



CALIFORNIA TOW TRUCK ASSOCIATION

"Developing Professionalism in the Towing Industry"

823 S. Williams Road
Palm Springs, CA 92264
Telephone: (760) 325-5840 Facsimile: (760) 325-5843
www.ctta.com

December 22, 2006

Dear CTTA Member:

California Assembly Bill 2210 authored by Assembly Member Goldberg and signed into law by Governor Schwarzenegger makes numerous, major and substantive changes to current laws that regulate the **"Private Property Towing"** sector of our industry. Changes made by this bill to CVC 22658 and other sections of the vehicle code **will go into effect January 1st, 2007**.

AB 2210 passed unanimously in the Assembly with 79 aye votes and 0 no votes and also passed in the Senate with 28 aye votes and 11 no votes. Throughout the legislative process the bill had the overwhelming support of California law enforcement agencies.

AB 2210 Supporters:

- The Honorable Rockard J. Delgadillo, Los Angeles City Attorney (Sponsor)
- The Honorable Tony Rackauckas, Orange County District Attorney
- Office of the Attorney General, Bill Lockyer
- The City of Los Angeles
- The City of West Hollywood
- The Hollywood Chamber of Commerce
- Association for Los Angeles Deputy Sheriffs
- Better Business Bureau of the Southland, Inc.
- California District Attorney's Association
- California Apartment Association
- California Peace Officers Association
- California Police Chiefs' Association
- California Public Parking Association
- California Tow Truck Association
- California Trucking Association
- Chief of Police, San Fernando Police Department
- Consumer Attorney's of California
- Consumer Federation of California
- Enterprise Rent-A-Car
- Grant Parking Inc.
- League of California Cities
- Los Angeles County District Attorney's Office
- Los Angeles County Sheriff's Department
- MetroPro Road Services, Inc. (Orange)
- Official Police Garage Association of Los Angeles
- Parking Association of California
- Peace Officers Research Association of California (PORAC)
- RoadOne, San Diego

This bill was not backed by CTTA at its inception. It is important to note that CTTA signed on as a supporter only after numerous and extensive negotiations occurred with the bill's author on behalf of California tow operators. Negotiations resulted in 9 amended versions of the bill. The Association had sponsored SB 1593, a bipartisan bill authored by Senators Runner and Lowenthal, which also addressed the issues involving "Private Property Towing".

The legislative process is extremely complex, attempts to consider the needs of all concerned parties, and contains many twists and turns along the way. AB 2210 is the bill that gained the necessary momentum and support needed to carry it to the Governor's desk for signature.

Enclosed you will find **"A Tow Operator's Guide to Private Property Towing Under CVC 22658"**. The California Tow Truck Association has prepared this guide as a service to its members and hope it will act as a tool for interpreting and complying with the new laws.

As always, it is our goal to keep you informed of any changes in the law that may impact your businesses. CTTA members may obtain additional copies of the guide upon request.

Best Regards,

Jeff Hunter
Executive Director



A Tow Operator's Guide to Private Property Towing Under CVC 22658

Assembly Bill 2210 substantially changed the law regulating the non-consensual towing of vehicles from private property. The new law, which will take effect January 1st, 2007, contains new criminal and civil penalties for violating the provisions regulating private property towing. This guide was put together by the California Tow Truck Association to assist its members in complying with the new law. Due to the number of changes in the law and the new criminal and civil liability we urge each member to read the new law in its entirety and to consult an attorney if they have any questions.

Authorization – All tows from private property require “authorization from the owner or person in lawful possession of private property” (with the exception of tows initiated by law enforcement agencies)			
Type of Authorization:	Requirements:	Comments:	Penalties for violators:
Specific Authorization	<p>Specific Authorization requires obtaining “written authorization from the property owner or lessee, including an association of a common interest development, or an employee or agent thereof, who shall be present at the time of removal and verify the alleged violation”. CVC 22658 (I) (1) (A)</p> <p>Note: A person providing the written authorization (who is required to be present on the private property at the time of the tow) does not have to be physically present at the specific location where the vehicle to be removed is located on that private property.</p>	<p>A separate written authorization is required for each and every vehicle at the time the tow is performed. This must contain the following information: (1) the make, model, vehicle identification number, and license plate number of the removed vehicle; (2) the name, signature, job title, residential or business address and working telephone number of the person authorizing the removal of the vehicle; (3) the grounds for the removal of the vehicle; (4) the time when the vehicle was first observed parked at the private property; (5) the time that authorization to tow the vehicle was given. CVC 22658 (I) (1) (B)</p> <p>CVC 22658.2 which contained provisions for towing from common interest developments (i.e. condominiums, gated communities, etc.) has been repealed. Towing from these types of developments is now governed under CVC 22658.</p>	<p>Misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22658 (I) (4)</p> <p>Civil liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (I) (5)</p>
Private property lot open to the public (Tow Operator's Additional Duty to inquire)	<p>A towing company shall not remove or commence the removal of a vehicle from private property <u>open to the public without a fee</u> described in Subdivision (a) of Section 22953 unless the towing company has made a good faith inquiry to determine that the owner or the property owner's agent complied with Section 22953. CVC 22658 (I) (1) (D)</p>	<p>CVC 22953 prohibits a tow from private property <u>open to the public without a fee</u> within one hour of the vehicle being parked EXCEPT for hotel, motel, and apartment stalls and disabled parking or vehicles parked within 15 feet of a fire lane or fire hydrant or the entrance to or exit from private property.</p>	<p>Misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22658 (I) (4)</p> <p>Civil liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (I) (5)</p> <p>A property owner or owner's agent or lessee who causes the removal of a</p>

