

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL**No. 1222****Introduced by Assembly Member Bloom**

February 27, 2015

An act to amend ~~Section Sections~~ *Sections 21100, 21100.4, and 22513* of, and to add Section 22513.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1222, as amended, Bloom. Tow trucks.

Existing law authorizes local authorities to adopt rules and regulations by ordinance or resolution regarding various matters relating to traffic and highways, including licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire, and licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority.

This bill would authorize local authorities to adopt rules and regulations by ordinance or resolution pertaining to licensing and regulating the operation of tow truck service or tow truck drivers operating within the jurisdiction of the local authority, as specified.

Existing law provides a procedure for the seizure and impoundment of a vehicle being operated as a taxicab or other passenger vehicle for hire in violation of licensing requirements adopted by a local authority.

This bill would extend those seizure and impoundment provisions to include a vehicle that is being operated as a tow truck in violation of licensing or permit requirements adopted by a local authority, as specified.

Existing law makes it a misdemeanor for the owner or operator of a tow truck to stop at the scene of an accident or near a disabled vehicle for the purpose of soliciting an engagement for towing services, either directly or indirectly, or to furnish any towing services, unless summoned to the scene, requested to stop, or flagged down by the owner or operator of a disabled vehicle, or requested to perform the service by a law enforcement officer or public agency pursuant to that agency's procedures.

This bill would apply those provisions to a towing company. The bill would also require that in order to be exempt from the offense, in addition to being summoned to the scene, requested to stop, or flagged down by the owner or operator of a disabled vehicle the towing company or the owner or operator of the tow truck would be required to possess specified information in writing prior to arriving at the scene, *or obtain specified information upon arriving at the scene*, and would require that information to be made available to law enforcement, upon request, from the time the tow truck appears at the scene until the time the vehicle is towed and released to a third party.

Existing law also makes it a misdemeanor for the owner or operator of a tow truck to move any vehicle from a highway, street, or public property without the express authorization of the owner or operator of the vehicle or a law enforcement officer or public agency pursuant to that agency's procedures, when the vehicle has been left unattended or when there is an injury as the result of an accident.

This bill would apply those provisions to a towing company. The bill would also require that, in addition to having the express authorization of the owner or operator of the vehicle, the towing company or the owner or operator of the tow truck would be

required to obtain specified information and would be required to make that information available to law enforcement, upon request, from the time the vehicle is attached to or loaded on to the tow until the time the vehicle is towed and released to a third party.

The bill would also require the towing company or the owner or operator of the tow truck to furnish the vehicle's owner or operator with the name, address, and telephone number of the towing company, the name of the towing operator, and ~~a copy of the itemized statement for all charges for services to be performed, including a description of labor and special equipment to be used, if applicable~~ *other specified information, including a written itemized estimate of all charges and services to be performed, an invoice describing the cost for all services, and the addresses from which the vehicle was towed and to which is delivered.* Prior to removing the vehicle, the towing company or the owner or operator of the ~~two tow truck shall~~ *would be required* to obtain the vehicle owner or operator's signature on the ~~itemized statement estimate, and shall to~~ furnish a copy to the person who signed the ~~statement estimate~~, as specified.

The bill would require a towing company or the owner or operator of a tow truck to maintain specified documents for 3 years and to make those documents available for inspection and copying within 48 hours of a written request by specified law enforcement and prosecutorial entities. The bill would also require a business taking possession of a vehicle from a tow truck to document specified information, to maintain those documents for 3 years, and to make those documents available for inspection and copying within 48 hours of a written request by any officer or agent of a police department, sheriff's department, the Department of the California Highway Patrol, the Attorney General's office, *the Bureau of Automotive Repair*, a district attorney's office, or a city attorney's office.

By expanding the scope of existing crimes, and imposing additional requirements on towing companies ~~and~~, owners and operators of tow trucks, and other entities, the violation of which would be offenses under existing law, this bill would impose a state-mandated local program.

