not cause the impoundment of a vehicle at a traffic stop made pursuant to subdivision (a) if the driver's only offense is a violation of Section 12500.

(e) During the conduct of pulling a driver over in accordance with subdivision (a), if the peace officer encounters a driver who is in violation of Section 12500, the peace officer shall make a reasonable attempt to identify the registered owner of the vehicle. If the registered owner is present, or the peace officer is able to identify the registered owner and obtain the registered owner's authorization to release the motor vehicle to a licensed driver during the vehicle stop, the vehicle shall be released to either the registered owner of the vehicle if ~~he or she~~ *that person* is a licensed driver or to the licensed driver authorized by the registered owner of the vehicle. If a notice to appear is issued, the name and the driver's license number of the licensed driver to whom the vehicle was released pursuant to this subdivision shall be listed on the officer's copy of the notice to appear issued to the unlicensed driver. If a vehicle cannot be released, the vehicle shall be removed pursuant to subdivision ~~(p)~~ *(n)* of Section 22651, whether a notice to appear has been issued or not.

(f) For purposes of this section, "agricultural irrigation supplies" include agricultural irrigation water bladder and one-half inch diameter or greater irrigation line.

(g) This section shall be implemented only in a county where the board of supervisors adopts a resolution authorizing the enforcement of this section.

SEC. 3. Section 2814.2 of the Vehicle Code is amended to read:

1 2814.2. (a) A driver of a motor vehicle shall stop and submit
2 to a sobriety checkpoint inspection conducted by a law enforcement
3 agency when signs and displays are posted requiring that stop.

4 (b) Notwithstanding Section 14602.6 or 14607.6, a peace officer
5 or any other authorized person shall not cause the impoundment
6 of a vehicle at a sobriety checkpoint if the driver's only offense is
7 a violation of Section 12500.

8 (c) During the conduct of a sobriety checkpoint, if the law
9 enforcement officer encounters a driver who is in violation of
10 Section 12500, the law enforcement officer shall make a reasonable
11 attempt to identify the registered owner of the vehicle. If the
12 registered owner is present, or the officer is able to identify the
13 registered owner and obtain the registered owner's authorization
14 to release the motor vehicle to a licensed driver by the end of the
15 checkpoint, the vehicle shall be released to either the registered
16 owner of the vehicle ~~if he or she~~ *that person* is a licensed driver
17 or to the licensed driver authorized by the registered owner of the
18 vehicle. If a notice to appear is issued, the name and driver's license
19 number of the licensed driver to whom the vehicle was released
20 pursuant to this subdivision shall be listed on the officer's copy of
21 the notice to appear issued to the unlicensed driver. When a vehicle
22 cannot be released, the vehicle shall be removed pursuant to
23 subdivision ~~(p)~~ *(n)* of Section 22651, whether a notice to appear
24 has been issued or not.

25 *SEC. 4. Section 4000 of the Vehicle Code is amended to read:*

26 4000. (a) (1) A person shall not drive, move, or leave standing
27 upon a highway, or in an offstreet public parking facility, ~~any~~ *a*
28 motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging
29 dolly, unless it is registered and the appropriate fees have been
30 paid under this code or registered under the permanent trailer
31 identification program, except that an off-highway motor vehicle
32 ~~which~~ *that* displays an identification plate or device issued by the
33 department pursuant to Section 38010 may be driven, moved, or
34 left standing in an offstreet public parking facility without being
35 registered or paying registration fees.

36 (2) For purposes of this subdivision, "offstreet public parking
37 facility" means either of the following:

38 (A) Any publicly owned parking facility.

1 (B) Any privately owned parking facility for which no fee for
2 the privilege to park is charged and ~~which~~ *that* is held open for the
3 common public use of retail customers.

4 (3) This subdivision does not apply to ~~any~~ *a* motor vehicle stored
5 in a privately owned offstreet parking facility by, or with the
6 express permission of, the owner of the privately owned offstreet
7 parking facility.

8 (4) Beginning July 1, 2011, the enforcement of paragraph (1)
9 shall commence on the first day of the second month following
10 the month of expiration of the vehicle's registration. This paragraph
11 shall become inoperative on January 1, 2012.