			vehicle in violation of 22953(a) is liable for two times the towing and storage charges CVC 22953(e)
The 15 Unit or Less Apartment Exception -- to the required "actual presence" of the owner or agent and their "written authorization" before commencing the tow	<p>In the case of a residential rental property of 15 or fewer units that does not have an onsite owner, owner's agent or employee, there is an exception to the requirement that the owner or manager verify the violation and provide the written authorization before the tow.</p> <p>CVC 22658 (I) (1) allows a tenant who wants to have a car towed from the tenant's assigned space to verify the violation; and request the tow PROVIDED the tenant, within 24hours AFTER the tow, provides a signed request or electronic mail to the owner or manager confirming that the tenant requested the tow from that tenant's assigned parking space, AND the property owner or owner's agent, provides the written request to the towing company within 48 hours of authorizing the tow.</p> <p><u>Extreme caution should be used if the tow operator is going to accept this type of authorization which requires written or electronic mail from the tenant and, in addition, a written authorization from the property owner or agent.</u></p> <p><u>If either the tenant or property manager fails to follow through as required, the tow is illegal and the tow operator can be criminally prosecuted.</u></p>	<p>If you are unable to supply a copy of the authorization at the time of release of the vehicle, and you accept payment and release the vehicle you may be guilty of a misdemeanor.</p> <p>The authorization must contain the following: (1) the make, model, vehicle identification number, and license plate number of the removed vehicle; (2) the name, signature, job title, residential or business address and working telephone number of the person authorizing the removal of the vehicle; (3) the grounds for the removal of the vehicle; (4) the time when the vehicle was first observed parked at the private property; (5) the time that authorization to tow the vehicle was given. CVC 22658 (I) (1) (B)</p>	<p>Misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22658 (I) (4)</p> <p>Civil Liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (I) (5)</p> <p>A property owner or owner's agent or lessee who causes the removal of a vehicle pursuant to the exemption for residential rental property of 15 or fewer units that does not have an onsite manager and fails to comply with the provisions for the exemption is guilty of an infraction, punishable by a fine of \$1,000. CVC 22658 (e) (2)</p>
General Authorization	<p>A General authorization to remove or commence removal of a vehicle at the towing company's discretion (i.e. without a specific written request as to that vehicle) must be in the form of a written agreement and applies to only three situations: (1) a vehicle unlawfully parked within 15 feet of a fire hydrant, (2) a vehicle parked in a fire lane, or (3) a vehicle parked in a manner which interferes with an entrance to, or exit from, the private property. CVC 22658(I) (1) (E)</p> <p>The towing company and the property owner, or owner's agent, or person in lawful possession of the private property shall have a written agreement granting that general authorization. CVC 22658 (I) (1) (E) (ii)</p>	<p>The towing company shall take a photograph of the vehicle that clearly indicates that parking violation. Prior to accepting payment, the towing company shall keep one copy of the photograph taken and shall show that photograph to the owner or an agent of the owner and provide, without charge, a photocopy to the owner or an agent of the owner, when that person claims the vehicle. CVC 22658 (I) (2)</p>	<p>Misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22658 (I) (4)</p> <p>Civil Liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (I) (5)</p>

Signage Requirements			
Type of Signage:	Requirements:	Comments:	Penalties for Violators:
Entrances to Property	There must be displayed, in plain view at all entrances to the property, a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency and the name and telephone number of each towing company that is a party to a written general towing authorization agreement with the owner or person in lawful possession of the property. CVC 22658 (a) (1)	The name and address of the towing company(s) is not required if a General Authorization is not being used and the requirements for Specific Authorization are implemented on every tow. Signage is not required under the following circumstances: -- The vehicle has been issued a notice of parking violation, and 96 hours have elapsed since the issuance of that notice. -- The vehicle lacks an engine, transmission, wheels, tires, doors, windshield, or any other major part or equipment necessary to operate safely on the highways, the owner or person in lawful possession of the private property has notified the local traffic law enforcement agency, and 24 hours have elapsed since that notification. -- The lot or parcel upon which the vehicle is parked is improved with a single-family dwelling. CVC 22658 (a) (2) (3) (4)	Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1 An owner or person in lawful possession of private property, or an association of a common interest development, causing the removal of a vehicle parked on that property is liable for double the storage or towing charges whenever there has been a failure to comply with the signage requirements. CVC 22658 (e) (1)
Credit Card Notice at Storage Facility	The towing company/storage facility shall conspicuously display, in that portion of the storage facility office where business is conducted with the public, a notice advising that all valid credit cards (Visa, MasterCard, Discover and AMEX) and cash are acceptable means of payment. CVC 22658 (k) (2) Note: Also must have on hand sufficient cash to make appropriate change. CVC 22658 (m) (5)	Size of the notice/sign is not specified, but it is suggested that the lettering be not less than one inch in size which is consistent with the private property sign requirements.	Misdemeanor , punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22658 (k) (3) Civil liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (k) (4)