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:

- P3 1 *SECTION 1.*
 Section 21100 of the Vehicle Code is amended to
 2 *read:*
 3 21100.
 Local authorities may adopt rules and regulations by
 4 ordinance or resolution regarding all of the following matters:
 5 (a) Regulating or prohibiting processions or assemblages on the
 6 highways.
- P4 1 (b) Licensing and regulating the operation of vehicles for hire
 2 and drivers of passenger vehicles for hire.
 3 (c) Regulating traffic by means of traffic officers.
 4 (d) Regulating traffic by means of official traffic control devices
 5 meeting the requirements of Section 21400.
 6 (e) (1) Regulating traffic by means of a person given temporary
 7 or permanent appointment for that duty by the local authority when
 8 official traffic control devices are disabled or otherwise inoperable,
 9 at the scenes of accidents or disasters, or at locations as may require

10 traffic direction for orderly traffic flow.

11 (2) A person shall not be appointed pursuant to this subdivision
12 unless and until the local authority has submitted to the
13 commissioner or to the chief law enforcement officer exercising
14 jurisdiction in the enforcement of traffic laws within the area in
15 which the person is to perform the duty, for review, a proposed
16 program of instruction for the training of a person for that duty,
17 and unless and until the commissioner or other chief law
18 enforcement officer approves the proposed program. The
19 commissioner or other chief law enforcement officer shall approve
20 a proposed program if he or she reasonably determines that the
21 program will provide sufficient training for persons assigned to
22 perform the duty described in this subdivision.

23 (f) Regulating traffic at the site of road or street construction or
24 maintenance by persons authorized for that duty by the local
25 authority.

26 (g) (1) Licensing and regulating the operation of tow truck
27 service or tow truck drivers *operating within or* whose principal
28 place of business or employment is within the jurisdiction of the
29 local authority, excepting the operation and operators of any auto
30 dismantlers' tow vehicle licensed under Section 11505 or any tow
31 truck operated by a repossessing agency licensed under Chapter
32 11 (commencing with Section 7500) of Division 3 of the Business
33 and Professions Code and its registered employees.

34 (2) The Legislature finds that the safety and welfare of the
35 general public is promoted by permitting local authorities to
36 regulate tow truck service companies and operators by requiring
37 licensure, insurance, and proper training in the safe operation of
38 towing equipment, thereby ensuring against towing mistakes that
39 may lead to violent confrontation, stranding motorists in dangerous
P5 1 situations, impeding the expedited vehicle recovery, and wasting
2 state and local law enforcement's limited resources.

3 (3) This subdivision does not limit the authority of a city or city
4 and county pursuant to Section 12111.

5 (h) Operation of bicycles, and, as specified in Section 21114.5,
6 electric carts by physically disabled persons, or persons 50 years
7 of age or older, on public sidewalks.

8 (i) Providing for the appointment of nonstudent school crossing
9 guards for the protection of persons who are crossing a street or
10 highway in the vicinity of a school or while returning thereafter
11 to a place of safety.

12 (j) Regulating the methods of deposit of garbage and refuse in
13 streets and highways for collection by the local authority or by
14 any person authorized by the local authority.

15 (k) (1) Regulating cruising.

16 (2) The ordinance or resolution adopted pursuant to this
17 subdivision shall regulate cruising, which is the repetitive driving
18 of a motor vehicle past a traffic control point in traffic that is
19 congested at or near the traffic control point, as determined by the
20 ranking peace officer on duty within the affected area, within a
21 specified time period and after the vehicle operator has been given
22 an adequate written notice that further driving past the control
23 point will be a violation of the ordinance or resolution.

24 (3) A person is not in violation of an ordinance or resolution
25 adopted pursuant to this subdivision unless both of the following

26 apply:

27 (A) That person has been given the written notice on a previous
28 driving trip past the control point and then again passes the control
29 point in that same time interval.

30 (B) The beginning and end of the portion of the street subject
31 to cruising controls are clearly identified by signs that briefly and
32 clearly state the appropriate provisions of this subdivision and the
33 local ordinance or resolution on cruising.