12 (b) ~~No person shall~~ *A person shall not* drive, move, or leave
13 standing upon a highway ~~any~~ *a* motor vehicle, as defined in Chapter
14 2 (commencing with Section 39010) of Part 1 of Division 26 of
15 the Health and Safety Code, that has been registered in violation
16 of Part 5 (commencing with Section 43000) of Division 26 of the
17 Health and Safety Code.

18 (c) Subdivisions (a) and (b) do not apply to off-highway motor
19 vehicles operated pursuant to Sections 38025 and 38026.5.

20 (d) This section does not apply, following payment of fees due
21 for registration, during the time that registration and transfer is
22 being withheld by the department pending the investigation of any
23 use tax due under the Revenue and Taxation Code.

24 (e) Subdivision (a) does not apply to a vehicle that is towed by
25 a tow truck on the order of a sheriff, marshal, or other official
26 acting pursuant to a court order or on the order of a peace officer
27 acting pursuant to this code.

28 (f) Subdivision (a) applies to a vehicle that is towed from a
29 highway or offstreet parking facility under the direction of a
30 highway service organization when that organization is providing
31 emergency roadside assistance to that vehicle. However, the
32 operator of a tow truck providing that assistance to that vehicle is
33 not responsible for the violation of subdivision (a) with respect to
34 that vehicle. The owner of an unregistered vehicle that is disabled
35 and located on private property, shall obtain a permit from the
36 department pursuant to Section 4003 prior to having the vehicle
37 towed on the highway.

38 (g) (1) Pursuant to Section 4022 and to subparagraph (B) of
39 paragraph (3) of subdivision ~~(e)~~ *(m)* of Section 22651, a vehicle
40 obtained by a licensed reposessor as a release of collateral is

1 exempt from registration pursuant to this section for purposes of
2 the reposessor removing the vehicle to ~~his or her~~ *the reposessor's*
3 storage facility or the facility of the legal owner. A law enforcement
4 agency, impounding authority, tow yard, storage facility, or any
5 other person in possession of the collateral shall release the vehicle
6 without requiring current registration and pursuant to subdivision
7 (f) of Section 14602.6.

8 (2) The legal owner of collateral shall, by operation of law and
9 without requiring further action, indemnify and hold harmless a
10 law enforcement agency, city, county, city and county, the state,
11 a tow yard, storage facility, or an impounding yard from a claim
12 arising out of the release of the collateral to a licensee, and from
13 any damage to the collateral after its release, including reasonable
14 attorney's fees and costs associated with defending a claim, if the
15 collateral was released in compliance with this subdivision.

16 (h) For purposes of this section, possession of a California
17 driver's license by the registered owner of a vehicle shall give rise
18 to a rebuttable presumption that the owner is a resident of
19 California.

20 *SEC. 5. Section 14602 of the Vehicle Code is amended to read:*

21 14602. In accordance with subdivision ~~(p)~~ *(n)* of Section 22651,
22 a vehicle removed pursuant to subdivision (c) of Section 2814.2
23 shall be released to the registered owner or ~~his or her~~ *that person's*
24 agent at any time the facility to which the vehicle has been removed
25 is open upon presentation of the registered owner's or ~~his or her~~
26 agent's currently valid driver's license to operate the vehicle and
27 proof of current vehicle registration.

28 ~~SECTION 1.~~

29 *SEC. 6. Section 22651 of the Vehicle Code is amended to read:*

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

38 (a) If a vehicle is left unattended upon a bridge, viaduct, or
39 causeway, or in a tube or tunnel where the vehicle constitutes an
40 obstruction to traffic.

1 (b) If a vehicle is parked or left standing upon a highway in a
2 position so as to obstruct the normal movement of traffic or in a
3 condition so as to create a hazard to other traffic upon the highway.

4 (c) If a vehicle is found upon a highway or public land and a
5 report has previously been made that the vehicle is stolen or a
6 complaint has been filed and a warrant thereon is issued charging
7 that the vehicle was embezzled.

8 (d) If a vehicle is illegally parked so as to block the entrance to
9 a private driveway and it is impractical to move the vehicle from
10 in front of the driveway to another point on the highway.

11 (e) If a vehicle is illegally parked so as to prevent access by
12 firefighting equipment to a fire hydrant and it is impracticable to
13 move the vehicle from in front of the fire hydrant to another point
14 on the highway.