Notification			
Type of Notification Required:	Requirements:	Comments:	Penalties for Violators:
Notification to Law Enforcement by the Towing Company	Notice required: A towing company that removes a vehicle from private property shall notify the local law enforcement agency of that tow after the vehicle is removed from the private property and is in transit. CVC 22658 (m) (1)	If you have difficulties beyond your control while trying notifying law enforcement, i.e. on-hold, line busy, are requested to call back at a later time, fax line busy, poor cell phone coverage etc., document the difficulties in detail including date and time. Remember, impracticability is an affirmative defense.	Violation of the 60 minute provision or the 15 minute provision = Misdemeanor , punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the

	<p>Civil liability for delayed notice: A towing company that does not provide notification within 30 minutes after the vehicle is removed from the private property and is in transit is civilly liable to the registered owner of the vehicle, or the person who tenders the fees, for three times the amount of the towing and storage charges. CVC 22658 (m) (3)</p> <p>Criminal liability: A towing company must notify law enforcement within 60 minutes after the vehicle is removed from the private property and is in transit or 15 minutes after arriving at the storage facility, whichever time is less. Failure to do so is a misdemeanor. CVC 22658 (m) (2)</p> <p>Burden of proving impossibility is on the tower: If notification is impracticable (reasonably impossible), the times for notification shall be tolled for the time period that notification is impracticable. Impracticability is an affirmative defense. CVC 22658 (m) (4)</p>		<p>county jail for not more than three months, or both. CVC 22658 (m) (2)</p> <p>Violation of the 30 minute provision = Civil Liability to the registered owner of the vehicle, or the person who tenders the fees, for three times the amount of the towing and storage charges. CVC 22658 (m) (3)</p>
Notification to Law Enforcement by the Property Owner/Agent:	An owner or person in lawful possession of private property, or an association of a common interest development, causing the removal of a vehicle parked on that property shall notify by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency within one hour after authorizing the tow. CVC 22658 (f)		Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1
Notification to vehicle owner	<p>The tow truck operator removing the vehicle, if the operator knows or is able to ascertain from the property owner or owner's agent or from DMV records the name and address of the registered and legal owner of the vehicle shall immediately give, or cause to be given, notice in writing to the registered and legal owner of the fact of removal, the grounds for the removal, and indicate the place to which the vehicle has been removed. If the vehicle is stored in a storage facility, a copy of the notice shall be given to the proprietor of the storage facility. The notice shall include the mileage at the time of removal and the time of removal. CVC 22658 (b)</p> <p>Note: if the tow truck operator is unable to give the notice required by this section, the tow truck operator shall comply with CVC 22853(c) relating to notice the Dept of Justice stolen vehicle system in Sacramento in the same manner as applicable to an officer removing a vehicle from private property.</p>	<p>CVC 22853 (c) provides that if you cannot give notice in the manner required by CVC 22852 (notice mailed or personally delivered within 48 hours excluding weekends and holidays) and the owner is not located with 120 hours of the removal, then you must send by mail a notice to the Dept of Justice stolen vehicle system in Sacramento.</p> <p>Note: the notice to the Dept of Justice must include: name address and telephone number of agency providing the notice, location of place of storage and description of the vehicle including name or make, manufacturer, license plate number and mileage and authority and purpose for removal of the vehicle. CVC 22852</p>	Misdemeanor CVC 22852.5

Consumer Notice to the Vehicle Owner/Agent by the Towing Company	The towing company shall provide to the vehicle owner/agent a separate notice that provides the telephone number of the appropriate local law enforcement or prosecuting agency by stating: <i>"If you believe that you have been wrongfully towed, please contact the local law enforcement or prosecuting agency at [insert appropriate telephone number]."</i> The notice shall be in English and in the most populous language, other than English, that is spoken in the jurisdiction. CVC 22658 (f) (1) (C) (iii)	The term "separate notice" can be notice that is distinctive (i.e. large bold print surrounded by a border, conspicuously displayed) and contained on your invoice. The "separate notice" could be presented on a separate piece of paper, but by including it on the invoice it will be signed for by the person you release the vehicle to, providing you with additional "signed for" documentation of your compliance. If you chose to use a separate piece of paper it is suggested it be in duplicate form and contain a signature line.	Misdemeanor , punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22658 (f) (4) Civil Liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (f) (5)