34 (I) Regulating or authorizing the removal by peace officers of
35 vehicles unlawfully parked in a fire lane, as described in Section
36 22500.1, on private property. A removal pursuant to this
37 subdivision shall be consistent, to the extent possible, with the
38 procedures for removal and storage set forth in Chapter 10
39 (commencing with Section 22650).

P6 1 (m) Regulating mobile billboard advertising displays, as defined
2 in Section 395.5, including the establishment of penalties, which
3 may include, but are not limited to, removal of the mobile billboard
4 advertising display, civil penalties, and misdemeanor criminal
5 penalties, for a violation of the ordinance or resolution. The
6 ordinance or resolution may establish a minimum distance that a
7 mobile billboard advertising display shall be moved after a
8 specified time period.

9 (n) Licensing and regulating the operation of pedicabs for hire,
10 as defined in Section 467.5, and operators of pedicabs for hire,
11 including requiring one or more of the following documents:

12 (1) A valid California driver's license.

13 (2) Proof of successful completion of a bicycle safety training
14 course certified by the League of American Bicyclists or an
15 equivalent organization as determined by the local authority.

16 (3) A valid California identification card and proof of successful
17 completion of the written portion of the California driver's license
18 examination administered by the department. The department shall
19 administer, without charging a fee, the original driver's license
20 written examination on traffic laws and signs to a person who
21 states that he or she is, or intends to become, a pedicab operator,
22 and who holds a valid California identification card or has
23 successfully completed an application for a California identification
24 card. If the person achieves a passing score on the examination,
25 the department shall issue a certificate of successful completion
26 of the examination, bearing the person's name and identification
27 card number. The certificate shall not serve in lieu of successful
28 completion of the required examination administered as part of
29 any subsequent application for a driver's license. The department
30 is not required to enter the results of the examination into the
31 computerized record of the person's identification card or otherwise
32 retain a record of the examination or results.

33 (o) (1) This section does not authorize a local authority to enact
34 or enforce an ordinance or resolution that establishes a violation
35 if a violation for the same or similar conduct is provided in this
36 code, nor does it authorize a local authority to enact or enforce an
37 ordinance or resolution that assesses a fine, penalty, assessment,
38 or fee for a violation if a fine, penalty, assessment, or fee for a
39 violation involving the same or similar conduct is provided in this
40 code.

P7 1 (2) This section does not preclude a local authority from enacting

2 parking ordinances pursuant to existing authority in Chapter 9
3 (commencing with Section 22500) ~~of Division 11.~~

4 (p) (1) Regulating advertising signs on motor vehicles parked
5 or left standing upon a public street. The ordinance or resolution
6 may establish a minimum distance that the advertising sign shall
7 be moved after a specified time period.

8 (2) Paragraph (1) does not apply to any of the following:

9 (A) Advertising signs that are permanently affixed to the body
10 of, an integral part of, or a fixture of a motor vehicle for permanent
11 decoration, identification, or display and that do not extend beyond
12 the overall length, width, or height of the vehicle.

13 (B) If the license plate frame is installed in compliance with
14 Section 5201, paper advertisements issued by a dealer contained
15 within that license plate frame or any advertisements on that license
16 plate frame.

17 (3) As used in paragraph (2), "permanently affixed" means any
18 of the following:

19 (A) Painted directly on the body of a motor vehicle.

20 (B) Applied as a decal on the body of a motor vehicle.

21 (C) Placed in a location on the body of a motor vehicle that was
22 specifically designed by a vehicle manufacturer as defined in
23 Section 672 and licensed pursuant to Section 11701, in compliance
24 with both state and federal law or guidelines, for the express
25 purpose of containing an advertising sign.

26 *SEC. 2.*

27 *Section 21100.4 of the Vehicle Code is amended to*
28 *read:*

29 21100.4.

30 (a) (1) A magistrate presented with the affidavit of
31 a peace officer or a designated local transportation officer
32 establishing reasonable cause to believe that a vehicle, described
33 by vehicle type and license number, is being operated as a taxicab
34 or other passenger vehicle for hire in violation of licensing
35 requirements adopted by a local authority under subdivision (b)
36 of Section 21100, *or that a vehicle, described by vehicle type and*
37 *license number, is being operated as a tow truck in violation of*
38 *licensing or permit requirements adopted by a local authority*
39 *pursuant to Section 21100, shall issue a warrant or order*
40 *authorizing the peace officer or designated local transportation*
officer to immediately seize and cause the removal of the vehicle.