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

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

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

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

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

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

6 ~~(A) Evidence of the person's identity.~~

7 ~~(B) An address within this state where the person can be 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~~
23 ~~where 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)

20 (i) If a vehicle is found illegally parked and there are no license
21 plates or other evidence of registration displayed, the vehicle may
22 be impounded until the owner or person in control of the vehicle
23 furnishes the impounding law enforcement agency evidence of
24 identity and an address within this state where that individual can
25 be located.

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

29 (l)

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

37 (m)

38 (k) If the use of the highway, or a portion of the highway, is
39 authorized by a local authority for a purpose other than the normal
40 flow of traffic or for the movement of equipment, articles, or

1 structures of unusual size, and the parking of a vehicle would
2 prohibit or interfere with that use or movement, and signs giving
3 notice that the vehicle may be removed are erected or placed at
4 least 24 hours prior to the removal by a local authority pursuant
5 to the ordinance.

6 ~~(n)~~

7 *(l)* Whenever a vehicle is parked or left standing where local
8 authorities, by resolution or ordinance, have prohibited parking
9 and have authorized the removal of vehicles. Except as provided
10 in subdivisions ~~(v) and (w)~~, *(t) and (u)*, a vehicle shall not be
11 removed unless signs are posted giving notice of the removal.

12 ~~(o)~~

13 *(m)* (1) If a vehicle is found or operated upon a highway, public
14 land, or an offstreet parking facility under any of the following
15 circumstances:

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

19 ~~(B)~~

20 *(A)* Displaying in, or upon, the vehicle, a registration card,
21 identification card, temporary receipt, license plate, special plate,
22 registration sticker, device issued pursuant to Section 4853, or
23 permit that was not issued for that vehicle, or is not otherwise
24 lawfully used on that vehicle under this code.

25 ~~(C)~~

26 *(B)* Displaying in, or upon, the vehicle, an altered, forged,
27 counterfeit, or falsified registration card, identification card,
28 temporary receipt, license plate, special plate, registration sticker,
29 device issued pursuant to Section 4853, or permit.

30 ~~(D)~~

31 *(C)* (i) The vehicle is operating using autonomous technology,
32 without the registered owner or manufacturer of the vehicle having
33 first applied for, and obtained, a valid permit that is required to
34 operate the vehicle on public roads pursuant to Section 38750, and
35 Article 3.7 (commencing with Section 227.00) and Article 3.8
36 (commencing with Section 228.00) of Title 13 of the California
37 Code of Regulations.

38 (ii) The vehicle is operating using autonomous technology after
39 the registered owner or person in control of the vehicle received
40 notice that the vehicle's permit required for the operation of the

1 vehicle pursuant to Section 38750, and Article 3.7 (commencing
2 with Section 227.00) and Article 3.8 (commencing with Section
3 228.00) of Title 13 of the California Code of Regulations is
4 suspended, terminated, or revoked.

5 (iii) For purposes of this subdivision, the terms “autonomous
6 technology” and “autonomous vehicle” have the same meanings
7 as in Section 38750.

8 (iv) This subparagraph does not provide the authority for a peace
9 officer to stop an autonomous vehicle solely for the purpose of
10 determining whether the vehicle is operating using autonomous
11 technology without a valid permit required to operate the
12 autonomous vehicle on public roads pursuant to Section 38750,
13 and Article 3.7 (commencing with Section 227.00) and Article 3.8
14 (commencing with Section 228.00) of Title 13 of the California
15 Code of Regulations.

16 (2) If a vehicle described in paragraph (1) is occupied, only a
17 peace officer, as defined in Chapter 4.5 (commencing with Section
18 830) of Title 3 of Part 2 of the Penal Code, may remove the vehicle.

19 (3) For the purposes of this subdivision, the vehicle shall be
20 released under any of the following circumstances:

21 (A) If the vehicle has been removed pursuant to subparagraph
22 ~~(A), (B), or (C)~~ *(A) or (B)* of paragraph (1), to the registered owner
23 of, or person in control of, the vehicle only after the owner or
24 person furnishes the storing law enforcement agency with proof
25 of current registration and a valid driver’s license to operate the
26 vehicle.

