

Collateral Recovery Act

California Business and Professions Code §7500 et seq.
(As of January 1, 2010)

And Selected Provisions of other California Codes

Compiled for the California Association of Licensed Repossessors by *ADVOCAL*

Business and Professions Code

1 **7500.** This chapter of the Business and Professions Code constitutes the chapter on repossession. It may be cited as the
2 "Collateral Recovery Act."

3 **7500.1.** The following terms as used in this chapter have the meaning expressed in this section:

4 (a) "Advertisement" means any written or printed communication, including a directory listing, except a free telephone
5 directory listing that does not allow space for a license number.

6 (b) "Assignment" means a written authorization by the legal owner, lienholder, lessor or lessee, or the agent of any of
7 them, to skip trace, locate, or repossess or to collect money payment in lieu of repossession of, any collateral, including,
8 but not limited to, collateral registered under the Vehicle Code that is subject to a security agreement that contains a
9 repossession clause. "Assignment" also means a written authorization by an employer to recover any collateral entrusted
10 to an employee or former employee if the possessor is wrongfully in possession of the collateral. A photocopy of an
11 assignment, facsimile copy of an assignment, or electronic assignment shall have the same force and effect as an original
12 written assignment.

13 (c) "Bureau" means the Bureau of Security and Investigative Services.

14 (d) "Chief" means the Chief of the Bureau of Security and Investigative Services.

15 (e) "Collateral" means any specific vehicle, trailer, boat, recreational vehicle, motor home, appliance, or other property
16 that is subject to a security agreement.

17 (f) "Combustibles" means any substance or article that is capable of undergoing combustion or catching fire, or that
18 is flammable, if retained.

19 (g) "Dangerous drugs" means any controlled substances as defined in Chapter 2 (commencing with Section 11053)
20 of Division 10 of the Health and Safety Code.

21 (h) "Deadly weapon" means and includes any instrument or weapon of the kind commonly known as a blackjack,
22 slungshot, billy, sandclub, sandbag, metal knuckles, dirk, dagger, pistol, or revolver, or any other firearm, any knife
23 having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended
24 to be used as a club.

25 (i) "Debtor" means any person obligated under a security agreement.

26 (j) "Department" means the Department of Consumer Affairs.

27 (k) "Director" means the Director of Consumer Affairs.

28 (l) "Health hazard" means any personal effects which if retained would produce an unsanitary or unhealthful condition.

29 (m) "Legal owner" means a person holding a security interest in any collateral that is subject to a security agreement,
30 a lien against any collateral, or an interest in any collateral that is subject to a lease agreement.

31 (n) "Licensee" means an individual, partnership, limited liability company, or corporation licensed under this chapter
32 as a repossession agency.

33 (o) "Multiple licensee" means a repossession agency holding more than one repossession license under this chapter,
34 with one fictitious trade style and ownership, conducting repossession business from additional licensed locations other
35 than the location shown on the original license.

36 (p) "Person" includes any individual, partnership, limited liability company, or corporation.

37 (q) "Personal effects" means any property that is not the property of the legal owner.

38 (r) "Private building" means and includes any dwelling, outbuilding, or other enclosed structure.

39 (s) "Qualified certificate holder" or "qualified manager" is a person who possesses a valid qualification certificate in
40 accordance with the provisions of Article 5 (commencing with Section 7504) and is in active control or management of,
41 and who is a director of, the licensee's place of business.

42 (t) "Registrant" means a person registered under this chapter.

43 (u) "Secured area" means and includes any fenced and locked area.

44 (v) "Security agreement" means an obligation, pledge, mortgage, chattel mortgage, lease agreement, deposit, or lien,
45 given by a debtor as security for payment or performance of his or her debt, by furnishing the creditor with a recourse
46 to be used in case of failure in the principal obligation. "Security agreement" also includes a bailment where an employer-
47 employee relationship exists or existed between the bailor and the bailee.

48 (w) "Services" means any duty or labor to be rendered by one person for another.

49 (x) "Violent act" means any act that results in bodily harm or injury to any party involved.

50 (y) The amendments made to this section during the 2005-06 Regular Session shall not be deemed to exempt any
51 person from the provisions of this chapter.

52 **7500.2.** A repossession agency means and includes any person who, for any consideration whatsoever, engages in
53 business or accepts employment to locate or recover collateral, whether voluntarily or involuntarily, including, but not

1 limited to, collateral registered under the provisions of the Vehicle Code which is subject to a security agreement, except
2 for any person registered pursuant to Article 7 (commencing with Section 7506).

3 **7500.3.** A repossession agency shall not include any of the following:

4 (a) Any bank subject to the jurisdiction of the Commissioner of Financial Institutions of the State of California under
5 Division 1 (commencing with Section 99) of the Financial Code or the Comptroller of the Currency of the United States.

6 (b) Any person organized, chartered, or holding a license or authorization certificate to make loans pursuant to the laws
7 of this state or the United States who is subject to supervision by any official or agency of this state or the United States.

8 (c) An attorney at law in performing his or her duties as an attorney at law.

9 (d) The legal owner of collateral that is subject to a security agreement or a bona fide employee employed exclusively
10 and regularly by the legal owner of collateral that is subject to a security agreement. With regard to collateral subject to
11 registration under the Vehicle Code, the legal owner shall be the legal owner listed on the records of the Department of
12 Motor Vehicles or the seller or lessor named on a valid conditional sales contract or rental or lease agreement if the seller
13 or lessor is a licensed vehicle dealer as defined in Section 285 of the Vehicle Code.

14 (e) An officer or employee of the United States of America, or of this state or a political subdivision thereof, while the
15 officer or employee is engaged in the performance of his or her official duties.

16 (f) A qualified certificate holder or a registrant when performing services for, or on behalf of, a licensee.

17 **7501.** There is in the Department of Consumer Affairs a Bureau of Security and Investigative Services. The bureau is
18 under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

19 **7501.05.** Protection of the public shall be the highest priority for the Bureau of Security and Investigative Services in
20 exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with
21 other interests sought to be promoted, the protection of the public shall be paramount.

22 **7501.1.** The Governor shall appoint a chief of the bureau at a salary to be fixed in accordance with Section 12080.3 of
23 the Government Code. The chief shall serve under the direction and supervision of the director.

24 **7501.2.** Every power and duty granted to or imposed upon the director under this chapter may be delegated to the chief,
25 except that the director may not delegate authority to adopt or otherwise act upon any proposed decision of a hearing
26 officer after a hearing under the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
27 Title 2 of the Government Code. The chief may delegate any power or duty granted to or imposed upon him or her under
28 this chapter to the deputy chief, to the assistant chief, or to any inspection, investigation, or auditing personnel of the
29 bureau.

30 **7501.3.** The director, in accordance with the State Civil Service Act, and Section 159.5, may appoint and fix the
31 compensation of such clerical, inspection, investigation, and auditing personnel, as well as an assistant chief, as may be
32 necessary to carry out the provisions of this chapter. Except as otherwise provided in Section 159.5, all personnel shall
33 perform their respective duties under the supervision and direction of the chief.

34 **7501.4.** The chief shall gather evidence of violations of this chapter and of any rule or regulation established pursuant
35 to this chapter by persons engaged in the business of repossession who fail to obtain licenses and shall gather evidence
36 of violations and furnish that evidence to the prosecuting officers of any county or city for the purpose of prosecuting
37 all violations occurring within their jurisdiction.

38 The chief, with the approval of the director, may require the attendance of witnesses and examine under oath all persons
39 whose testimony he or she requires, relative to the affairs of a licensee or to the subject matter of any examination,
40 investigation, or hearing.

41 **7501.5.** It shall be the duty of the chief to initiate and conduct investigations into the business and affairs of licensees
42 on the chief's own motion.

43 **7501.6.** The director may establish and enforce such rules and regulations as may be reasonable and necessary for the
44 examination and licensing of applicants, for the conduct of licensees, and for the general enforcement of various
45 provisions of this chapter in the protection of the public.

46 **7501.7.** If, upon investigation, the director determines that a licensee, a qualified certificate holder, or a registrant is in
47 violation of Section 7508.1, 7508.2, 7508.3, 7508.4, 7508.5, or 7508.6, the director may issue a citation to the licensee,
48 qualified certificate holder, or registrant. The citation shall be in writing and shall describe with particularity the nature

1 of the violation, including specific references to the provision of law determined to have been violated, and shall be
2 delivered by certified mail to the licensee's, qualified certificate holder's, or registrant's address of record. If the citation
3 is issued to the qualified certificate holder or registrant, a copy of the citation shall also be sent by certified mail to the
4 licensee's address of record. If the director deems it appropriate, the citation may contain an order of abatement fixing
5 a reasonable time for abatement of the violation and may contain assessment of an administrative fine not to exceed two
6 thousand five hundred dollars (\$2,500).

7 A citation or fine assessment shall inform the licensee, qualified certificate holder, or registrant that if he or she desires
8 a hearing to contest the finding of a violation, the hearing shall be requested by written notice to the director within 30
9 days of the issuance of the citation or assessment, as appropriate. Any request for reconsideration received in writing
10 by the director within the 30 days shall stay the 30 days allowed to request a hearing while the director reconsiders the
11 fine assessment. Upon decision, the director shall notify the licensee, qualified certificate holder, or registrant in writing
12 whether the fine assessment has been withdrawn or the fine assessment has been reaffirmed. If the fine assessment has
13 been reaffirmed, the director shall again inform the licensee, qualified certificate holder, or registrant in writing that he
14 or she has 30 days to request a hearing. If a hearing is not requested pursuant to this section, payment of any fine shall
15 not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with
16 Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

17 If the licensee, qualified certificate holder, or registrant neither requests a hearing nor pays the assessed fine within 30
18 days of the assessment, the license, qualification certificate, or registration of the person shall not be renewed pursuant
19 to Section 7503.10 and no registration shall be issued pursuant to Article 7 (commencing with Section 7506) until the
20 assessed fine is paid.

21 Administrative fines collected pursuant to this section shall be deposited in the Private Security Services Fund.

22 **7501.8.** (a) When considering the denial of a license, registration, or certificate under Section 7503.5, for which
23 application has been made under this chapter, the director, in evaluating the rehabilitation of the applicant and the
24 applicant's present eligibility for a license, registration, or certificate, shall consider the following criteria:

25 (1) The nature and severity of the act or crime under consideration as grounds for denial.