Limitations on Area of Operation			
Distance:	Requirements:	Comments:	Penalties for Violators:
Within 10 Miles	A vehicle removed from private property shall be stored in a facility that is located within a 10-mile radius of the property from where the vehicle was removed. CVC 22658 (n) (1) (A)		Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1
Beyond 10 miles	The 10-mile radius requirement of does not apply if a towing company has prior general written approval from the law enforcement agency that exercises primary jurisdiction in the city in which is located the private property from which the vehicle was removed, or if the private property is not located within a city, then the law enforcement agency that exercises primary jurisdiction in the county in which is located the private property. (CVC 22658 (n) (1) (B))	It is suggested that you enlist the help of the property owner in making this request for approval from a law enforcement agency. This will allow law enforcement to respond directly to the needs of the property owner who is having his property rights impeded by improperly parked or unauthorized vehicles.	Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1

Releasing the Vehicle			
Type of Release:	Requirements:	Comments:	Penalties for Violators
At the scene of the tow/still on private property	Upon the request of the owner of the vehicle or that owner's agent, the towing company or its driver shall immediately and unconditionally release a vehicle that is not yet removed from the private property and in transit. CVC 22658 (g) (1) (B) A towing company may impose a charge of not more than one-half of the regular towing charge for the towing	<i>You must release the vehicle upon request of the owner or owner's agent regardless of the owner or owner's agent unwillingness or inability to pay one-half your regular towing charge.</i> You are entitled to one-half your regular towing charge, but may not require immediate payment as a condition of release. You will have to seek out other remedies to	Misdemeanor , punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22658 (g) (1) (C)

	of a vehicle at the request of the owner, the owner's agent, or the person in lawful possession of the private property pursuant to this section if the owner of the vehicle or the vehicle owner's agent returns to the vehicle after the vehicle is coupled to the tow truck by means of a regular hitch, coupling device, drawbar, portable dolly, or is lifted off the ground by means of a conventional trailer, and before it is removed from the private property. The regular towing charge may only be imposed after the vehicle has been removed from the property and is in transit.	collect the monies you may be entitled to (i.e. owner or owner's agent billing, collections, small claims court, etc.) CVC 22658 (h) If a vehicle is immediately and unconditionally released to the vehicle owner or authorized agent under CVC 22658 (g) (1) (B) that person shall immediately move that vehicle to a lawful location. CVC 22658 (g) (2)	
At the storage facility	When the vehicle owner or his or her agent claims the vehicle, the towing company prior to payment of a towing or storage charge shall provide a photocopy of the written authorization to the vehicle owner or the agent. CVC 22658 (j) (1) (C) (i) If the vehicle was towed from a residential property, the towing company shall remove the name, signature, job title, residential or business address and working telephone number of the person authorizing the removal of the vehicle in the photocopy of the written authorization provided to the vehicle owner or the agent. CVC 22658 (j) (1) (C) (ii) The towing company shall also provide to the vehicle owner or the agent a separate notice that provides the telephone number of the appropriate local law enforcement or prosecuting agency by stating <i>"If you believe that you have been wrongfully towed, please contact the local law enforcement or prosecuting agency at [insert appropriate telephone number]."</i> The notice shall be in English and in the most populous language, other than English, that is spoken in the jurisdiction. CVC 22658 (j) (1) (C) (iii)	Additional requirement for General Authorization: The towing company shall take a photograph of the vehicle that clearly indicates that parking violation. Prior to accepting payment, the towing company shall keep one copy of the photograph taken and shall show that photograph to the owner or an agent of the owner and provide, without charge, a photocopy to the owner or an agent of the owner, when that person claims the vehicle. CVC 22658 (j) (2)	Misdemeanor , punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both CVC 22658 (j) (2) Civil Liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (j) (1)

Storage Facility Requirements			
Description:	Requirements:	Comments:	Penalties for Violators
Location	Storage facility must be located within a 10-mile radius of the property from where the vehicle was removed.	(See exception under "Limitations on Area of Operation" section)	Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1
Hours of Operation	The storage facility must remain open during normal business hours and release vehicles after normal business hours . "Normal business hours" are Monday to Friday, inclusive, from 8 a.m. to 5 p.m., inclusive,	A gate fee may be charged for releasing a vehicle after normal business hours, weekends, and state holidays. However, the maximum hourly charge for releasing a vehicle after normal business hours shall be one-half of	Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1

	except state holidays. CVC 22658 (n) (2) (A) and (C)	the hourly tow rate charged for initially towing the vehicle, or less. CVC 22658 (n) (2) (B) The storage facility must release vehicles after normal business hours. You must be able to respond to requests to release vehicles 24 hours per day, every day of the year. CVC 22658 (n) (2) (A)	
Public Pay Phone	A public pay telephone must be available in the office area that is open and accessible to the public. CVC 22658 (n) (3)		Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1
Credit Card Notice at Storage Facility	The towing company/storage facility shall conspicuously display, in that portion of the storage facility office where business is conducted with the public, a notice advising that all valid credit cards (Visa, MasterCard, Discover and AMEX) and cash are acceptable means of payment. CVC 22658 (k) (2) Note: Also must have on hand sufficient cash to make appropriate change. CVC 22658 (m) (5)	Size of the notice/sign is not specified, but it is suggested that the lettering be not less than one inch in size which is consistent with the private property sign requirements.	Misdemeanor , punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22658 (k) (3) Civil liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (k) (4)