27 (B) If the vehicle has been removed pursuant to subparagraph
28 ~~(B)~~ *(C)* of paragraph (1), to the registered owner of, or person in
29 control of, the autonomous vehicle, after the registered owner or
30 person furnishes the storing law enforcement agency with proof
31 of current registration and a valid driver’s license, if required to
32 operate the autonomous vehicle, and either of the following:

33 (i) Proof of a valid permit required to operate the autonomous
34 vehicle using autonomous technology on public roads pursuant to
35 Section 38750, and Article 3.7 (commencing with Section 227.00)
36 and Article 3.8 (commencing with Section 228.00) of Title 13 of
37 the California Code of Regulations.

38 (ii) A declaration or sworn statement to the Department of Motor
39 Vehicles that states that the autonomous vehicle will not be
40 operated using autonomous technology upon public roads without

1 first obtaining a valid permit to operate the vehicle pursuant to
2 Section 38750, and Article 3.7 (commencing with Section 227.00)
3 and Article 3.8 (commencing with Section 228.00) of Title 13 of
4 the California Code of Regulations.

5 (C) To the legal owner or the legal owner's agency, without
6 payment of any fees, fines, or penalties for parking tickets or
7 registration and without proof of current registration, if the vehicle
8 will only be transported pursuant to the exemption specified in
9 Section 4022 and if the legal owner does all of the following:

10 (i) Pays the cost of towing and storing the vehicle.

11 (ii) Completes an affidavit in a form acceptable to the
12 impounding law enforcement agency stating that the vehicle was
13 not in possession of the legal owner at the time of occurrence of
14 an offense relating to standing or parking. A vehicle released to a
15 legal owner under this subdivision is a repossessed vehicle for
16 purposes of disposition or sale. The impounding agency has a lien
17 on any surplus that remains upon sale of the vehicle to which the
18 registered owner is or may be entitled, as security for the full
19 amount of parking penalties for any notices of parking violations
20 issued for the vehicle and for all local administrative charges
21 imposed pursuant to Section 22850.5. Upon receipt of any surplus,
22 the legal owner shall promptly remit to, and deposit with, the
23 agency responsible for processing notices of parking violations
24 from that surplus, the full amount of the parking penalties for all
25 notices of parking violations issued for the vehicle and for all local
26 administrative charges imposed pursuant to Section 22850.5.

27 (4) The impounding agency that has a lien on the surplus that
28 remains upon the sale of a vehicle to which a registered owner is
29 entitled has a deficiency claim against the registered owner for the
30 full amount of parking penalties for any notices of parking
31 violations issued for the vehicle and for all local administrative
32 charges imposed pursuant to Section 22850.5, less the amount
33 received from the sale of the vehicle.

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

40 (p)

1 (n) If the peace officer issues the driver of a vehicle a notice to
2 appear for a violation of Section 12500, 14601, 14601.1, 14601.2,
3 14601.3, 14601.4, 14601.5, or 14604, and the vehicle is not
4 impounded pursuant to Section 22655.5. A vehicle so removed
5 from the highway or public land, or from private property after
6 having been on a highway or public land, shall not be released to
7 the registered owner or the owner's agent, except upon presentation
8 of the registered owner's or agent's currently valid driver's license
9 to operate the vehicle and proof of current vehicle registration, to
10 the impounding law enforcement agency, or upon order of a court.

11 (q)

12 (o) If a vehicle is parked for more than 24 hours on a portion
13 of highway that is located within the boundaries of a common
14 interest development, as defined in Section 4100 or 6534 of the
15 Civil Code, and signs, as required by paragraph (1) of subdivision
16 (a) of Section 22658 of this code, have been posted on that portion
17 of highway providing notice to drivers that vehicles parked thereon
18 for more than 24 hours will be removed at the owner's expense,
19 pursuant to a resolution or ordinance adopted by the local authority.

20 (r)

21 (p) If a vehicle is illegally parked and blocks the movement of
22 a legally parked vehicle.

23 (s)

24 (q) (1) If a vehicle, except highway maintenance or construction
25 equipment, an authorized emergency vehicle, or a vehicle that is
26 properly permitted or otherwise authorized by the Department of
27 Transportation, is stopped, parked, or left standing for more than
28 eight hours within a roadside rest area or viewpoint.