P8 1 means any local public officer employed by a local authority to
2 investigate and enforce local taxicab and vehicle for hire laws and
3 regulations, *or local tow truck laws and regulations.*

4 (2) The warrant or court order may be entered into a
5 computerized database.

6 (3) A vehicle so impounded may be impounded for a period not
7 to exceed 30 days.

8 (4) The impounding agency, within two working days of
9 impoundment, shall send a notice by certified mail, return receipt
10 requested, to the legal owner of the vehicle, at an address obtained
11 from the department, informing the owner that the vehicle has
12 been impounded and providing the owner with a copy of the
13 warrant or court order. Failure to notify the legal owner within
14 two working days shall prohibit the impounding agency from

15 charging for more than 15 days' impoundment when a legal owner
16 redeems the impounded vehicle. The law enforcement agency shall
17 be open to issue a release to the registered owner or legal owner,
18 or the agent of either, whenever the agency is open to serve the
19 public for regular, nonemergency business.

20 (b) (1) An impounding agency shall release a vehicle to the
21 registered owner or his or her agent prior to the end of the
22 impoundment period and without the permission of the magistrate
23 authorizing the vehicle's seizure under any of the following
24 circumstances:

25 (A) When the vehicle is a stolen vehicle.

26 (B) When the vehicle was seized under this section for an
27 offense that does not authorize the seizure of the vehicle.

28 (C) When the vehicle is a rental car.

29 (2) A vehicle may not be released under this subdivision, except
30 upon presentation of the registered owner's or agent's currently
31 valid license to operate the vehicle under the licensing requirements
32 adopted by the local authority under subdivision (b) or (g) of
33 Section 21100, and proof of current vehicle registration, or upon
34 order of the court.

35 (c) (1) Whenever a vehicle is impounded under this section,
36 the magistrate ordering the storage shall provide the vehicle's
37 registered and legal owners of record, or their agents, with the
38 opportunity for a poststorage hearing to determine the validity of
39 the storage.

P9 1 (2) A notice of the storage shall be mailed or personally
2 delivered to the registered and legal owners within 48 hours after
3 issuance of the warrant or court order, excluding weekends and
4 holidays, by the person or agency executing the warrant or court
5 order, and shall include all of the following information:

6 (A) The name, address, and telephone number of the agency
7 providing the notice.

8 (B) The location of the place of storage and a description of the
9 vehicle, which shall include, if available, the name or make, the
10 manufacturer, the license plate number, and the mileage of the
11 vehicle.

12 (C) A copy of the warrant or court order and the peace officer's
13 affidavit, as described in subdivision (a).

14 (D) A statement that, in order to receive their poststorage
15 hearing, the owners, or their agents, are required to request the
16 hearing from the magistrate issuing the warrant or court order in
17 person, in writing, or by telephone, within 10 days of the date of
18 the notice.

19 (3) The poststorage hearing shall be conducted within two court
20 days after receipt of the request for the hearing.

21 (4) At the hearing, the magistrate may order the vehicle released
22 if he or she finds any of the circumstances described in subdivision
23 (b) or (e) that allow release of a vehicle by the impounding agency.

24 (5) Failure of either the registered or legal owner, or his or her
25 agent, to request, or to attend, a scheduled hearing satisfies the
26 poststorage hearing requirement.

27 (6) The agency employing the peace officer or designated local
28 transportation officer who caused the magistrate to issue the
29 warrant or court order shall be responsible for the costs incurred
30 for towing and storage if it is determined in the poststorage hearing

31 that reasonable grounds for the storage are not established.

32 (d) The registered owner or his or her agent is responsible for
33 all towing and storage charges related to the impoundment, and
34 any administrative charges authorized under Section 22850.5.