26 (2) Evidence of any act committed subsequent to the act or crime under consideration as grounds for denial, which also
27 could be considered as grounds for denial under Section 7503.5.

28 (3) The time that has elapsed since commission of the act or crime referred to in paragraph (1) or (2).

29 (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other
30 sanctions lawfully imposed against the applicant.

31 (5) Evidence, if any, of rehabilitation submitted by the applicant.

32 (b) When considering the suspension or revocation of a license, registration, or certificate issued under this chapter
33 on the grounds of conviction of a crime, the director, in evaluating the rehabilitation of the person and the person's
34 present eligibility for a license, registration, or certificate, shall consider the following criteria:

35 (1) Nature and severity of the act or offense.

36 (2) Total criminal record.

37 (3) The time that has elapsed since commission of the act or offense.

38 (4) Whether the licensee has complied with any terms of parole, probation, restitution, or any other sanctions lawfully
39 imposed against the licensee.

40 (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

41 (6) Evidence, if any, of rehabilitation submitted by the licensee.

42 (c) When considering a petition for reinstatement of a license, registration, or certificate, the director shall evaluate
43 evidence of rehabilitation, considering those criteria of rehabilitation listed in subdivision (b).

44 **7502.** No person shall engage within this state in the activities of a repossession agency as defined in Section 7500.2
45 unless the person holds a valid repossession agency license or is exempt from licensure pursuant to Section 7500.2 or
46 7500.3.

47 **7502.1.** (a) Any person who violates any provision of this chapter, or who conspires with another person to violate any
48 provision of this chapter, or who knowingly engages a nonexempt unlicensed person to repossess collateral on his or her
49 behalf is guilty of a misdemeanor, and is punishable by a fine of five thousand dollars (\$5,000), or by imprisonment in
50 the county jail for not more than one year, or by both the fine and imprisonment. In addition, any tow vehicle subject
51 to registration under the Vehicle Code that is used to violate any provision of this chapter is subject to removal and
52 impound pursuant to Section 22850 of the Vehicle Code.

53 (b) Within existing resources, the Commissioner of Financial Institutions, the Commissioner of Corporations, and the
54 Director of Motor Vehicles may each designate employees to investigate and report on violations of this chapter by any

1 of the licensees of their respective departments. Those employees are authorized to actively cooperate with the bureau
2 in the investigation of those activities.

3 (c) A proceeding to impose the penalties specified in subdivision (a) may be brought in any court of competent
4 jurisdiction in the name of the people of the State of California by the Attorney General or by any district attorney or city
5 attorney, or with the consent of the district attorney, by the city prosecutor in any city or city and county having a
6 full-time city prosecutor, for the jurisdiction in which the violation occurred. If the action is brought by a district
7 attorney, the penalty collected shall be paid to the treasurer of the county in which the judgment is entered. If the action
8 is brought by a city attorney or city prosecutor, one-half of the penalty collected shall be paid to the treasurer of the city
9 in which the judgment was entered and one-half to the treasurer of the county in which the judgment was entered. If the
10 action is brought by the Attorney General, all of the penalty collected shall be deposited in the Private Security Services
11 Fund.

12 **7502.2.** (a) Any financial institution that knowingly engages a nonexempt unlicensed person to repossess collateral on
13 its behalf is guilty of a misdemeanor, and is punishable by a fine of five thousand dollars (\$5,000).

14 (b) Within existing resources, the Commissioner of Financial Institutions and the Commissioner of Corporations may
15 each designate employees to investigate and report on violations of this section by any of the licensees of their respective
16 departments. Those employees are authorized to actively cooperate with the bureau in the investigation of those
17 activities.

18 (c) A proceeding to impose the fine specified in subdivision (a) may be brought in any court of competent jurisdiction
19 in the name of the people of the State of California by the Attorney General or by any district attorney or city attorney,
20 or with the consent of the district attorney, by the city prosecutor in any city or city and county having a full-time city
21 prosecutor, for the jurisdiction in which the violation occurred. If the action is brought by a district attorney, the penalty
22 collected shall be paid to the treasurer of the county in which the judgment is entered. If the action is brought by a city
23 attorney or city prosecutor, one-half of the penalty collected shall be paid to the treasurer of the city in which the
24 judgment was entered and one-half to the treasurer of the county in which the judgment was entered. If the action is
25 brought by the Attorney General, all of the penalty collected shall be deposited in the Private Security Services Fund.

26 **7502.3.** Any person who knowingly falsifies the fingerprints or photographs required by any provision of this chapter
27 is guilty of a felony.

28 **7502.4.** In addition to the remedy provided for in Section 125.5, the superior court for the county in which any licensee
29 licensed under this chapter has engaged or is about to engage in any act which constitutes a violation of this chapter may,
30 upon a petition filed by the director and accompanied by an affidavit or affidavits in support thereof and a memorandum
31 of points and authorities, issue a temporary restraining order or other appropriate order restraining the licensee from
32 engaging in the business or profession for which the person is licensed or from any part thereof, in accordance with the
33 provisions of this section.

34 (a) If an affidavit in support of the petition show that the licensee has engaged or is about to engage in acts or omissions
35 constituting a violation of this chapter and if the court is satisfied that permitting the licensee to continue to engage in
36 the business and profession for which the license was issued will endanger the public health, safety, or welfare, the court
37 may issue an order temporarily restraining the licensee from engaging in the profession for which he or she is licensed.

38 (b) The order may not be issued without notice to the licensee unless it appears from facts shown by the affidavit that
39 serious injury would result to the public before the matter can be heard on notice.

40 (c) Except as otherwise specifically provided by this section, proceedings under this section shall be governed by
41 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking
42 shall be required.

43 (d) When a restraining order is issued pursuant to this section, or within a time to be allowed by the superior court, but
44 in any case not more than 30 days after the restraining order is issued, an accusation shall be filed by the director pursuant
45 to Section 11503 of the Government Code. The accusation shall be served upon the licensee as provided by Section
46 11505 of the Government Code. The licensee shall have all of the rights and privileges available as specified in Chapter
47 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. However, if the licensee
48 requests a hearing on the accusation, the director shall provide the licensee with a hearing within 30 days of the request
49 and a decision within 15 days of the date of the conclusion of the hearing, or the court may nullify the restraining order
50 previously issued. Any restraining order issued pursuant to this section shall be dissolved by operation of law at such
51 time the director's decision is subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

52 **7502.5.** The provisions of this chapter do not prevent the local authorities in any city, county, or city and county, by
53 ordinance and within the exercise of the police power of the city, county, or city and county from requiring repossession
54 agency licensees or registrants to register their names and a file copy of their state identification cards with the city,

1 county, or city and county. No fee may be charged nor may any application be required by the city, county, or city and
2 county for the registration.

3 **7502.6.** (a) The superior court in and for the county wherein any person carries on, or attempts to carry on, business as
4 a repossession agency without first having obtained a license pursuant to this chapter, or carries on that business after
5 the revocation or expiration of any license or during the period of suspension of any license, may, on application of the
6 director, or any person licensed under this act or association representing those licensees or any member of the general
7 public, issue an injunction or other appropriate order restraining that conduct and may impose civil fines not exceeding
8 ten thousand dollars (\$10,000).

9 (b) A proceeding to impose the fine specified in subdivision (a) and enjoin the unlicensed operation of a repossession
10 agency business may be brought in any court of competent jurisdiction in the name of the people of the State of
11 California by the Attorney General or by any district attorney or city attorney, or with the consent of the district attorney,
12 by a city prosecutor in any city or city and county having a full-time city prosecutor, for the jurisdiction in which the
13 unlicensed activity has occurred. If the action is brought by a district attorney, the penalty collected shall be paid to the
14 treasurer of the county in which the judgment is entered. If the action is brought by a city attorney or city prosecutor,
15 one-half of the penalty collected shall be paid to the treasurer of the city in which the judgment was entered, and one-half
16 to the treasurer of the county in which the judgment was entered. If the action is brought by the Attorney General, all
17 of the penalty collected shall be deposited in the Private Investigator Fund.

18 (c) The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of
19 Part 2 of the Code of Civil Procedure, except that there shall be no requirement to allege facts necessary to show or
20 tending to show lack of an adequate remedy at law or irreparable injury.

21 **7503.** An application for a repossession agency license shall be made in writing to, and filed with, the bureau in the form
22 that may be required by the director and shall be accompanied by the original license fee prescribed by this chapter. The
23 director may require the submission of any other pertinent information, evidence, statements, or documents.

24 Every application for a repossession agency license shall be signed by the applicant and state, among other things that
25 may be required, the name of the applicant and the name under which the applicant will do business, the location by
26 number and street and city of the office of the business for which the license is sought, and the usual business hours the
27 business will maintain. An applicant who declares as true any material matter pursuant to this section that he or she
28 knows to be false is guilty of a misdemeanor. The residence address, residence telephone number, and driver's
29 license number of each licensee, principal owner of each licensee, and any applicant for a license, if requested, shall be
30 confidential pursuant to the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8
31 of Part 4 of Division 3 of the Civil Code) and shall not be released to the public.

32 No license shall be issued in any fictitious name which may be confused with or which is similar to any federal, state,
33 county, or municipal governmental function or agency, or in any name which may tend to describe any business function
34 or enterprise not actually engaged in by the applicant, or in any name which is the same as or so similar to that of any
35 existing licensee as would tend to deceive the public, or in any name which would otherwise tend to be deceptive or
36 misleading.

37 The application form shall contain a statement informing the applicant that a false or dishonest answer to a question
38 may be grounds for denial or subsequent suspension or revocation of a repossession agency license.

39 **7503.1.** (a) Each individual applicant for examination and each manager, partner of a partnership, and officer of a
40 corporation shall submit with the application, one personal identification form provided by the chief upon which shall
41 appear a photograph taken within one year immediately preceding the date of the filing of the application together with
42 two legible sets of fingerprints, one set of which shall be forwarded to the Federal Bureau of Investigation for purposes
43 of a background check, and a personal description of each person respectively.

44 (b) The bureau may impose a fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted
45 by applicants, excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

46 **7503.2.** If the applicant for license is an individual, the application shall state the full residence address of the applicant
47 and that the applicant is to be personally and actively in charge of the business for which the license is sought, or if any
48 other qualified certificate holder is to be actively in charge of such business, the application shall so state and set forth
49 the name of the person. The application shall also state whether the applicant has ever used an alias. The application
50 shall be subscribed and verified by the applicant and, if any other person is to be actively in charge of the business, the
51 application shall also be subscribed and verified by that person.