29 (2) Notwithstanding paragraph (1), if a commercial motor
30 vehicle, as defined in paragraph (1) of subdivision (b) of Section
31 15210, is stopped, parked, or left standing for more than 10 hours
32 within a roadside rest area or viewpoint.

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

(t)

(r) If a peace officer issues a notice to appear for a violation of Section 25279.

(u)

(s) If a peace officer issues a citation for a violation of Section 11700, and the vehicle is being offered for sale.

(v)

(t) (1) If a vehicle is a mobile billboard advertising display, as defined in Section 395.5, and is parked or left standing in violation of a local resolution or ordinance adopted pursuant to subdivision (m) of Section 21100, if the registered owner of the vehicle was previously issued a warning citation for the same offense, pursuant to paragraph (2).

(2) Notwithstanding subdivision (a) of Section 22507, a city or county, in lieu of posting signs noticing a local ordinance prohibiting mobile billboard advertising displays adopted pursuant to subdivision (m) of Section 21100, may provide notice by issuing a warning citation advising the registered owner of the vehicle that the owner may be subject to penalties upon a subsequent violation of the ordinance, that may include the removal of the vehicle as provided in paragraph (1). A city or county is not required to provide further notice for a subsequent violation prior to the enforcement of penalties for a violation of the ordinance.

(w)

(u) (1) If a vehicle is parked or left standing in violation of a local ordinance or resolution adopted pursuant to subdivision (p) of Section 21100, if the registered owner of the vehicle was previously issued a warning citation for the same offense, pursuant to paragraph (2).

(2) Notwithstanding subdivision (a) of Section 22507, a city or county, in lieu of posting signs noticing a local ordinance regulating advertising signs adopted pursuant to subdivision (p) of Section 21100, may provide notice by issuing a warning citation advising the registered owner of the vehicle that the owner may be subject to penalties upon a subsequent violation of the ordinance that may include the removal of the vehicle as provided in paragraph (1). A city or county is not required to provide further notice for a subsequent violation prior to the enforcement of penalties for a violation of the ordinance.

SEC. 7. Section 22651.7 of the Vehicle Code is repealed.

22651.7. (a) In addition to, or as an alternative to, removal, a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations, of a jurisdiction in which a vehicle is located may immobilize the vehicle with a device designed and manufactured for the immobilization of vehicles, on a highway or any public lands located within the territorial limits in which the officer or employee may act if the vehicle is found upon a highway or public lands and it is known to have been issued five or more notices of parking violations that are delinquent because the owner or person in control of the vehicle has not responded to the agency responsible for processing notices of parking violation within 21 calendar days of notice of citation issuance or citation issuance or 14 calendar days of the mailing of a notice of delinquent parking violation, or the registered owner of the vehicle is known to have been issued five or more notices for failure to pay or failure to appear in court for traffic violations for which no certificate has been issued by the magistrate or clerk of the court hearing the case showing that the case has been adjudicated or concerning which the registered owner's record has not been cleared pursuant to Chapter 6 (commencing with Section 41500) of Division 17. The vehicle may be immobilized until that person furnishes to the immobilizing law enforcement agency all of the following:

(1) Evidence of his or her identity.

(2) An address within this state at which he or she can be located.

(3) Satisfactory evidence that the full amount of parking penalties has been deposited for all notices of parking violation issued for the vehicle and any other vehicle registered to the registered owner of the immobilized vehicle and that bail has been deposited for all traffic violations of the registered owner that have not been cleared. The requirements in this paragraph shall be fully enforced by the immobilizing law enforcement agency on and after the time that the Department of Motor Vehicles is able to provide access to the necessary records. A notice of parking violation issued to the vehicle shall be accompanied by a warning that repeated violations may result in the impounding or immobilization of the vehicle. In lieu of furnishing satisfactory evidence that the full

1 amount of parking penalties or bail, or both, have been deposited
2 that person may demand to be taken without unnecessary delay
3 before a magistrate, for traffic offenses, or a hearing examiner, for
4 parking offenses, within the county in which the offenses charged
5 are alleged to have been committed and who has jurisdiction of
6 the offenses and is nearest or most accessible with reference to the
7 place where the vehicle is immobilized. Evidence of current
8 registration shall be produced after a vehicle has been immobilized
9 or, at the discretion of the immobilizing law enforcement agency,
10 a notice to appear for violation of subdivision (a) of Section 4000
11 shall be issued to that person.