Towing and Storage Fees			
Description:	Requirements:	Comments:	Penalties for Violators
Rates	A charge for towing or storage, or both, of a vehicle from private property is excessive if the charge exceeds the greater of the following: 1) That which would have been charged for that towing or storage, or both, made at the request of a law enforcement agency under an agreement between a towing company and the law enforcement agency that exercises primary jurisdiction in the city in which is located the private property from which the vehicle was, or was attempted to be, removed, or if the private property is not located within a city, then the law enforcement agency that exercises primary jurisdiction in the county in which the private property is located. 2) That which would have been charged for that towing or storage, or both, under the rate approved for that towing operator by the California Highway Patrol for the jurisdiction in which the private property is located and from which the vehicle was, or was attempted to be, removed. CVC 22658 (i) A towing operator shall make available for inspection and copying his or her rate approved by the California	Maximum towing or storage rates are keyed to law enforcement rates. There is nothing to prevent a towing company from charging an amount less than the law enforcement rate. Only one day of storage may be charged in the first 24 hour period. CVC 22658 (i)	Misdemeanor , punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22258 (j) (2) Civil Liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22258 (j) (1)

	Highway Patrol, if any, within 24 hours of a request without a warrant to law enforcement, the Attorney General, district attorney, or city attorney. CVC 22658 (l) (3)		
Credit Cards	<p>A person operating or in charge of a storage facility where vehicles are stored pursuant to this section shall accept a valid credit card or cash for payment of towing and storage by a registered owner or the owner's agent claiming the vehicle. "Credit card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, except for the purposes of this section, credit card does not include a credit card issued by a retail seller. CVC 22658 (k) (1)</p> <p>A person described above shall conspicuously display, in that portion of the storage facility office where business is conducted with the public, a notice advising that all valid credit cards and cash are acceptable means of payment. CVC 22658 (k) (2)</p>	<p>The effect of Civil Code 1747.02 will require you to accept all of the following credit cards: American Express, Discover, MasterCard and Visa.</p> <p>Size of the notice/sign is not specified, but it is suggested that the lettering be not less than one inch in size which is consistent with the private property sign requirements.</p>	<p>Misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22658 (l) (4)</p> <p>Civil Liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (l) (5)</p>

Record Keeping Requirements			
Description:	Requirements:	Comments:	Penalties for Violators
General or Written Authorizations, Photographs, Tenant Requests	A towing company shall maintain the original written authorization, or the general authorization, any required photographs of the violation and any written requests from a tenant to the property owner or owner's agent for a period of three years and shall make them available for inspection and copying within 24 hours of a request without a warrant to law enforcement, the Attorney General, district attorney, or city attorney. CVC 22658 (l) (3)	It is recommended that you maintain all records that would prove your compliance with regards to all aspects of VC 22658 and VC 22953 for a period of at least three years.	<p>Misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or both. CVC 22658 (l) (4)</p> <p>Civil Liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (l) (5)</p>

The information contained in this Guide is for general information purposes only. It is not legal advice. Readers are advised to seek legal advice from competent counsel on how to best comply with the new private property towing provisions enacted by AB 2210 and contained in CVC 22658. Nothing herein is intended to establish an attorney client relationship between readers and the authors.

Effective January 1, 2007 Section 22658 of the Vehicle Code is amended to read:

22658. (a) The owner or person in lawful possession of private property, including an association of a common interest development as defined in Section 1351 of the Civil Code, may cause the removal of a vehicle parked on the property to a storage facility that meets the requirements of subdivision (n) under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency and the name and telephone number of each towing company that is a party to a written general towing authorization agreement with the owner or person in lawful possession of the property. The sign may also indicate that a citation may also be issued for the violation.

(2) The vehicle has been issued a notice of parking violation, and 96 hours have elapsed since the issuance of that notice.

(3) The vehicle is on private property and lacks an engine, transmission, wheels, tires, doors, windshield, or any other major part or equipment necessary to operate safely on the highways, the owner or person in lawful possession of the private property has notified the local traffic law enforcement agency, and 24 hours have elapsed since that notification.

(4) The lot or parcel upon which the vehicle is parked is improved with a single-family dwelling.