52 **7503.3.** If the applicants for license are copartners, the application shall state the true names and addresses of all partners
53 and the name of the partner to be actively in charge of the business for which the license is sought. If a qualified

1 certificate holder other than a partner is to be actively in charge of the business then the application shall state the name
2 and address of that person. The application shall be subscribed and verified by all of the partners and, if any other person
3 is to be actively in charge of the business, the application shall also be subscribed and verified by that person. The
4 application shall also state whether any of the partners has ever used an alias.

5 **7503.4.** (a) If the applicant for a license is a corporation, the application shall state the true names and complete
6 residence addresses of all officers. The application shall also state the name and address of the person to be actively in
7 charge of the business for which the license is sought. The application shall be subscribed and verified by a duly
8 authorized officer of the applicant and by the qualified certificate holder thereof. The application shall also state whether
9 any of the officers has ever used an alias.

10 (b) If the applicant for a license is a limited liability company, the application shall state the true names and complete
11 residence addresses of all owners and the name and address of the owner to be actively in charge of the business for
12 which the license is sought. If a qualified certificate holder, other than an owner, is to be actively in charge of the
13 business, then the application shall state the name and address of that person. The application shall be subscribed and
14 verified by each owner and, if any other person is to be actively in charge of the business, the application shall also be
15 subscribed and verified by that person. The application shall also state whether any of the owners has ever used an alias.

16 (c) Nothing in this chapter permits a domestic or foreign limited liability company to be licensed as a repossession
17 agency.

18 **7503.5.** If the director determines that the applicant, if an individual, or if the applicant is a person other than an
19 individual, that its manager and any of its officers and partners have committed any of the following acts, the director
20 may deny the license:

21 (a) Committed any act, which, if committed by a licensee, would be a ground for the suspension or revocation of a
22 license under this chapter.

23 (b) Committed any act constituting dishonesty or fraud.

24 (c) Been refused a license under this chapter or had a license revoked.

25 (d) Been an officer, partner, or manager of any person who has been refused a license under this chapter or whose
26 license has been revoked.

27 (e) Committed, or aided and abetted the commission of, any act for which a license is required by this chapter while
28 unlicensed.

29 (f) Knowingly made any false statement in his or her application.

30 (g) Committed any act or crime constituting grounds for denial of licensure under Section 480.

31 The denial shall be in writing and shall describe the basis for the denial. The denial shall inform the applicant that if
32 he or she desires a hearing to contest the denial, the hearing shall be requested of the director, in writing, within 30 days
33 of the issuance of the denial.

34 When a hearing is held under this section, it shall be conducted in accordance with Chapter 5 (commencing with
35 Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

36 **7503.6.** No license may be issued to any applicant pending final disposition of any disciplinary action by the director
37 previously filed against the person or applicant or against any partner or officer.

38 **7503.7.** The form and content of the license shall be determined by the director in accordance with Section 164.

39 **7503.8.** Each repossession agency license or duplicate license, together with current renewal license, if any, shall at all
40 times be conspicuously displayed at the place of business on record with the bureau.

41 **7503.9.** (a) Except as provided in this section, a repossession agency license issued under this chapter is not assignable.

42 (b) A repossession agency may apply to the chief for consent and, upon receipt of the consent and payment of the
43 processing fee authorized by Section 7511, may assign a license to another business entity as long as the direct and
44 indirect owners of the assignor own all of the assignee immediately after the assignment.

45 **7503.10.** (a) An original repossession agency license shall expire one year following the date of issuance, unless renewed
46 as provided in this chapter.

47 (b) A renewal repossession agency license shall expire two years following the date of renewal, unless renewed as
48 provided in this chapter.

49 (c) At least 60 days prior to the expiration of the license, the bureau shall mail to the licensee a renewal form prescribed
50 by the director. To renew an unexpired license, the licensee shall complete and mail the renewal form to the bureau, pay

1 any and all fines assessed pursuant to Section 7501.7 and resolved in accordance with the provisions of that section, and
2 pay the renewal fee prescribed by this chapter.

3 (d) Upon the issuance of the initial license or renewal license, the bureau shall issue to the licensee a suitable pocket
4 identification card which includes a photograph of the licensee. The photograph shall be of a size prescribed by the
5 bureau. The card shall contain the name of the licensee's company.

6 **7503.11.** An expired license may be reinstated within one year of the date of expiration upon compliance with the
7 provisions of this chapter, application by the licensee, and payment of any and all fines assessed pursuant to Section
8 7501.7 and not resolved in accordance with the provisions of that section and payment of the reinstatement fee provided
9 by this chapter. Reinstatement of an expired license shall not prohibit the bringing of disciplinary proceedings for any
10 act committed in violation of this chapter during the period the license is expired.

11 **7503.12.** A suspended repossession agency license is subject to expiration and shall be renewed as provided in this
12 article, but renewal of the license does not entitle the licensee, while the license remains suspended and until it is
13 reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by
14 which the license was suspended.

15 **7503.13.** A revoked repossession agency license is subject to expiration as provided in this article, but it may not be
16 renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a
17 reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which
18 it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

19 **7503.14.** A repossession agency license which is not renewed within three years after its expiration may not be renewed,
20 restored, reinstated, or reissued thereafter. The holder of the repossession agency license may obtain a new license only
21 upon compliance with all of the provisions of this chapter relating to the issuance of an original license.

22 **7504.** (a) Except as otherwise provided in this chapter, an applicant for a qualification certificate shall comply with all
23 of the following:

24 (1) Be at least 18 years of age.

25 (2) Have been, for at least two years of lawful experience, during the five years preceding the date on which his or her
26 application is filed, a registrant or have had two years of lawful experience in recovering collateral within this state.
27 Lawful experience means experience in recovering collateral as a registrant pursuant to this chapter or as a salaried
28 employee of a financial institution or vehicle dealer. Lawful experience does not include any employment performing
29 work other than skip tracing, debt collection, or actual collateral recovery.

30 Two years' experience shall consist of not less than 4,000 hours of actual compensated work performed by the applicant
31 preceding the filing of an application.

32 An applicant shall certify that he or she has completed the claimed hours of qualifying experience and the exact details
33 as to the character and nature thereof by written certifications from the employer, licensee, financial institution, or vehicle
34 dealer, subject to independent verification by the director as he or she may determine. In the event of inability of an
35 applicant to supply the written certifications from the employer, licensee, financial institution or vehicle dealer in whole
36 or in part, applicants may offer other written certifications from other persons substantiating their experience for
37 consideration by the director. All certifications shall include a statement that representations made are true, correct, and
38 contain no material omissions of fact to the best knowledge and belief of the applicant or the person submitting the
39 certification. An applicant or person submitting the certification who declares as true any material matter pursuant to
40 this paragraph that he or she knows to be false is guilty of a misdemeanor.

41 (3) Complete and forward to the bureau a qualified certificate holder application which shall be on a form prescribed
42 by the director. The application shall be accompanied by two recent photographs of the applicant, of a type prescribed
43 by the director, and two classifiable sets of his or her fingerprints. The residence address, residence telephone number,
44 and driver's license number of each qualified certificate holder or applicant for a qualification certificate, if requested,
45 shall be confidential pursuant to the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of
46 Title 1.8 of Part 4 of Division 3 of the Civil Code) and shall not be released to the public.

47 (4) Pass the required examination.

48 (5) Pay the required application and examination fees to the bureau.

49 (b) Upon the issuance of the initial qualification certificate or renewal qualification certificate, the bureau shall issue
50 to the certificate holder a suitable pocket identification card which includes a photograph of the certificate holder. The
51 photograph shall be of a size prescribed by the bureau. The card shall contain the name of the licensee with whom the
52 certificate holder is employed.

1 (c) The application form shall contain a statement informing the applicant that a false or dishonest answer to a question
2 may be grounds for denial or subsequent suspension or revocation of a qualification certificate.

3 **7504.1.** The director may refuse to issue a qualification certificate, or may suspend or revoke a previously issued
4 qualification certificate, if the individual has committed any act which, if committed by a licensee, would be grounds for
5 refusing to issue a license, or for the suspension or revocation of a license under this chapter.

6 The denial shall be in writing and shall describe the basis for the denial. The denial shall inform the applicant that if
7 he or she desires a hearing to contest the denial, the hearing shall be requested of the director within 30 days of the
8 issuance of the denial.

9 When a hearing is held under this section, it shall be conducted in accordance with Chapter 5 (commencing with
10 Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

11 **7504.2.** Examinations and reexaminations shall be given at least once every other month at such places and on such
12 specific dates as the chief may from time to time determine and fix.

13 **7504.3.** In order to be eligible for an initial examination, an applicant shall have completed and filed his or her
14 application together with the application fee prescribed by this chapter in the office of the bureau in Sacramento,
15 California, not later than 30 days prior to the next scheduled examination date. Applicants whose applications are not
16 completed and filed within the time limits of this section may, at the discretion of the bureau, be scheduled for the first
17 examination next following the scheduled examination.

18 **7504.4.** If an applicant fails to pass an initial examination, he or she shall not be eligible for any subsequent examination
19 except upon payment of the reexamination fee for each subsequent examination, accompanied by a completed application
20 for reexamination filed within the time limits and conditions relating to applications for initial examinations provided
21 in Section 7504.3.

22 **7504.5.** All applicants shall be examined concerning their competency, experience, and qualifications by the chief and
23 the chief may take testimony of anyone in regard thereto under oath.

24 **7504.6.** If an applicant fails to complete his or her application within one year after it has been filed, or fails to take the
25 examination within a one-year period after becoming eligible therefor, the application shall be considered to be
26 abandoned. An application submitted subsequent to the abandonment of a former application shall be treated as a new
27 application.

28 **7504.7.** (a) Except as provided in this section, every qualification certificate issued or renewed under this chapter on
29 or after July 1, 1998, is subject to the same renewal provisions that apply to a repossession agency license as set forth
30 in Sections 7503.10, 7503.11, 7503.12, 7503.13, and 7503.14.

31 (b) An initial qualification certificate shall expire one year following the date of issuance, unless renewed as provided
32 in this chapter.