35 (e) A vehicle removed and seized under subdivision (a) shall
36 be released to the legal owner of the vehicle or the legal owner's
37 agent prior to the end of the impoundment period and without the
38 permission of the magistrate authorizing the seizure of the vehicle
39 if all of the following conditions are met:

P10 1 (1) The legal owner is a motor vehicle dealer, bank, credit union,
2 acceptance corporation, or other licensed financial institution
3 legally operating in this state or is another person, not the registered
4 owner, holding a security interest in the vehicle.

5 (2) (A) The legal owner or the legal owner's agent pays all
6 towing and storage fees related to the seizure of the vehicle. A lien
7 sale processing fee shall not be charged to the legal owner who
8 redeems the vehicle prior to the 15th day of impoundment. Neither
9 the impounding authority nor any person having possession of the
10 vehicle shall collect from the legal owner of the type specified in
11 paragraph (1), or the legal owner's agent, any administrative
12 charges imposed pursuant to Section 22850.5 unless the legal
13 owner voluntarily requested a poststorage hearing.

14 (B) A person operating or in charge of a storage facility where
15 vehicles are stored pursuant to this section shall accept a valid
16 bank credit card or cash for payment of towing, storage, and related
17 fees by a legal or registered owner or the owner's agent claiming
18 the vehicle. A credit card shall be in the name of the person
19 presenting the card. "Credit card" means "credit card" as defined
20 in subdivision (a) of Section 1747.02 of the Civil Code, except,
21 for the purposes of this section, credit card does not include a credit
22 card issued by a retail seller.

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

28 (D) A person operating or in charge of a storage facility
29 described in subparagraph (B) shall have sufficient funds on the
30 premises of the primary storage facility during normal business
31 hours to accommodate, and make change in, a reasonable monetary
32 transaction.

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

37 (3) (A) The legal owner or the legal owner's agent presents to
38 the law enforcement agency or impounding agency, or any person
39 acting on behalf of those agencies, a copy of the assignment, as
40 defined in subdivision (b) of Section 7500.1 of the Business and
P11 1 Professions Code; a release from the one responsible governmental
2 agency, only if required by the agency; a government-issued
3 photographic identification card; and any one of the following as
4 determined by the legal owner or the legal owner's agent: a
5 certificate of repossession for the vehicle, a security agreement
6 for the vehicle, or title, whether paper or electronic, showing proof

7 of legal ownership for the vehicle. The law enforcement agency,
8 impounding agency, or any other governmental agency, or any
9 person acting on behalf of those agencies, shall not require the
10 presentation of any other documents.

11 (B) The legal owner or the legal owner's agent presents to the
12 person in possession of the vehicle, or any person acting on behalf
13 of the person in possession, a copy of the assignment, as defined
14 in subdivision (b) of Section 7500.1 of the Business and
15 Professions Code; a release from the one responsible governmental
16 agency, only if required by the agency; a government-issued
17 photographic identification card; and any one of the following as
18 determined by the legal owner or the legal owner's agent: a
19 certificate of repossession for the vehicle, a security agreement
20 for the vehicle, or title, whether paper or electronic, showing proof
21 of legal ownership for the vehicle. The person in possession of the
22 vehicle, or any person acting on behalf of the person in possession,
23 shall not require the presentation of any other documents.

24 (C) All presented documents may be originals, photocopies, or
25 facsimile copies, or may be transmitted electronically. The law
26 enforcement agency, impounding agency, or any person in
27 possession of the vehicle, or anyone acting on behalf of them, shall
28 not require any documents to be notarized. The law enforcement
29 agency, impounding agency, or any person acting on behalf of
30 those agencies, may require the agent of the legal owner to produce
31 a photocopy or facsimile copy of its repossession agency license
32 or registration issued pursuant to Chapter 11 (commencing with
33 Section 7500) of Division 3 of the Business and Professions Code,
34 or to demonstrate, to the satisfaction of the law enforcement
35 agency, impounding agency, or any person in possession of the
36 vehicle, or anyone acting on behalf of them, that the agent is
37 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the
38 Business and Professions Code.