12 (b) A person, other than a person authorized under subdivision
13 (a), shall not immobilize a vehicle.

14 *SEC. 8. Section 22651.8 of the Vehicle Code is repealed.*

15 22651.8. For purposes of paragraph (1) of subdivision (i) of
16 Section 22651 and Section 22651.7, "satisfactory evidence"
17 includes, but is not limited to, a copy of a receipt issued by the
18 department pursuant to subdivision (a) of Section 4760 for the
19 payment of notices of parking violations appearing on the
20 department's records at the time of payment. The processing
21 agency shall, within 72 hours of receiving that satisfactory
22 evidence, update its records to reflect the payments made to the
23 department. If the processing agency does not receive the amount
24 of the parking penalties and administrative fees from the
25 department within four months of the date of issuance of that
26 satisfactory evidence, the processing agency may revise its records
27 to reflect that no payments were received for the notices of parking
28 violation.

29 *SEC. 9. Section 22851.1 of the Vehicle Code is repealed.*

30 22851.1. (a) If the vehicle is impounded pursuant to
31 subdivision (i) of Section 22651 and not released as provided in
32 that subdivision, the vehicle may be sold pursuant to this chapter
33 to satisfy the liens specified in Section 22851 and in subdivision
34 (b) of this section.

35 (b) A local authority impounding a vehicle pursuant to
36 subdivision (i) of Section 22651 shall have a lien dependent upon
37 possession by the keeper of the garage for satisfaction of bail for
38 all outstanding notices of parking violation issued by the local
39 authority for the vehicle, when the conditions specified in
40 subdivision (c) have been met. This lien shall be subordinate in

1 priority to the lien established by Section 22851, and the proceeds
2 of any sale shall be applied accordingly. Consistent with this order
3 of priority, the term "lien," as used in this article and in Chapter
4 6.5 (commencing with Section 3067) of Title 14 of Part 4 of
5 Division 3 of the Civil Code, includes a lien imposed by this
6 subdivision. In any action brought to perfect the lien, where
7 required by subdivision (d) of Section 22851.8 of this code, or by
8 subdivision (d) of Section 3071 or subdivision (d) of Section 3072
9 of the Civil Code, it shall be a defense to the recovery of bail that
10 the owner of the vehicle at the time of impoundment was not the
11 owner of the vehicle at the time of the parking offense.

12 (c) A lien shall exist for bail with respect to parking violations
13 for which no person has answered the charge in the notice of
14 parking violation given, or filed an affidavit of nonownership
15 pursuant to and within the time specified in subdivision (b) of
16 Section 41103.

17 *SEC. 10. Section 40206.5 of the Vehicle Code is amended to*
18 *read:*

19 40206.5. (a) Within 15 days of a request, by mail or in person,
20 the processing agency shall mail or otherwise provide to ~~any a~~
21 ~~person who has received a notice of delinquent parking violation,~~
22 ~~or his or her that person's~~ agent, a photostatic copy of the original
23 notice of parking violation or an electronically produced facsimile
24 of the original notice of parking violation. The issuing agency may
25 charge a fee sufficient to recover the actual cost of providing the
26 copy, not to exceed two dollars (\$2). Until the issuing agency
27 complies with a request for a copy of the original notice of parking
28 violation, the processing agency may not proceed pursuant to
29 ~~subdivision (i) of Section 22651, Section 22651.7, or Section~~
30 ~~40220.~~

31 (b) If the description of the vehicle on the notice of parking
32 violation does not substantially match the corresponding
33 information on the registration card for that vehicle and the
34 processing agency is satisfied that the vehicle has not been
35 incorrectly described due to the intentional switching of license
36 plates, the processing agency shall, on written request of the person
37 cancel the notice of parking violation without the necessity of an
38 appearance by that person.

- 1 (c) For purposes of this section, a copy of the notice of parking
- 2 violation may be a photostatic copy or an electronically produced
- 3 facsimile.