33 (c) A renewal qualification certificate shall expire two years following the date of renewal, unless renewed as provided
34 in this chapter.

35 **7505.** A licensee desiring to operate a repossession business at a location other than the address shown on his or her
36 license shall apply and qualify for a license for each additional location. A licensee desiring to operate a repossession
37 business under one or more fictitious trade styles shall apply and qualify for a license for each fictitious trade style. No
38 licensee shall indicate, or cause to be indicated, in any printed matter, or in any directory or listing, that he or she
39 conducts a repossession business under any name, or at any address, other than the names and addresses for which he
40 or she is licensed.

41 An application for a license for an additional location or an additional trade style shall be in the same form, and the
42 applicant shall meet the same requirements, as for an original license.

43 **7505.1.** Every office licensed as a repossession agency shall be under the active charge of a qualified certificate holder.
44 Nothing in this chapter prohibits a licensee from having more than one qualified certificate holder in an office.

45 **7505.2.** Nothing in this chapter prohibits the using or taking of personal effects that are connected, adjoined, or affixed
46 to the collateral through an unbroken sequence, if that use or taking is reasonably necessary to effectuate the recovery
47 in a safe manner or to protect the collateral or personal effects. No storage fee shall be charged for the first week on any

1 personal effects used to effectuate a recovery pursuant to this section. Any personal effects used or taken pursuant to this
2 section shall be processed in a reasonably expedient manner pursuant to Sections 7507.9 and 7507.10.

3 **7505.3.** (a) Whenever a qualified certificate holder actively in charge of an office ceases to be in charge, the licensee
4 shall file with the bureau notice, in writing, within 30 days from such cessation.

5 If the notice is filed, the license shall remain in force for a period of 90 days after the filing of the notice. At the end
6 of the 90-day period or an additional period, not to exceed one year, as specified by the director, if written notice is not
7 given that a qualified person is then actively in charge of the office, the agency license shall be automatically suspended.

8 If the licensee shall fail to give written notice at the end of the 30-day period, the agency license shall be automatically
9 suspended.

10 A license suspended under this section may be reinstated upon payment of the reinstatement fee and submission of a
11 reinstatement application.

12 A person who performs any act for which a repossession agency license is required during the period of suspension
13 is subject to the penal provisions of Article 3 (commencing with Section 7502), in addition to the provisions of Article
14 9 (commencing with Section 7508) and Article 10 (commencing with Section 7510).

15 (b) In case of the death of a person licensed as an individual, a member of the immediate family of the deceased
16 licensee shall be entitled to continue the business under the same license for 120 days following the death of the licensee,
17 provided that written notice is made to the bureau within 30 days following the death of the licensee. At the end of the
18 120-day period, the license shall be automatically canceled. If no request is received within the 30-day period, the
19 license shall be automatically canceled at the end of that period.

20 (c) In the case of the death or disassociation of a partner of an entity licensed as a partnership, the licensee shall notify
21 the bureau, in writing, within 30 days from the death or disassociation of the individual. If notice is given, the license
22 shall remain in force for 90 days following the death or disassociation. At the end of that period, the license shall be
23 automatically canceled. If the licensee fails to notify the bureau within the 30-day period, the license shall be
24 automatically canceled at the end of that period.

25 (d) A license extended under this section is subject to all other provisions of this chapter.

26 **7505.4.** Except as herein otherwise provided, no person shall be in charge of any licensed office if the person has ever
27 had a license revoked or suspended or has ever been denied registration pursuant to Article 7 (commencing with Section
28 7506); or if the person was a partner, managing employee, or officer, of a repossession agency the license of which has
29 been revoked for cause.

30 **7505.5.** The person deemed to be actively in charge of an office shall be the holder of a qualification certificate and the
31 certificate, together with the current renewal certificate, shall be prominently displayed below the repossession agency's
32 license. The person shall be in charge of not more than two licensed locations. The person shall share equally with the
33 licensee the responsibility for the conduct of the business and the personnel of the licensed agency or agencies, if more
34 than one agency is licensed at that location. This section shall not apply to any licensee who notifies the bureau in
35 writing that the licensee is not conducting any business, but wishes to maintain a current license status with the bureau.
36 When the licensee resumes conducting business, the licensee shall so inform the bureau in writing within 30 days.

37 **7506.3.** Except as otherwise provided in this article, every person entering the employ of, or contracting with, a licensee
38 or multiple licensee after the effective date of this article shall immediately complete an application for an initial
39 registration or a reregistration and shall file the appropriate application with the chief within 15 working days after the
40 commencement of employment or contracted services for the licensee or multiple licensee for whom the applicant is
41 employed or contracted. Applicants for registration must be at least 18 years of age. An applicant who declares as true
42 any material matter pursuant to this section that he or she knows to be false is guilty of a misdemeanor.

43 (a) An initial registration application shall be required of those persons who have not previously submitted an
44 application for registration, or been registered as a registrant.

45 (b) A reregistration application shall be required of those persons who have previously submitted or been registered
46 as a registrant.

47 (c) No registrant of a multiple licensee shall be required to file more than one application for registration or
48 reregistration for each multiple licensee.

49 (d) The application form shall contain a statement informing the applicant that a false or dishonest answer to a question
50 may be grounds for denial or subsequent suspension or revocation of a registration or reregistration.

51 **7506.4.** The application for an initial registration or a reregistration under this article shall be on a form prescribed by
52 the director and shall be accompanied by the fee provided for in Section 7511.

1 **7506.5.** All information obtained on the application shall be confidential pursuant to the Information Practices Act
2 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code) and shall not be
3 released to the public except for the registrant's full name, the licensee's name and address, and the registration number.
4 The application shall be verified and shall include:

5 (a) The full name, residence address, residence telephone number, date and place of birth, and driver's license number
6 of the applicant or registrant.

7 (b) A statement listing any and all names used by the applicant or registrant, other than the name by which he or she
8 is currently known. If the applicant or registrant has never used a name other than his or her true name, this fact shall
9 be set forth in the statement.

10 (c) The name and address of the licensee and the date the employment or contract commenced.

11 (d) The title of the position occupied by the applicant or registrant and a description of his or her duties.

12 (e) Two recent photographs of the applicant or registrant, of a type prescribed by the chief, and two classifiable sets
13 of his or her fingerprints, one set of which shall be forwarded to the Federal Bureau of Investigation for purposes of a
14 background check.

15 (f) The bureau may impose a fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted
16 by applicants, excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

17 **7506.6.** Qualified certificate holders who comply with other provisions of this chapter are not required to register under
18 this article.

19 **7506.7.** Employees of a licensee who are engaged exclusively in stenographic, typing, filing, clerical, in-office skip
20 tracing, or other office activities are not required to register under this article.

21 **7506.8.** (a) The director may refuse to register any applicant if the individual has failed to pay any or all fines assessed
22 pursuant to Section 7501.7 and not resolved in accordance with that section, or has committed any act that, if committed
23 by a licensee, would be grounds for refusing to issue a license or for the suspension or revocation of a license under this
24 chapter, or has committed acts or crimes constituting grounds for denial of a license under Section 480.

25 The denial shall be in writing and shall describe the basis for the denial. The denial shall inform the applicant that if
26 he or she desires a hearing to contest the denial, the hearing shall be requested of the director, in writing, within 30 days
27 of the issuance of the denial.

28 When a hearing is held under this section, it shall be conducted in accordance with Chapter 5 (commencing with
29 Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

30 (b) The director may suspend or revoke a registration if the registrant has committed any act that, if committed by a
31 licensee, would be grounds for refusing to issue a license or for the suspension or revocation of a license under this
32 chapter.

33 **7506.9.** (a) Upon the issuance of the initial registration, reregistration or renewal, the chief shall issue to the registrant
34 a suitable pocket identification card. At the request of the registrant, the identification card may include a photograph
35 of the registrant. The photograph shall be of a size prescribed by the bureau. The card shall contain the name of the
36 licensee with whom the registrant is registered. The applicant may request to be issued an enhanced pocket card that
37 shall be composed of durable material and may incorporate technologically advanced security features. The bureau may
38 charge a fee sufficient to reimburse the department for costs for furnishing the enhanced pocket card. The fee charged
39 may not exceed the actual cost for system development, maintenance, and processing necessary to provide the service,
40 and may not exceed six dollars (\$6). If the applicant does not request an enhanced card, the department shall issue a
41 standard card at no cost to the applicant.

42 (b) Until the registration certificate is issued or denied, a person may be assigned to work with a temporary registration
43 on a secure form prescribed by the chief, and issued by the qualified certificate holder, that has been embossed by the
44 bureau with the state seal for a period not to exceed 120 days from the date the employment or contract commenced,
45 provided the person signs a declaration under penalty of perjury that he or she has not been convicted of a felony or
46 committed any other act constituting grounds for denial of a registration pursuant to Section 7506.8 (unless he or she
47 declares that the conviction of a felony or the commission of a specified act or acts occurred prior to the issuance of a
48 registration by the chief and the conduct was not the cause of any subsequent suspension or termination of a registration),
49 and that he or she has read and understands the provisions of this chapter.

50 (c) The chief shall issue an additional temporary registration for not less than 60 days nor more than 120 days, if the
51 chief determines that the investigation of the applicant will take longer to complete than the initial temporary registration
52 time period.

53 (d) No person shall perform the duties of a registrant for a licensee unless the person has in his or her possession a valid
54 repossessor registration card or evidence of a valid temporary registration or registration renewal as described in

1 subdivision (b) of this section or subdivision (c) of Section 7506.10. Every person, while engaged in any activity for
2 which licensure is required, shall display his or her valid pocket card as provided by regulation.

3 **7506.10.** (a) Every initial registration shall expire one year following the date of issuance, unless renewed as provided
4 in this section, except for those registrations issued on or after January 1, 1984, which shall expire on December 31,
5 1985, and every year thereafter, unless renewed as provided in this section. A renewal registration shall expire two years
6 following the date of renewal, unless renewed as provided in this section.

7 (b) At least 60 days prior to the expiration, the bureau shall mail a renewal form to the registrant at the licensee's place
8 of business. A registrant who desires to renew his or her registration shall forward to the bureau for each registration
9 the properly completed renewal form obtained from the bureau, with the renewal fee prescribed by this chapter, for
10 renewal of his or her registration. Until the registration renewal certificate is issued, a registrant may continue to work
11 with a temporary registration renewal certificate on a secure form prescribed by the chief and issued by the qualified
12 certificate holder that has been embossed by the bureau with the state seal for a period not to exceed 120 days from the
13 date of expiration of the registration.

