

## Towing, Storage Fees & 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?**

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).

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.

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 receive an itemized invoice of actual charges.
- ✓ Receive your personal property, at no charge, during normal business hours.
- ✓ Retrieve your vehicle during the first 72 hours of storage and not pay a lien fee.
- ✓ Request a copy of the Towing Fees and Access Notice.
- ✓ Pay by cash or valid bank credit card, or a check issued by your insurer
- ✓ Inspect your vehicle or have your insurance carrier inspect your vehicle at the storage facility, at no charge, during normal business hours. However, the storage facility may limit the inspection to increments of 45 consecutive minutes in order to provide service to any waiting customer, after which the insurer may resume the inspection for additional increments of 45 consecutive minutes, as necessary.
- ✓ You and your insurance company or insurance company representative have the right to 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, in the case of a fatality or a crime, presentation of any required police or law enforcement release documents.

### **PRIOR TO YOUR VEHICLE BEING REPAIRED:**

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

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.

## Itemized Tow Invoice Must Contain The Following Information

- ✓ The name, address, telephone number, and carrier identification number of the person that is charging for towing and storage.
- ✓ If ascertainable, the registered owner or operator's name, address, and telephone number.
- ✓ The date service was initiated.
- ✓ The location of the vehicle at the time service was initiated, including either the address or nearest intersecting roadways.
- ✓ A vehicle description that includes, if ascertainable, the vehicle year, make, model, odometer reading, license plate number, or if a license plate number is unavailable, the vehicle identification number (VIN).
- ✓ The service dispatch time, the service arrival time of the tow truck, and the service completion time.
- ✓ A clear, itemized, and detailed explanation of any additional services that caused the total towing-related service time to exceed one hour between service dispatch time and service completion time.
- ✓ The hourly rate or per item rate used to calculate the total towing and recovery-related fees. These fees shall be listed as separate line items.
- ✓ If subject to storage fees, the daily storage rate and the total number of days stored. The storage fees shall be listed as a separate line item.
- ✓ If subject to a gate fee, the date and time the vehicle was either accessed, for the purposes of returning personal property, or was released after normal business hours. Normal business hours are Monday through Friday from 8:00 a.m. to 5:00 p.m., inclusive, except state holidays. A gate fee shall be listed as a separate line item.
- ✓ A description of the method of towing.
- ✓ If the tow was not requested by the vehicle's owner or driver, the identity of the person or governmental agency that directed the tow. This paragraph shall not apply to information otherwise required to be redacted under Section 22658.
- ✓ A clear, itemized, and detailed explanation of any additional services or fees.

### **MODIFICATIONS TO THE LIEN PROVISIONS OF CIVIL CODE 3608.1, INCLUDING:**

#### **A DEFINITION OF "DOCUMENTATION" THAT WOULD ENTITLE A PERSON TO POSSESSION OF THE VEHICLE WITHIN THE FIRST 24 HOURS OF STORAGE:**

"...includes, but is not limited to, a certificate of ownership, vehicle registration, information in the possession of the lien holder including ownership information obtained from the Department of Motor Vehicles or a facially valid registration found within the vehicle, or a notarized letter or statement from the legal or registered owner providing authorization to release to a particular person with a government-issued photographic identification card. Documentation that establishes that a person is the owner's insurance representative includes, but is not limited to, a faxed letter or other letter from the owner's insurance company."

#### **A DEFINITION OF "AGENT" FOR THE PURPOSES OF INSPECTIONS PREVIOUSLY AUTHORIZED IN 3068.1:**

"...includes, but is not limited to, any person designated to inspect the vehicle by the request of the legal owner or lessor, in writing or by telephone, to the lien holder. A lien holder is not responsible for determining the authenticity of documentation establishing a person's agency for the purposes of inspection of a vehicle."