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by Burt Dean

Transparency in Towing

VEHICLE OWNERS RIGHTS AND RESPONSIBILITIES

**AB 519, Solorio: "Towing Fees and Access Notice"
New law signed by Governor Schwarzenegger
September 30, 2010 to go into effect January 1, 2011.
An act to amend Section 3068.1 of the Civil Code, and
add Section 22651.07 to the Vehicle Code.**

The bill would also provide that a person who violates these provisions (AB 519) is civilly liable to a registered or legal owner of the vehicle, or a registered owner's insurer, for up to 2 times the amount charged, not to exceed \$500 per vehicle:

Towing Fees and Access Notice: Note: The following information is intended to serve as a general summary of some of the laws that provide vehicle owners certain rights when their vehicle is towed. It is not intended to summarize all of the laws that may be applicable, nor is it intended to fully and completely state the entire law in any area listed. Please review the applicable California code for a definitive statement of the law in your particular situation.

How much can a towing company charge? (1) Rates for public tows and storage are generally established by an agreement between the law enforcement agency requesting the tow and the towing company (to confirm the approved rates, you may contact the law enforcement agency that initiated the tow; additionally, these rates are required to be posted at the storage facility). (2) Rates for private property tows and storage cannot exceed the approved rates for the law enforcement agency that has primary jurisdiction for the property from which the vehicle was removed or the towing company's approved CHP rate. (3) Rates for owner's request tows and storage are generally established by mutual agreement between the requestor and the towing company, but may be dictated by agreements established between the requestor's motor club and motor club service provider.

Where can you complain about a towing company?

For public tows: Contact the law enforcement agency initiating the tow.

Your rights if your vehicle is towed: Generally, prior to paying any towing and storage-related fees you have the right to:

- A) Receive an itemized invoice of actual charges.
- B) Receive your personal property, at no charge, during normal business hours.
- C) Retrieve your vehicle during the first 72 hours of storage and not pay a lien fee.
- D) Request a copy of the Towing Fees and Access Notice.
- E) Pay by cash or valid bank credit card.

F) Inspect your vehicle or have your insurance carrier inspect your vehicle at the storage facility, at no charge, during normal business hours.

G) You have the right to have the vehicle released to you upon: (1) payment of all towing and storage-related fees, (2) presentation of a valid photo identification, (3) presentation of reliable documentation showing that you are the owner of the vehicle or that the owner has authorized you to take possession of the vehicle, and (4), if applicable, presentation of any required police or law enforcement release documents.

Prior to your vehicle being repaired:

A) You have the right to choose the repair facility and to have no repairs made to your vehicle unless you authorize them in writing.

B) Any authorization you sign for towing and any authorization you sign for repair must be on separate forms.

What if I do not pay the towing and storage-related fees or abandon my vehicle at the towing company?

Pursuant to Sections 3068.1 to 3074, inclusive, of the Civil Code, a towing company may sell your vehicle and any moneys received will be applied to towing and storage-related fees that have accumulated against your vehicle.

You are responsible for paying the towing company any outstanding balance due on any of these fees once the sale is complete.

Who is liable if my vehicle was damaged during towing or storage?

Generally, the owner of a vehicle 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.

What happens if a towing company violates the law?

If a tow company does not satisfactorily meet certain requirements detailed in this notice, you may bring a lawsuit in court, generally in small claims court. The tower may be civilly liable for damages up to two times the amount charged, not to exceed \$500, and possibly more for certain violations.

**ABOVE IS THE EXACT STATE REQUIRED LANGUAGE TO BE POSTED
IN THE TOW COMPANY OFFICE AREA AND MADE AVAILABLE UPON
REQUEST.**

**Does Your Towing Vendor Comply With These Simple
Requirements?**