14 (c) A licensee shall provide to his or her registrants information regarding procedures for renewal of registration.

15 (d) A registration that is not renewed within 60 days after its expiration may not be renewed. If the registration is
16 renewed within 60 days after its expiration, the registrant, as a condition precedent to renewal, shall pay the renewal fee
17 and also pay the delinquency fee prescribed in this chapter. Registrants working with expired registrations shall pay all
18 accrued fees and penalties prior to renewal or reregistration.

19 (e) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five
20 dollars (\$25).

21 (f) Upon renewal, evidence of renewal, as the director may prescribe, shall be issued to the registrant. If evidence of
22 renewal has not been delivered to the registrant prior to the date of expiration, the registrant may present evidence of
23 renewal to substantiate continued registration for a period not to exceed 60 days after the date of expiration or a
24 temporary registration renewal certificate as described in subdivision (b).

25 (g) A registration shall not be renewed until any and all fines assessed pursuant to this chapter and not resolved in
26 accordance with this chapter have been paid.

27 **7506.11.** (a) Each registration is valid until the registrant ceases performing services for the licensee indicated on the
28 registration card or until the registration expires.

29 (b) Each person registered under this article shall notify the chief, in writing, within 30 days of any change in
30 employment or contract status with a licensee. If the person ceases to be employed by or perform services for a licensee,
31 the licensee shall notify the chief, in writing, within 30 days. The registered individual shall surrender his or her
32 registration card to the licensee. The licensee shall forward the registration card to the chief. If at some subsequent time
33 the person is again employed or retained by a licensee, he or she shall apply for reregistration in the manner provided
34 in this article.

35 (c) Each registrant, while registered, shall notify the chief, in writing, within 30 days after any change in his or her
36 residence address.

37 **7506.12.** The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section
38 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted
39 therein.

40 **7506.13.** (a) The licensee shall at all times be responsible for ascertaining that his or her registrants are currently
41 registered or have made proper application for registration as provided in this article. The licensee may not have in his
42 or her employment or under contract a person subject to registration who has not registered within the time required or
43 whose registration has expired or been revoked, denied, suspended, or canceled.

44 (b) The bureau shall keep current and accurate records of all persons registered under this article.

45 **7506.14.** If the chief determines that continued services by an applicant for registration in his or her current capacity
46 may present undue hazard to public safety, the licensee, upon proper notification from the chief, shall suspend the
47 applicant from rendering services in that capacity until the licensee is notified in writing by the chief within 60 days from
48 the date of notification of suspension that the applicant's registration has been approved or denied.

49 **7507.** A licensee shall notify the bureau within 30 days of any change of its corporate officers or of the addition of any
50 partners. Applications, on forms prescribed by the director, shall be submitted by all new officers and partners. The
51 director may suspend or revoke a license issued under this chapter if the director determines that a new officer or partner
52 has committed any act that constitutes grounds for the denial of a license pursuant to Section 7503.5.

1 **7507.1.** A licensee or a qualified certificate holder shall, within 30 days after such change, notify the bureau of any
2 change of his or her address. The principal place of business may be at a residence or at a business address, but it shall
3 be the place at which the licensee maintains a permanent office.

4 **7507.2.** (a) A licensee is responsible for those actions that are performed in violation of this chapter by his or her
5 registrants, including his or her manager, when acting within the course and scope of his or her employment or contract.

6 (b) Each licensee shall maintain a file or record of the name, address, commencing date of employment or retention,
7 and position of each registrant, and the date of termination of the employment or contract when a registrant is terminated.
8 The file and records, together with usual compensation records, shall be available for inspection by the bureau, and
9 copies thereof, and information pertaining thereto or contained therein, shall be submitted to the bureau upon request.

10 **7507.3.** A repossession agency shall be required to keep and maintain adequate records of all transactions, including,
11 but not limited to, assignment forms; vehicle report of repossession required by Section 28 of the Vehicle Code; vehicle
12 condition reports, including odometer readings, if available; personal effects inventory; notice of seizure; and records
13 of all transactions pertaining to the sale of collateral that has been repossessed, including, but not limited to, bids solicited
14 and received, cash received, deposits made to the trust account, remittances to the seller, and allocation of any moneys
15 not so remitted to appropriate ledger accounts. Records, including bank statements of the trust account, shall be retained
16 for a period of not less than four years and shall be available for examination by the bureau upon demand. In addition,
17 collateral and personal effects storage areas shall be made accessible for inspection by the bureau upon demand. An
18 assignment form may be an original, a photocopy, a facsimile copy, or a copy stored in an electronic format.

19 **7507.4.** A licensed repossession agency or its registrants may make demand for payment in lieu of repossession, if the
20 demand is made pursuant to an assignment for repossession.

21 In making demand upon a debtor for a money payment in lieu of repossession, the reposessor shall present the demand
22 in compliance with the Rosenthal Fair Debt Collection Act (Title 1.6C (commencing with Section 1788) of Part 4 of
23 Division 3 of the Civil Code), setting forth in the demand only the amount that was specified by the creditor in the
24 repossession referral and the fees that are properly chargeable. Itemized receipts shall be furnished the debtor at the time
25 payment is received. Payments received shall forthwith be transmitted to the creditor, disclosing the full amount of
26 money received from the debtor in addition to the contract payments.

27 **7507.5.** No charge shall be made for services incurred in connection with the recovery, transportation, and storage of
28 collateral except under terms agreed to by the legal owner at the time of the repossession authorization or specifically
29 agreed upon at a subsequent time. Repair work may not be charged to the legal owner unless expressly authorized by
30 him or her.

31 **7507.6.** (a) Within seven days after a violent act has occurred involving a licensee, or any officer, partner, qualified
32 certificate holder, registrant or employee of a licensee, while acting within the course and scope of his or her employment
33 or contract, that results in a police report or bodily harm or bodily injury, the licensee or the licensee's qualified
34 certificate holder or registrant, shall mail or deliver to the chief a notice concerning the incident upon a form provided
35 by the bureau.

36 (b) Within seven days after the occurrence of a violent act or a threatened violent act involving a licensee, or any
37 officer, partner, qualified certificate holder, registrant, or employee of a licensee while acting within the course and scope
38 of his or her employment or contract, that results in a police report or bodily harm or bodily injury, the licensee or the
39 licensee's qualified certificate holder or registrant shall send by certified mail, return receipt requested, a notice
40 containing information about the incident to the person or individual who made the assignment. If the assignor is not the
41 legal owner, the assignor shall notify the legal owner of the contents of the notice.

42 (c) A licensee, qualified certificate holder, or registrant may send the notice set forth in subdivision (b) for a violent
43 act or threatened violent act even if a police report is not made or no bodily harm or bodily injury occurs. Any notice
44 of a threatened violent act provided pursuant to subdivision (b) may only be used to notify a subsequent assignee and
45 not for any collateral purpose. Nothing in this subdivision or subdivision (b) shall be construed to provide immunity
46 against any claim for defamation.

47 **7507.7.** Within seven days after receiving a final civil court judgment filed against the licensee or any officer, partner,
48 qualified certificate holder, or registrant of a licensee, for an amount of more than the then prevailing maximum claim
49 that may be brought in a small claims court pertaining to an act done within the course and scope of his or her
50 employment or contract, the licensee, or his or her qualified certificate holder, or his or her registrant, shall mail or
51 deliver to the chief a copy of the judgment.

1 **7507.8.** Every advertisement by a licensee, soliciting or advertising business, shall contain the licensee's name, address,
2 and license number as they appear in the records of the bureau.

3 **7507.9.** Personal effects shall be removed from the collateral, including any personal effect that is mounted but
4 detachable from the collateral by a release mechanism. A complete and accurate inventory of the personal effects shall
5 be made, and the personal effects shall be labeled and stored by the licensee for a minimum of 60 days in a secure
6 manner, except those personal effects removed by or in the presence of the debtor or the party in possession of the
7 collateral at the time of the repossession. If the licensee or the licensee's agent cannot determine whether the property
8 attached to the collateral is a personal effect or a part of the collateral, then that fact shall be noted on the inventory and
9 the licensee or agent shall not be obligated to remove the item from the collateral, unless the item can be removed without
10 the use of tools, in which case it shall be removed and inventoried. The licensee or the licensee's agent shall notify the
11 debtor that if the debtor takes the position that an item is a personal effect, then the debtor shall contact the legal owner
12 to resolve the issue.

13 (a) The date and time the inventory is made shall be indicated. The permanent records of the licensee shall indicate
14 the name of the employee or registrant who performed the inventory.

15 (b) The following items of personal effects are items determined to present a danger or health hazard when recovered
16 by the licensee and shall be disposed of in the following manner:

17 (1) Deadly weapons and dangerous drugs shall be turned over to any law enforcement agency for retention. These items
18 shall be entered on the inventory and a notation shall be made as to the date and the time and the place the deadly weapon
19 or dangerous drug was turned over to the law enforcement agency, and a receipt from the law enforcement agency shall
20 be maintained in the records of the repossession agency.

21 (2) Combustibles shall be inventoried and noted as "disposed of, dangerous combustible," and the item shall be
22 disposed of in a reasonable and safe manner.

23 (3) Food and other health hazard items shall be inventoried and noted as "disposed of, health hazard," and disposed
24 of in a reasonable and safe manner.

25 (c) Personal effects may be disposed of after being held for at least 60 days. The inventory, and adequate information
26 as to how, when, and to whom the personal effects were disposed of, shall be filed in the permanent records of the
27 licensee.

28 (d) The inventory shall include the name, address, business hours, and telephone number of the repossession agency
29 to contact for recovering the personal effects and an itemization of all personal effects removal and storage charges that
30 will be made by the repossession agency. The inventory shall also include the following statement: "Please be advised
31 that the property listed on this inventory will be disposed of by the repossession agency after being held for 60 days from
32 the date of this notice IF UNCLAIMED."

33 (e) The inventory shall be provided to a debtor not later than 48 hours after the recovery of the collateral, except that
34 if:

35 (1) The 48-hour period encompasses a Saturday, Sunday, or postal holiday, the inventory shall be provided no later
36 than 72 hours after the recovery of the collateral.