39 (D) An administrative cost authorized under subdivision (a) of
40 Section 22850.5 shall not be charged to the legal owner of the type
P12 1 specified in paragraph (1) who redeems the vehicle unless the legal
2 owner voluntarily requests a poststorage hearing. A city, county,
3 city and county, or state agency shall not require a legal owner or
4 a legal owner's agent to request a poststorage hearing as a
5 requirement for release of the vehicle to the legal owner or the
6 legal owner's agent. The law enforcement agency, impounding
7 agency, or any other governmental agency, or any person acting
8 on behalf of those agencies, shall not require any documents other
9 than those specified in this paragraph. The law enforcement agency,
10 impounding agency, or other governmental agency, or any person
11 acting on behalf of those agencies, may not require any documents
12 to be notarized. The legal owner or the legal owner's agent shall
13 be given a copy of any documents he or she is required to sign,
14 except for a vehicle evidentiary hold logbook. The law enforcement
15 agency, impounding agency, or any person acting on behalf of
16 those agencies, or any person in possession of the vehicle, may
17 photocopy and retain the copies of any documents presented by
18 the legal owner or legal owner's agent.

19 (4) A failure by a storage facility to comply with any applicable
20 conditions set forth in this subdivision shall not affect the right of
21 the legal owner or the legal owner's agent to retrieve the vehicle,

22 provided all conditions required of the legal owner or legal owner's
23 agent under this subdivision are satisfied.

24 (f) (1) A legal owner or the legal owner's agent that obtains
25 release of the vehicle pursuant to subdivision (e) shall not release
26 the vehicle to the registered owner of the vehicle or the person
27 who was listed as the registered owner when the vehicle was
28 impounded or any agents of the registered owner until the
29 termination of the impoundment period.

30 (2) The legal owner or the legal owner's agent shall not
31 relinquish the vehicle to the registered owner or the person who
32 was listed as the registered owner when the vehicle was impounded
33 until the registered owner or that owner's agent presents his or her
34 valid driver's license or valid temporary driver's license, and an
35 operator's license that is in compliance with the licensing
36 requirements adopted by the local authority under subdivision (b)
37 of Section 21100, to the legal owner or the legal owner's agent.

38 The legal owner or the legal owner's agent or the person in
39 possession of the vehicle shall make every reasonable effort to
40 ensure that the licenses presented are valid and possession of the
P13 1 vehicle will not be given to the driver who was involved in the
2 original impoundment proceeding until the expiration of the
3 impoundment period.

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

9 (4) Any legal owner who knowingly releases or causes the
10 release of a vehicle to a registered owner or the person in
11 possession of the vehicle at the time of the impoundment or any
12 agent of the registered owner in violation of this subdivision shall
13 be guilty of a misdemeanor and subject to a civil penalty in the
14 amount of two thousand dollars (\$2,000).

15 (5) The legal owner, registered owner, or person in possession
16 of the vehicle shall not change or attempt to change the name of
17 the legal owner or the registered owner on the records of the
18 department until the vehicle is released from the impoundment.

19 (g) Notwithstanding any other provision of this section, the
20 registered owner and not the legal owner shall remain responsible
21 for any towing and storage charges related to the impoundment
22 and the administrative charges authorized under Section 22850.5
23 and any parking fines, penalties, and administrative fees incurred
24 by the registered owner.

25 (h) The law enforcement agency and the impounding agency,
26 including any storage facility acting on behalf of the law
27 enforcement agency or impounding agency, shall comply with this
28 section and shall not be liable to the registered owner for the
29 improper release of the vehicle to the legal owner or the legal
30 owner's agent if the release complies with this section. The legal
31 owner shall indemnify and hold harmless a storage facility from
32 any claims arising out of the release of the vehicle to the legal
33 owner or the legal owner's agent and from any damage to the
34 vehicle after its release, including the reasonable costs associated
35 with defending any such claims. A law enforcement agency shall
36 not refuse to issue a release to a legal owner or the agent of a legal

37 owner on the grounds that it previously issued a release.