(b) The tow truck operator removing the vehicle, if the operator knows or is able to ascertain from the property owner, person in lawful possession of the property, or the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner of the vehicle, shall immediately give, or cause to be given, notice in writing to the registered and legal owner of the fact of the removal, the grounds for the removal, and indicate the place to which the vehicle has been removed. If the vehicle is stored in a storage facility, a copy of the notice shall be given to the proprietor of the storage facility. The notice provided for in this section shall include the amount of mileage on the vehicle at the time of removal and the time of the removal from the property. If the tow truck operator does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in this section, the tow truck operator shall comply with the requirements of subdivision (c) of Section 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property.

(c) This section does not limit or affect any right or remedy that the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon private property.

(d) The owner of a vehicle removed from private property pursuant to subdivision (a) may recover for any damage to the vehicle resulting from any intentional or negligent act of a person causing the removal of, or removing, the vehicle.

(e) (1) An owner or person in lawful possession of private property, or an association of a common interest development, causing the removal of a vehicle parked on that property is liable for double the storage or towing charges whenever there has been a failure to comply with paragraph (1), (2), or (3) of subdivision (a) or to state the grounds for the removal of the vehicle if requested by the legal or registered owner of the vehicle as required by subdivision (f).

(2) A property owner or owner's agent or lessee who causes the removal of a vehicle parked on that property pursuant to the exemption set forth in subparagraph (A) of paragraph (1) of subdivision (l) and fails to comply with that subdivision is guilty of an infraction, punishable by a fine of one thousand dollars (\$1,000).

(f) An owner or person in lawful possession of private property, or an association of a common interest development, causing the removal of a vehicle parked on that property shall notify by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency within one hour after authorizing the tow. An owner or person in lawful possession of private property, an association of a common interest development, causing the removal of a vehicle parked on that property, or the tow truck operator who removes the vehicle, shall state the grounds for the removal of the vehicle if requested by the legal or registered owner of that vehicle. A towing company that removes a vehicle from private property in compliance with subdivision (l) is not responsible in a situation relating to the validity of the removal. A towing company that removes the vehicle under this section shall be responsible for the following:

(1) Damage to the vehicle in the transit and subsequent storage of the vehicle.

(2) The removal of a vehicle other than the vehicle specified by the owner or other person in lawful possession of the private property.

(g) (1) (A) Possession of a vehicle under this section shall be deemed to arise when a vehicle is removed from private property and is in transit.

(B) Upon the request of the owner of the vehicle or that owner's agent, the towing company or its driver shall immediately and unconditionally release a vehicle that is not yet removed from the private property and in transit.

(C) A person failing to comply with subparagraph (B) is guilty of a misdemeanor.

(2) If a vehicle is released to a person in compliance with subparagraph (B) of paragraph (1), the vehicle owner or authorized agent shall immediately move that vehicle to a lawful location.

(h) A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of a vehicle at the request of the owner, the owner's agent, or the person in lawful possession of the private property pursuant to this section if the owner of the vehicle or the vehicle owner's agent returns to the vehicle after the vehicle is coupled to the tow truck by means of a regular hitch, coupling device, drawbar, portable dolly, or is lifted off the ground by means of a conventional trailer, and before it is removed from the private property. The regular towing charge may only be imposed after the vehicle has been removed from the property and is in transit.

(i) (1) (A) A charge for towing or storage, or both, of a vehicle under this section is excessive if the charge exceeds the greater of the following:

(i) That which would have been charged for that towing or storage, or both, made at the request of a law enforcement agency under an agreement between a towing company and the law enforcement agency that exercises primary jurisdiction in the city in which is located the private property from which the vehicle was, or was attempted to be, removed, or if the private property is not located within a city, then the law enforcement agency that exercises primary jurisdiction in the county in which the private property is located.

(ii) That which would have been charged for that towing or storage, or both, under the rate approved for that towing operator by the California Highway Patrol for the jurisdiction in which the private property is located and from which the vehicle was, or was attempted to be, removed.

(B) A towing operator shall make available for inspection and copying his or her rate approved by the California Highway Patrol, if any, within 24 hours of a request without a warrant to law enforcement, the Attorney General, district attorney, or city attorney.

(2) If a vehicle is released within 24 hours from the time the vehicle is brought into the storage facility, regardless of the calendar date, the storage charge shall be for only one day. Not more than one day's storage charge may be required for a vehicle released the same day that it is stored.

(3) If a request to release a vehicle is made and the appropriate fees are tendered and documentation establishing that the person requesting release is entitled to possession of the vehicle, or is the owner's insurance representative, is presented within the initial 24 hours of storage, and the storage facility fails to comply with the request to release the vehicle or is not open for business during normal business hours, then only one day's storage charge may be required to be paid until after the first business day. A business day is any day in which the lienholder is open for business to the public for at least eight hours. If a request is made more than 24 hours after the vehicle is placed in storage, charges may be imposed on a full calendar day basis for each day, or part thereof, that the vehicle is in storage.