37 (2) The 48-hour period encompasses a Saturday or Sunday and a postal holiday, the inventory shall be provided no
38 later than 96 hours after the recovery of the collateral.

39 (3) Inventory resulting from repossession of a yacht, motor home, or travel trailer is such that it shall take at least four
40 hours to inventory, then the inventory shall be provided no later than 96 hours after the recovery of the collateral. When
41 the 96-hour period encompasses a Saturday, Sunday, or postal holiday, the inventory shall be provided no later than 120
42 hours after the recovery of the collateral.

43 (f) Environmental, Olympic, special interest, or other license plates issued pursuant to Article 8 (commencing with
44 Section 5000), Article 8.4 (commencing with Section 5060) or Article 8.5 (commencing with Section 5100) of Chapter
45 1 of Division 3 of the Vehicle Code that remain the personal effects of the debtor shall be removed from the collateral
46 and inventoried pursuant to this section. If the plates are not claimed by the debtor within 60 days, they shall either (1)
47 be effectively destroyed and the licensee shall, within 30 days thereafter, notify the Department of Motor Vehicles of
48 their effective destruction on a form promulgated by the chief that has been approved as to form by the Director of the
49 Department of Motor Vehicles; or (2) be retained by the licensee indefinitely to be returned to the debtor upon request,
50 in which case the licensee shall not charge more than 60 days' storage on the plates.

51 (g) The notice may be given by regular mail addressed to the last known address of the debtor or by personal service
52 at the option of the repossession agency.

53 (h) With the consent of the licensee, the debtor may waive the preparation and presentation of an inventory if the debtor
54 redeems the personal effects or other personal property not covered by a security interest within the time period for the
55 notices required by this section and signs a statement that he or she has received all the property.

56 (I) If personal effects or other personal property not covered by a security agreement are to be released to someone
57 other than the debtor, the repossession agency may request written authorization to do so from the debtor.

1 (j) The inventory shall be a confidential document. A licensee shall only disclose the contents of the inventory under
2 the following circumstances:

3 (1) In response to the order of a court having jurisdiction to issue the order.

4 (2) In compliance with a lawful subpoena issued by a court of competent jurisdiction.

5 (3) When the debtor has consented in writing to the release and the written consent is signed and dated by the debtor
6 subsequent to the repossession and states the entity or entities to whom the contents of the inventory may be disclosed.

7 (4) To the debtor.

8 **7507.10.** A licensee shall serve a debtor with a notice of seizure as soon as possible after the recovery of collateral and
9 not later than 48 hours, except that if the 48-hour period encompasses a Saturday, Sunday, or postal holiday, the notice
10 of seizure shall be provided not later than 72 hours or, if the 48-hour period encompasses a Saturday or Sunday and a
11 postal holiday, the notice of seizure shall be provided not later than 96 hours, after the repossession of collateral. The
12 notice shall include all of the following:

13 (a) The name, address, and telephone number of the legal owner to be contacted regarding the repossession.

14 (b) The name, address, and telephone number of the repossession agency to be contacted regarding the repossession.

15 (c) A statement printed on the notice containing the following: "Repossessors are regulated by the Bureau of Security
16 and Investigative Services, Department of Consumer Affairs, Sacramento, CA 95814. Repossessors are required to
17 provide you, not later than 48 hours after the recovery of collateral, with an inventory of personal effects or other
18 personal property recovered during repossession unless the 48-hour period encompasses a Saturday, Sunday, or a postal
19 holiday, then the inventory shall be provided no later than 96 hours after the recovery of collateral."

20 (d) A disclosure that "Damage to a vehicle during or subsequent to a repossession and only while the vehicle is in
21 possession of the repossession agency and which is caused by the repossession agency is the liability of the repossession
22 agency. A mechanical, electrical, or tire failure, or the loss of, or any damage to, or as a result of, or caused by, any
23 aftermarket parts and accessories not in compliance with Section 24008 of the Vehicle Code shall not be the
24 responsibility of the repossession agency unless the failure, damage, or loss is due to the negligence of the repossession
25 agency."

26 (e) If applicable, a disclosure that "Environmental, Olympic, special interest, or other license plates issued pursuant
27 to Article 8 (commencing with Section 5000), Article 8.4 (commencing with Section 5060) or Article 8.5 (commencing
28 with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code that remain the personal effects of the debtor will be
29 removed from the collateral and inventoried, and that if the plates are not claimed by the debtor within 60 days, they will
30 be destroyed."

31 (f) A disclosure of the charges payable by the debtor to the repossession agency for the storage of the collateral and
32 personal effects from the date of repossession until release of the property from storage. The notice may be given by
33 regular mail addressed to the last known address of the debtor or by personal service at the option of the repossession
34 agency.

35 **7507.11.** Any written report to a client shall be submitted by the licensee, the qualified certificate holder, or a person
36 authorized by one or either of them, and the person submitting the report shall exercise diligence in ascertaining whether
37 or not the facts and information in the report are true and correct.

38 **7507.115.** A licensee shall not appraise the value of any collateral.

39 **7507.12.** With regard to collateral subject to registration under the Vehicle Code, a repossession is complete when the
40 repossession agency gains entry to the collateral or when the collateral becomes connected to a tow truck or the repossession agency's tow
41 vehicle, as those terms are defined in Section 615 of the Vehicle Code. No person other than the legal owner may direct
42 a repossession agency to release a vehicle without legal authority to do so.

43 **7507.13.** (a) A licensed repossession agency is not liable for the act or omission of a legal owner, debtor, lienholder,
44 lessor, or lessee, or an agent of any of them, in making an assignment to it or for accepting an assignment from any legal
45 owner, debtor, lienholder, lessor, or lessee and is entitled to indemnity from the legal owner, debtor, lienholder, lessor,
46 or lessee, or an agent of any of them, for any loss, damage, cost, or expense, including court costs and attorney's fees,
47 that it may reasonably incur as a result thereof. Nothing in this subdivision limits the liability of any person for his or
48 her tortious conduct.

49 (b) The legal owner, debtor, lienholder, lessor, or lessee, or an agent of any of them, is not liable for any act or
50 omission by a licensed repossession agency in carrying out an assignment and is entitled to indemnity from the
51 repossession agency for any loss, damage, cost, or expense, including court costs and attorney's fees, that the legal owner,
52 debtor, lienholder, lessor, or lessee, or an agent of any of them, may reasonably incur as a result thereof. Nothing in this
53 subdivision limits the liability of any person for his or her tortious conduct.

1 (c) The legal owner, debtor, lienholder, lessor, or lessee, or an agent of any of them, is not guilty of a violation of
2 Section 7502.1 or 7502.2 if, at the time of the assignment, the party making the assignment has in its possession a copy
3 of the reposessor's current, unexpired repossession agency license, and a copy of the current, unexpired repossession
4 agency's qualified manager's certificate, and does not have actual knowledge of any order of suspension or revocation
5 of the license or certificate.

6 (d) Neither a licensed repossession agency nor a legal owner, debtor, lienholder, lessor or lessee, or an agent of any
7 of them may, by any means, direct or indirect, express or implied, instruct or attempt to coerce the other to violate any
8 law, regulation, or rule regarding the recovery of any collateral, including, but not limited to, the provisions of this
9 chapter or Section 9609 of the Commercial Code.

10 **7508.** The director may assess administrative fines against any repossession agency licensee, qualified certificate holder,
11 or registrant for any of the prohibited acts outlined in this article.

12 **7508.1.** The director may assess administrative fines for the following prohibited acts:

13 (a) Knowingly making any false report to his or her employer or client for whom information was being obtained. The
14 fine shall be one hundred dollars (\$100) for the first violation, and five hundred dollars (\$500) for each violation
15 thereafter.

16 (b) Using any identification to indicate registration as a reposessor, other than the bureau-issued registration card,
17 except an employer identification card issued by the repossession agency which has met bureau approval. A
18 bureau-issued registration card shall be carried by those individuals specified by Section 7506.3, and shall be shown
19 on demand to any bureau employee or law enforcement officer. The fine shall be twenty-five dollars (\$25) for each
20 violation.

21 (c) Using an alias in connection with the official activities of the licensee's business. A notice of warning shall be
22 issued for the first violation. Thereafter the fine shall be twenty-five dollars (\$25) for each violation.

23 (d) Appearing as an assignee party in any court proceeding involving claim and delivery, replevin, or other possessory
24 court action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien. This section
25 shall not prohibit a licensee from appearing as a defendant in any of the preceding actions. The fine shall be one hundred
26 dollars (\$100) for each violation.

27 **7508.2.** The director may assess administrative fines for any of the following prohibited acts:

28 (a) Recovering collateral or making any money demand in lieu thereof, including, but not limited to, collateral
29 registered under the Vehicle Code, that has been sold under a security agreement before a signed or telegraphic
30 authorization has been received from the legal owner, debtor, lienholder, lessor, or repossession agency acting on behalf
31 of the legal owner, debtor, lienholder, or lessor of the collateral. A telephonic assignment is acceptable if the legal owner,
32 debtor, lienholder, lessor, or repossession agency acting on behalf of the legal owner, debtor, lienholder, or lessor is
33 known to the licensee and a written authorization from the legal owner, debtor, lienholder, lessor, or repossession agency
34 acting on behalf of the legal owner, debtor, lienholder, or lessor is received by the licensee within 10 working days or
35 a request by the licensee for a written authorization from the legal owner, debtor, lienholder, lessor, or repossession
36 agency acting on behalf of the legal owner, debtor, lienholder, or lessor is made in writing within 10 working days.
37 Referrals of assignments from one licensee to another licensee are acceptable. The referral of an assignment shall be
38 made under the same terms and conditions as in the original assignment. The fine shall be twenty-five dollars (\$25) for
39 each of the first five violations and one hundred dollars (\$100) for each violation thereafter, per audit.

40 (b) Using collateral or personal effects, which have been recovered, for the personal benefit of a licensee, or officer,
41 partner, manager, registrant, or employee of a licensee. The fine shall be twenty-five dollars (\$25) for the first violation
42 and one hundred dollars (\$100) for each violation thereafter. This subdivision does not apply to personal effects disposed
43 of pursuant to subdivision (c) of Section 7507.9. Nothing in this subdivision prohibits the using or taking of personal
44 property connected, adjoined, or affixed to the collateral through an unbroken sequence if that use or taking is reasonably
45 necessary to effectuate the recovery in a safe manner or to protect the collateral or personal effects.