38 ~~SECTION 1:~~

39 ~~SEC. 3.~~

Section 22513 of the Vehicle Code is amended to read:
22513.

P14 1

(a) Except as provided in subdivision (b) or (c), the owner or operator of a tow truck who complies with the requirements of this code relating to tow trucks may stop or park the tow truck upon a highway for the purpose of rendering assistance to a disabled vehicle.

(b) (1) It is a misdemeanor for a towing company or the owner or operator of a tow truck to stop at the scene of an accident or near a disabled vehicle for the purpose of soliciting an engagement for towing services, either directly or indirectly, or to furnish towing services, unless requested to perform that service by a law enforcement officer or public agency pursuant to that agency's procedures, or unless summoned to the scene, requested to stop, or flagged down by the owner or operator of a disabled vehicle.

(2) *If requested or summoned to the scene, the towing company or the owner or operator of a tow truck possesses all of the following information in writing prior to arriving at the scene:*

(A) The first and last name and working telephone number of the person who summoned it to the scene.

(B) The make, model, year, and license plate number of the disabled vehicle.

(C) The date and time it was summoned to the scene.

(D) The name of the person(s) who obtained the information in subparagraphs (A), (B), and (C).

(3) *If requested to stop or flagged down at the scene, the towing company or the owner or operator of a tow truck shall complete all of the following information in writing upon arriving at the scene:*

(A) *The first and last name and working telephone number of the person who summoned it to the scene.*

(B) *The make, model, year, and license plate number of the disabled vehicle.*

(C) *The date and time it was summoned to the scene.*

(D) *The name of the person(s) who obtained the information in subparagraphs (A), (B), and (C).*

~~(2)~~

(4) The towing company or the owner or operator of a tow truck shall make the written information described in this subdivision available to law enforcement, upon request, from the time it appears at the scene until the time the vehicle is towed and released to a third party.

P15 1

(c) (1) It is a misdemeanor for a towing company or the owner or operator of a tow truck to move a vehicle from a highway, street, or public property when the vehicle has been left unattended or when there is an injury as the result of an accident without the express authorization of the owner or operator of the vehicle or a law enforcement officer or public agency pursuant to that agency's procedures, and without obtaining the following, as applicable, in writing:

(A) If the authorization is from the vehicle owner or operator,

12 the first and last name, address, and working telephone number of
13 the person who gave the authorization.

14 (B) If the authorization is from law enforcement, the surname
15 and badge number of that law enforcement officer.

16 (C) *If the authorization is from law enforcement dispatch, the*
17 *surname and identification number of that dispatcher.*

18 ~~(C)~~

19 (D) If the authorization is from a public agency pursuant to that
20 agency's procedures, the name of the agency and the first name,
21 and last name, and identification number of the public agency
22 employee.

23 (2) The towing company or the owner or operator of a tow truck
24 shall make the written information described in this subdivision
25 available to law enforcement, upon request, from the time the
26 vehicle is attached to or loaded on to the tow truck until the time
27 the vehicle is towed and released to a third party.

28 ~~(d) (1) Prior to attaching a vehicle to the tow truck, the towing~~
29 ~~company or the owner or operator of the tow truck shall furnish~~
30 ~~the vehicle's owner or operator with the name, address, and~~
31 ~~telephone number of the towing company, the name of the towing~~
32 ~~operator, and a copy of the itemized statement for all charges for~~
33 ~~services to be performed, including a description of labor and~~
34 ~~special equipment to be used, if applicable. Prior to~~

35 (d) (1) *Prior to attaching a vehicle to the tow truck, the towing*
36 *company or the owner or operator of the tow truck shall furnish*
37 *the vehicle's owner or operator with the following:*

38 (A) *A written itemized estimate of all charges and services to*
39 *be performed.*

P16 1 (B) *The name, address, telephone number, and motor carrier*
2 *permit number of the towing company.*

3 (C) *The license plate number of the tow truck performing the*
4 *tow.*

5 (D) *The first and last name of the towing operator, and if*
6 *different than the towing operator, the first and last name of the*
7 *person from the towing company furnishing the estimate.*