(j) (1) A person who charges a vehicle owner a towing, service, or storage charge at an excessive rate, as described in subdivision (h) or (i), is civilly liable to the vehicle owner for four times the amount charged.

(2) A person who knowingly charges a vehicle owner a towing, service, or storage charge at an excessive rate, as described in subdivision (h) or

(i), or who fails to make available his or her rate as required in subparagraph (B) of paragraph (1) of subdivision (i), is guilty of a misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or by both that fine and imprisonment.

(k) (1) A person operating or in charge of a storage facility where vehicles are stored pursuant to this section shall accept a valid credit card or cash for payment of towing and storage by a registered owner or the owner's agent claiming the vehicle. "Credit card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, except for the purposes of this section, credit card does not include a credit card issued by a retail seller.

(2) A person described in paragraph (1) shall conspicuously display, in that portion of the storage facility office where business is conducted with the public, a notice advising that all valid credit cards and cash are acceptable means of payment.

(3) A person operating or in charge of a storage facility who refuses to accept a valid credit card or who fails to post the required notice under paragraph (2) is guilty of a misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or by both that fine and imprisonment.

(4) A person described in paragraph (1) who violates paragraph (1) or (2) is civilly liable to the registered owner of the vehicle or the person who tendered the fees for four times the amount of the towing and storage charges.

(5) A person operating or in charge of the storage facility shall have sufficient moneys on the premises of the primary storage facility during normal business hours to accommodate, and make change in, a reasonable monetary transaction.

(6) Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies as described in subdivision (i).

(l) (1) (A) A towing company shall not remove or commence the removal of a vehicle from private property without first obtaining the written authorization from the property owner or lessee, including an association of a common interest development, or an employee or agent

thereof, who shall be present at the time of removal and verify the alleged violation, except that presence and verification is not required if the person authorizing the tow is the property owner, or the owner's agent who is not a tow operator, of a residential rental property of 15 or fewer units that does not have an onsite owner, owner's agent or employee, and the tenant has verified the violation, requested the tow from that tenant's assigned parking space, and provided a signed request or electronic mail, or has called and provides a signed request or electronic mail within 24 hours, to the property owner or owner's agent, which the owner or agent shall provide to the towing company within 48 hours of authorizing the tow. The signed request or electronic mail shall contain the name and address of the tenant, and the date and time the tenant requested the tow. A towing company shall obtain within 48 hours of receiving the written authorization to tow a copy of a tenant request required pursuant to this subparagraph. For the purpose of this subparagraph, a person providing the written authorization who is required to be present on the private property at the time of the tow does not have to be physically present at the specified location of where the vehicle to be removed is located on the private property.

(B) The written authorization under subparagraph (A) shall include all of the following:

(i) The make, model, vehicle identification number, and license plate number of the removed vehicle.

(ii) The name, signature, job title, residential or business address and working telephone number of the person, described in subparagraph (A), authorizing the removal of the vehicle.

(iii) The grounds for the removal of the vehicle.

(iv) The time when the vehicle was first observed parked at the private property.

(v) The time that authorization to tow the vehicle was given.

(C) (i) When the vehicle owner or his or her agent claims the vehicle, the towing company prior to payment of a towing or storage charge shall provide a photocopy of the written authorization to the vehicle owner or the agent.

(ii) If the vehicle was towed from a residential property, the towing company shall redact the information specified in clause (ii) of subparagraph (B) in the photocopy of the written authorization provided to the vehicle owner or the agent pursuant to clause (i).

(iii) The towing company shall also provide to the vehicle owner or the agent a separate notice that provides the telephone number of the appropriate local law enforcement or prosecuting agency by stating "If you believe that you have been wrongfully towed, please contact the local law enforcement or prosecuting agency at [insert appropriate telephone number]." The notice shall be in English and in the most populous language, other than English, that is spoken in the jurisdiction.

(D) A towing company shall not remove or commence the removal of a vehicle from private property described in subdivision (a) of Section 22953 unless the towing company has made a good faith inquiry to determine that the owner or the property owner's agent complied with Section 22953.

(E) (i) General authorization to remove or commence removal of a vehicle at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of a vehicle unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or in a manner which interferes with an entrance to, or exit from, the private property.

(ii) In those cases in which general authorization is granted to a towing company or its affiliate to undertake the removal or commence the removal of a vehicle that is unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or that interferes with an entrance to, or exit from, private property, the towing company and the property owner, or owner's agent, or person in lawful possession of the private property shall have a written agreement granting that general authorization.

(2) If a towing company removes a vehicle under a general authorization described in subparagraph (E) of paragraph (1) and that vehicle is unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or in a manner that interferes with an entrance to, or exit from, the private property, the towing company shall take, prior to the removal of that vehicle, a photograph of the vehicle that clearly indicates that parking violation. Prior to accepting payment, the towing company shall keep one copy of the photograph taken pursuant to this paragraph, and shall present that photograph and provide, without charge, a photocopy to the owner or an agent of the owner, when that person claims the vehicle.