46 (c) Selling collateral recovered under the provisions of this chapter, except with written authorization from the legal
47 owner or mortgagee thereof. The fine shall be one hundred dollars (\$100) for the first violation and five hundred dollars
48 (\$500) for each violation thereafter, per audit.

49 (d) Failing to remit all money due clients within 10 working days after finalization of the sale of collateral. The licensee
50 shall deposit all money received in the form of cash or negotiable instruments made payable to the licensee for money
51 due clients from the sale of collateral that has been repossessed in a trust account within five working days, and the
52 money shall be withdrawn only for remittance to the client and for the payment of amounts due the licensee. The fine
53 shall be two hundred fifty dollars (\$250) for the first violation and one thousand dollars (\$1,000) for each violation
54 thereafter. For purposes of this subdivision, "finalization of sale" means the time when the documents of title or
55 ownership which permit transfer of title from the legal owner to the purchaser are received by the repossession agency.

1 (e) Failing to remit moneys collected in lieu of repossession or redemption to a client within 10 working days after
2 receipt of the moneys. The fine shall be two hundred fifty dollars (\$250) for the first violation and one thousand dollars
3 (\$1,000) for each violation thereafter.

4 (f) Failing to deliver to a client any negotiable instrument received by the licensee made payable to the client within
5 10 working days of receipt of the negotiable instrument. No licensee, manager, registrant, or employee of a licensee shall
6 accept a negotiable instrument made payable to a client unless they have authorization from the client to accept the
7 negotiable instrument. The fine shall be two hundred fifty dollars (\$250) for the first violation and one thousand dollars
8 (\$1,000) for each violation thereafter.

9 (g) Unlawfully entering any private building or secured area without the consent of the owner, or of the person in legal
10 possession thereof, at the time of repossession. The fine shall be five hundred dollars (\$500) for each violation.

11 (h) Committing unlawful assault or battery on another person. The fine shall be five hundred dollars (\$500) for each
12 violation.

13 (I) Falsification or alteration of an inventory. The fine shall be twenty-five dollars (\$25) for each violation.

14 (j) Soliciting from the legal owner the recovery of specific collateral registered under the Vehicle Code or under the
15 motor vehicle licensing laws of other states after the collateral has been seen or located on a public street or on public
16 or private property without divulging the location of the vehicle. The fine shall be one hundred dollars (\$100) for the
17 first violation and two hundred fifty dollars (\$250) for each violation thereafter.

18 **7508.3.** A licensee, or any of his or her registrants or employees, or a qualified certificate holder, shall be prohibited
19 from using any false or misleading representation during the course of recovery of collateral and may be issued a notice
20 of warning for the first violation; assessed a twenty-five dollar (\$25) fine for the second violation; and assessed a one
21 hundred dollar (\$100) fine for any subsequent violation of any of the following:

22 (a) The false representation or implication that the individual is vouched for, bonded by, or affiliated with the United
23 States or with any state, county, city, or city and county, including the use of any badge, uniform, or facsimile thereof.

24 (b) The false representation or implication that any individual is an attorney or that any communication is from any
25 attorney.

26 (c) The representation or implication by a repossession agency or its registrants or employees that nonpayment of any
27 debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any
28 property or wages of any person, unless the action is lawful and the creditor has instructed the repossession agency to
29 inform the debtor that the creditor intends to take the action.

30 (d) The threat to take any action that cannot legally be taken or that is not intended to be taken.

31 (e) The false representation or implication that the debtor committed any crime or other conduct in order to disgrace
32 the debtor.

33 (f) The use or distribution of any written communication which simulates or is falsely represented to be a document
34 authorized, issued, or approved by any court, official, or agency of the United States or any state, or which creates a false
35 impression as to its source, authorization, or approval.

36 (g) The false representation or implication that documents are legal process.

37 (h) The use of any business, company, or organization name other than the true name of the repossession agency's
38 business, company, or organization.

39 (I) The use of any deceptive forms.

40 **7508.4.** The director may assess administrative fines for any of the following prohibited acts:

41 (a) Conducting business from any location other than that location to which a license was issued or conducting a
42 business as an individual, partnership, limited liability company, or corporation unless the licensee holds a valid license
43 issued to that exact same individual, partnership, limited liability company, or corporation. The fine shall be one
44 thousand dollars (\$1,000) for each violation.

45 (b) Aiding or abetting an unlicensed reposessor or assigning his or her license. "Assigning his or her license" means
46 that no licensee shall permit a registrant, employee, or agent in his or her own name to advertise, engage clients, furnish
47 reports, or present bills to clients, or in any manner whatsoever to conduct business for which a license is required under
48 this chapter. The fine shall be one thousand dollars (\$1,000) for each violation.

49 (c) Failing to register registrants within 15 days. The fine shall be two hundred fifty dollars (\$250) for each of the first
50 two violations and one thousand dollars (\$1,000) for each violation thereafter.

51 (d) Employing a person whose registration has expired or been revoked, denied, suspended, or canceled, if the bureau
52 has furnished a listing of these persons to the licensee. The fine shall be twenty-five dollars (\$25) for each violation.

53 (e) Failing to notify the bureau, within 30 days, of any change in officers. A notice of warning shall be issued for the
54 first violation. Thereafter, the fine shall be twenty-five dollars (\$25) for each violation.

55 (f) Failing to present the debtor with an itemized receipt of payment, if payment is made in lieu of repossession. The
56 fine shall be twenty-five dollars (\$25) for the first violation and one hundred dollars (\$100) for each violation thereafter.

1 (g) Failing to submit the notices regarding a violent act or threatened violent act within seven days pursuant to Section
2 7507.6 or to submit a copy of a judgment awarded against the licensee for an amount of more than the then prevailing
3 maximum claim that may be brought in small claims court within seven days pursuant to Section 7507.7. The fine shall
4 be twenty-five dollars (\$25) for the first violation and one hundred dollars (\$100) per violation thereafter.

5 (h) Failing to include the licensee's name, address, and license number in any advertisement. A notice of warning shall
6 be issued for the first violation. Thereafter, the fine shall be twenty-five dollars (\$25) for each violation.

7 (i) Failing to maintain personal effects for at least 60 days. The fine shall be twenty-five dollars (\$25) for the first
8 violation and one hundred dollars (\$100) for each violation thereafter.

9 (j) Failing to provide a personal effects list or a notice of seizure within the time limits set forth in Section 7507.9 or
10 7507.10. The fine shall be twenty-five dollars (\$25) for the first violation and one hundred dollars (\$100) for each
11 violation thereafter.

12 (k) Failing to file the required report pursuant to Section 28 of the Vehicle Code. The fine shall be twenty-five dollars
13 (\$25) for each of the first five violations and one hundred dollars (\$100) for each violation thereafter, per audit.

14 (l) Failing to maintain an accurate record and accounting of secure temporary registration forms. The qualified
15 certificate holder shall be fined twenty-five dollars (\$25) for the first violation, one hundred dollars (\$100) for the second
16 violation, two hundred fifty dollars (\$250) for the third violation, and two hundred fifty dollars (\$250) plus a one-year
17 suspension of the privilege to issue temporary registrations pursuant to Section 7506.9 for the fourth and subsequent
18 violations.

19 (m) Representing that a licensee has an office and conducts business at a specific address when that is not the case. The
20 fine shall be five thousand dollars (\$5,000) for each violation.

21 (n) Notwithstanding any other provision of law, the money in the Private Security Services Fund that is attributable
22 to administrative fines imposed pursuant to subdivision (c) shall not be continuously appropriated and shall be available
23 for expenditure only upon appropriation by the Legislature.

24 **7508.5.** The director may assess administrative fines against a repossession agency registrant for the following acts, in
25 addition to fines imposed pursuant to any other section in this article. The fine shall be twenty-five dollars (\$25) for each
26 of the following violations:

27 (a) Knowingly submit a false report to his or her employer.

28 (b) Submitting a report to a client without authorization by his or her employer.

29 (c) Failing to carry a bureau-issued identification card and failing to show that card upon demand to a bureau employee
30 or a law enforcement officer.

31 (d) Failing to register.

32 (e) Failing to return his or her registration card to the employer upon termination.

33 (f) Failing to report a violent act involving the registrant to the licensee or the licensee's qualified certificate holder
34 within 24 hours.

35 **7508.6.** The director may assess administrative fines against any repossession agency licensee, qualified certificate
36 holder, or registrant for failure to notify the bureau within 30 days of any change of residence or business address. The
37 fine shall be twenty-five dollars (\$25) for each violation.

38 **7510.** Except as otherwise required to comply with the provisions of this chapter, the proceedings under this article shall
39 be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
40 Government Code, and the director shall have all the powers granted therein.

41 **7510.1.** In addition to any other remedies authorized by this chapter, the director may suspend or revoke a repossession
42 agency license, a qualification certificate, or registration issued under this chapter if the director determines that the
43 licensee or the licensee's manager, if an individual, or if the licensee is a person other than an individual, that any of its
44 officers, partners, registrants, employees, or its manager, has:

45 (a) Made any false statement or given any false information in connection with an application for a license,
46 qualification certificate, or registration, or a renewal or reinstatement thereof.

47 (b) Violated any provisions of this chapter.

48 (c) Violated any rule of the director adopted pursuant to authority contained in this chapter.

49 (d) Been convicted of a felony or any crime substantially related to the repossession agency business including illegally
50 using, carrying, or possessing a deadly weapon.

51 (e) Committed or permitted any registrant or employee to commit any act while the license was expired which would
52 be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

53 (f) Unlawfully committed assault, battery, or kidnapping, or used force or violence on any person.

1 (g) Knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course
2 of business as a licensee.

3 (h) Been convicted of a violation of Section 148 of the Penal Code, resisting or obstructing a public officer.

4 (I) Committed any act which is a ground for denial of an application for license under this chapter.

5 (j) Committed any act prohibited by Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1 of the Penal
6 Code.

7 (k) Committed any act in the course of the licensee's business constituting dishonesty or fraud, including, but not
8 limited to:

9 (1) Knowingly making a false statement relating to evidence or information obtained in the course of employment or
10 while under contract, or knowingly publishing a slander or a libel in the course of business.

11 (2) Using illegal means in the collection or attempted collection of a debt or obligation.