8 (E) *A description and cost for all services, including, but not*
9 *limited to, charges for labor, special equipment, mileage from*
10 *dispatch to return expressed as a per mile rate, and storage fees,*
11 *expressed as a 24-hour rate.*

12 (2) *Prior to removing the vehicle, the tow truck operator shall*
13 *obtain the vehicle owner or operator's signature on the itemized*
14 *statement estimate and shall furnish a copy to the person who*
15 *signed the statement estimate.*

16 ~~(2)~~

17 (3) *If neither the vehicle owner nor the operator is present at*
18 *the time and location of the tow, the towing company or owner or*
19 *operator of a tow truck shall send a copy of the itemized invoice*
20 *by registered mail within one business day of the tow to the address*
21 *where the vehicle is registered.*

22 (4) *No charge shall be made in excess of the estimated price*
23 *without the prior written consent of the vehicle owner or operator.*
24 *Written consent may be made in person or by electronic mail or*
25 *transmission.*

26 (5) *All services rendered by a tow company or tow truck*
27 *operator, including any warranty or zero cost services, shall be*

28 *recorded on an invoice, and shall include the business name,*
29 *address, telephone number, and motor carrier permit number, a*
30 *description and cost for all services, the addresses where the*
31 *vehicle was towed from and delivered to, and the name of the*
32 *person authorizing the tow.*

33 *(6) Notwithstanding Section 3068 of the Civil Code, a tow*
34 *company or tow truck operator that fails to comply with the*
35 *provisions of this section shall not have a lien pursuant to Section*
36 *3068 of the Civil Code.*

37 (e) A towing company or owner or operator of a tow truck shall
38 maintain the written documents described in subdivisions (b), (c),
39 and (d) for three years and shall make those documents available
40 for inspection and copying within 48 hours of a written request by
P17 1 any officer or agent of a police department, sheriff's department,
2 the Department of the California Highway Patrol, the Attorney
3 General's office, a district attorney's office, or a city attorney's
4 office.

5 (f) This section shall not apply to the following:

6 (1) A vehicle owned or operated by, or under contract to, a
7 motor club, as defined by Section 12142 of the Insurance Code,
8 which stops to provide services for which compensation is neither
9 requested nor received, provided that those services may not
10 include towing other than that which may be necessary to remove
11 the vehicle to the nearest safe shoulder. The owner or operator of
12 that vehicle may contact a law enforcement agency or other public
13 agency on behalf of a motorist, but may not refer a motorist to a
14 tow truck owner or operator, unless the motorist is a member of
15 the motor club, the motorist is referred to a tow truck owner or
16 operator under contract to the motor club, and, if there is a dispatch
17 facility that services the area and is owned or operated by the motor
18 club, the referral is made through that dispatch facility.

19 (2) A tow truck operator employed by a law enforcement agency
20 or other public agency.

21 (3) A tow truck owner or operator acting under contract with a
22 law enforcement or other public agency to abate abandoned
23 vehicles, or to provide towing service or emergency road service
24 to motorists while involved in freeway service patrol operations,
25 to the extent authorized by law.

26 ~~SEC. 2.~~

27 ~~SEC. 4.~~

28 Section 22513.1 is added to the Vehicle Code, to read:
22513.1.

(a) A business taking possession of a vehicle from
29 a tow truck shall document the name, address, and telephone
30 number of the towing company, the name and driver's license
31 number of the tow truck operator, the make, model, and license
32 plate or Vehicle Identification Number, and the date and time that
33 possession was taken of the vehicle. If the vehicle was dropped
34 off afterhours, the business shall obtain the information from the
35 towing company the next day.

(b) The information required in this section shall be maintained
36 for three years and shall be available for inspection and copying
37 within 48 hours of a written request by any officer or agent of a
38 police department, sheriff's department, the Department of the
39 California Highway Patrol, the Attorney General's office, *the*
40

P18 1 *Bureau of Automotive Repair*, a district attorney's office, or a city
2 attorney's office.

3 ~~SEC. 3.~~

4 ~~SEC. 5.~~

No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

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