(3) A towing company shall maintain the original written authorization, or the general authorization described in subparagraph (E) of paragraph (1) and the photograph of the violation, required pursuant to this section, and any written requests from a tenant to the property owner or owner's agent required by subparagraph (A) of paragraph (1), for a period of three years and shall make them available for inspection and copying within 24 hours of a request without a warrant to law enforcement, the Attorney General, district attorney, or city attorney.

(4) A person who violates this subdivision is guilty of a misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or by both that fine and imprisonment.

(5) A person who violates this subdivision is civilly liable to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges.

(m) (1) A towing company that removes a vehicle from private property under this section shall notify the local law enforcement agency of that tow after the vehicle is removed from the private property and is in transit.

(2) A towing company is guilty of a misdemeanor if the towing company fails to provide the notification required under paragraph (1) within 60 minutes after the vehicle is removed from the private property and is in transit or 15 minutes after arriving at the storage facility, whichever time is less.

(3) A towing company that does not provide the notification under paragraph (1) within 30 minutes after the vehicle is removed from the private property and is in transit is civilly liable to the registered owner of the vehicle, or the person who tenders the fees, for three times the amount of the towing and storage charges.

(4) If notification is impracticable, the times for notification, as required pursuant to paragraphs (2) and (3), shall be tolled for the time period that notification is impracticable. This paragraph is an affirmative defense.

(n) A vehicle removed from private property pursuant to this section shall be stored in a facility that meets all of the following requirements:

(1) (A) Is located within a 10-mile radius of the property from where the vehicle was removed.

(B) The 10-mile radius requirement of subparagraph (A) does not apply if a towing company has prior general written approval from the law enforcement agency that exercises primary jurisdiction in the city in which is located the private property from which the vehicle was removed, or if the private property is not located within a city, then the law enforcement agency that exercises primary jurisdiction in the county in which is located the private property.

(2) (A) Remains open during normal business hours and releases vehicles after normal business hours.

(B) A gate fee may be charged for releasing a vehicle after normal business hours, weekends, and state holidays. However, the maximum hourly charge for releasing a vehicle after normal business hours shall be one-half of the hourly tow rate charged for initially towing the vehicle, or less.

(C) Notwithstanding any other provision of law and for purposes of this paragraph, "normal business hours" are Monday to Friday, inclusive, from 8 a.m. to 5 p.m., inclusive, except state holidays.

(3) Has a public pay telephone in the office area that is open and accessible to the public.

(o) (1) It is the intent of the Legislature in the adoption of subdivision (k) to assist vehicle owners or their agents by, among other things, allowing payment by credit cards for towing and storage services, thereby expediting the recovery of towed vehicles and concurrently promoting the safety and welfare of the public.

(2) It is the intent of the Legislature in the adoption of subdivision (l) to further the safety of the general public by ensuring that a private property owner or lessee has provided his or her authorization for the removal of a vehicle from his or her property, thereby promoting the safety of those persons involved in ordering the removal of the vehicle as well as those persons removing, towing, and storing the vehicle.

(3) It is the intent of the Legislature in the adoption of subdivision (g) to promote the safety of the general public by requiring towing companies to unconditionally release a vehicle that is not lawfully in their possession, thereby avoiding the likelihood of dangerous and violent confrontation and physical injury to vehicle owners and towing operators, the stranding of vehicle owners and their passengers at a dangerous time and location, and impeding expedited vehicle recovery, without wasting law enforcement's limited resources.

(p) The remedies, sanctions, restrictions, and procedures provided in this section are not exclusive and are in addition to other remedies, sanctions, restrictions, or procedures that may be provided in other provisions of law, including, but not limited to, those that are provided in Sections 12110 and 34660.

Effective January 1, 2007 Section 22953 of the Vehicle Code is amended to read:

22953. (a) An owner or person in lawful possession of private property that is held open to the public, or a discernible portion thereof, for parking of vehicles at no fee, or an employee or agent thereof, shall not tow or remove, or cause the towing or removal, of a vehicle within one hour of the vehicle being parked.

(b) Notwithstanding subdivision (a), a vehicle may be removed immediately after being illegally parked within 15 feet of a fire hydrant, in a fire lane, in a manner that interferes with an entrance to, or an exit from, the private property, or in a parking space or stall legally designated for disabled persons.

(c) Subdivision (a) does not apply to property designated for parking at residential property, or to property designated for parking at a hotel or motel where the parking stalls or spaces are clearly marked for a specific room.

(d) It is the intent of the Legislature in the adoption of subdivision (a) to avoid causing the unnecessary stranding of motorists and placing them in dangerous situations, when traffic citations and other civil remedies are available, thereby promoting the safety of the general public.

(e) A person who violates subdivision (a) is civilly liable to the owner of the vehicle or his or her agent for two times the amount of the towing and storage charge.