12 (l) Represented that the licensee has an office and conducts business at a specific address when that is not the case.

13 **7510.2.** (a) Any licensee, or any officer, partner, registrant, employee, or manager of a licensee, who is found by the
14 director to have committed any acts prohibited by Section 7510.1, resulting in revocation of a license, shall dispose of
15 any financial interest in any repossession agency required to be licensed by this act within 90 days of the effective date
16 of the revocation, or at a later date, approved in writing by the director, not to exceed 180 days.

17 (b) No licensee, or any officer, partner, registrant, employee, or manager of a licensee, who is found by the director
18 to have committed any acts prohibited by Section 7510.1, shall, during the period of suspension or revocation, acquire
19 any financial interest in any repossession agency required to be licensed by this act.

20 (c) The requirements and prohibitions of this section shall also apply to any immediate family member of a licensee,
21 or officer, partner, registrant, employee, or manager of a licensee, if the family member actively participated in the
22 management or operation of the repossession agency whose license was revoked.

23 (d) Any immediate family member of a licensee, or officer, partner, registrant, employee, or manager of a licensee, not
24 subject to subdivision (c), shall dispose of all financial interest in the repossession agency of the licensee whose license
25 was revoked, within the time period required in subdivision (a).

26 (e) Any financial interest transferred for the purpose of avoiding the prohibitions of this section shall be deemed a
27 financial interest of the transferor.

28 (f) As used in this section, "financial interest" includes, but is not limited to, any type of ownership interest, debt, loan,
29 lease, compensation, remuneration, discount, rebate, refund, dividend, distribution, subsidy, or other form of direct or
30 indirect payment, whether in money or otherwise.

31 (g) As used in this section, "immediate family" includes one's spouse, children, parents, siblings, and spouses of one's
32 children or siblings.

33 **7510.4.** The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction. A plea
34 or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
35 of this article. The director may order the license suspended or revoked, or may decline to issue a license, when the time
36 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation
37 is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4
38 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting
39 aside the verdict of guilty or dismissing the accusation, information, or indictment.

40 **7511.** Effective July 1, 1998, the bureau shall establish and assess fees and penalties for licensure and registration as
41 displayed in this section. The fees prescribed by this chapter are as follows:

42 (a) The application fee for an original repossession agency license may not exceed eight hundred twenty-five dollars
43 (\$825).

44 (b) The application fee for an original qualification certificate may not exceed three hundred twenty-five dollars (\$325).

45 (c) The renewal fee for a repossession agency license may not exceed seven hundred fifteen dollars (\$715) biennially.

46 (d) The renewal fee for a license as a qualified certificate holder may not exceed four hundred fifty dollars (\$450)
47 biennially.

48 (e) Notwithstanding Section 163.5, the reinstatement fee for a repossession agency license required pursuant to
49 Sections 7503.11 and 7505.3 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

50 (f) Notwithstanding Section 163.5, the reinstatement fee for a license as a qualified certificate holder required pursuant
51 to Sections 7504.7 and 7503.11 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

52 (g) A fee for reexamination of an applicant for a qualified manager may not exceed thirty dollars (\$30).

53 (h) An initial registrant registration fee may not exceed seventy-five dollars (\$75), a registrant reregistration fee may
54 not exceed thirty dollars (\$30), and a registrant biennial renewal fee may not exceed sixty dollars (\$60) per registration.

1 Notwithstanding Section 163.5 and this subdivision, the reregistration fee for a registrant whose registration expired more
2 than one year prior to the filing of the application for reregistration may not exceed seventy-five dollars (\$75).

3 (I) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five
4 dollars (\$25).

5 (j) The fingerprint processing fee is that amount charged the bureau by the Department of Justice.

6 (k) The director shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any
7 applicant or licensee without charge. The director shall charge and collect a fee not to exceed ten dollars (\$10) plus sales
8 tax for each additional copy which may be furnished on request to any applicant or licensee, and for each copy furnished
9 on request to any other person.

10 (l) The processing fee for the assignment of a repossession agency license pursuant to Section 7503.9 may not exceed
11 one hundred twenty-five dollars (\$125).

12 This section shall become operative July 1, 1998, except that the changes to this section enacted during the first year
13 of the 1999-2000 Regular Session shall become operative January 1, 2000. Notwithstanding the operative date of this
14 section, before, on, or after July 1, 1998, the bureau may adopt regulations specifying the fees authorized by this section.

15 * * * * *

16 **Note the following uncodified language added by Section 2 of AB 523 (Calderon - Ch. 724, Stats. 2003):**

17 SEC. 2. It is the intent of the Legislature that nothing in this act restricts the ability of a licensed repossession agency to
18 provide the legal owner of the collateral with a condition report, provided that the condition report does not include the
19 inventory of personal effects or that any information regarding personal effects is redacted.

20 * * * * *

21 **Other Selected California Code Provisions**

22 **Civil Code Section 2984.6.**

23 2984.6. A holder of a conditional sales contract, purchase order, or security interest, or the agent of a holder, who has
24 received a notice pursuant to Section 7507.6 of the Business and Professions Code, shall not make a subsequent
25 assignment to skip trace, locate, or repossess the vehicle without simultaneously, and in the same manner by which the
26 assignment is given, advising the assignee of the assignment of the information contained in the notice. As used in this
27 section, "assignment" has the same meaning set forth in Section 7500.1 of the Business and Professions Code.

28 **Civil Code Section 2993.**

29 2993. A holder of a lease contract, or the agent of a holder, who has received a notice pursuant to Section 7507.6 of
30 the Business and Professions Code, shall not make a subsequent assignment to skip trace, locate, or repossess the vehicle
31 without simultaneously, and in the same manner by which the assignment is given, advising the assignee of the
32 assignment of the information contained in the notice. As used in this section, "assignment" has the same meaning set
33 forth in Section 7500.1 of the Business and Professions Code.

34 **Financial Code Section 3357.** (Repealed and moved elsewhere in 2008)

35 3357. A bank, or the agent of a bank, that has received a notice pursuant to Section 7507.6 of the Business and
36 Professions Code, shall not make a subsequent assignment to skip trace, locate, or repossess a vehicle without
37 simultaneously, and in the same manner by which the assignment is given, advising the assignee of the assignment of
38 the information contained in the notice. As used in this section, "assignment" has the same meaning set forth in Section
39 7500.1 of the Business and Professions Code.

40 **Financial Code Section 15103.**

41 15103. A credit union, or the agent of a credit union, that has received a notice pursuant to Section 7507.6 of the
42 Business and Professions Code, shall not make a subsequent assignment to skip trace, locate, or repossess a vehicle
43 without simultaneously, and in the same manner by which the assignment is given, advising the assignee of the
44 assignment of the information contained in the notice. As used in this section, "assignment" has the same meaning set
45 forth in Section 7500.1 of the Business and Professions Code.

1 **Financial Code Section 22329.5.**

2 22329.5. A licensee, or the agent of a licensee, that has received a notice pursuant to Section 7507.6 of the Business
3 and Professions Code, shall not make a subsequent assignment to skip trace, locate, or repossess the vehicle without
4 simultaneously, and in the same manner by which the assignment is given, advising the assignee of the assignment of
5 the information contained in the notice. As used in this section, "assignment" has the same meaning set forth in Section
6 7500.1 of the Business and Professions Code.

7 **Government Code Section 41612.**

8 41612. After possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a security
9 agreement or lease agreement, the debtor shall pay the chief of police or a parking authority operated by a city and county
10 a fee of fifteen dollars (\$15) for the receipt and filing of the report of repossession pursuant to Section 28 of the Vehicle
11 Code before the vehicle may be redeemed by the debtor. Except as provided herein, any person in possession of the
12 vehicle shall not release it to the debtor without first obtaining proof of payment of the fee to the chief of police or
13 parking authority. At the request of the debtor, a person in possession of the vehicle, or the legal owner, may also release
14 the vehicle to the debtor provided the debtor pays the fifteen dollar (\$15) fee, plus an administrative fee not to exceed
15 five dollars (\$5), to the person in possession or the legal owner who shall transmit the fifteen dollar (\$15) fee to the chief
16 of police or parking authority within three business days. Failure to transmit the fee within three business days shall
17 subject the person in possession or the legal owner receiving the fee from the debtor to a fine of fifty dollars (\$50). The
18 proof of payment, or a copy thereof, shall be retained by the party releasing possession to the debtor for the period
19 required by law, and the party releasing possession shall provide a copy of the proof of payment to the debtor upon
20 request of the debtor.

21 **Vehicle Code Section 28.**

22 28. (a) Whenever possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a
23 security agreement or lease agreement, the person taking possession shall notify, within one hour after taking possession
24 of the vehicle, and by the most expeditious means available, the city police department where the taking of possession
25 occurred, if within an incorporated city, or the sheriff's department of the county where the taking of possession occurred,
26 if outside an incorporated city, or the police department of a campus of the University of California or the California
27 State University, if the taking of possession occurred on that campus, and shall within one business day forward a written
28 notice to the city police or sheriff's department.

29 (b) If possession is taken of more than one vehicle, the possession of each vehicle shall be considered and reported as
30 a separate event.

31 (c) Any person failing to notify the city police department, sheriff's department, or campus police department as
32 required by this section is guilty of an infraction, and shall be fined a minimum of three hundred dollars (\$300), and up
33 to five hundred dollars (\$500). The district attorney, city attorney, or city prosecutor shall promptly notify the Bureau
34 of Security and Investigative Services of any conviction resulting from a violation of this section.

35 **Vehicle Code Section 615.**

36 615. (a) A "tow truck" is a motor vehicle which has been altered or designed and equipped for, and primarily used in
37 the business of, transporting vehicles by means of a crane, hoist, tow bar, tow line, or dolly or is otherwise primarily used
38 to render assistance to other vehicles. A "roll-back carrier" designed to carry up to two vehicles is also a tow truck. A
39 trailer for hire that is being used to transport a vehicle is a tow truck. "Tow truck" does not include an automobile
40 dismantlers' tow vehicle or a reposessor's tow vehicle.

41 (b) "Reposessor's tow vehicle" means a tow vehicle which is registered to a reposessor licensed or registered pursuant
42 to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code that is used
43 exclusively in the course of the repossession business.

44 (c) "Automobile dismantlers' tow vehicle" means a tow vehicle which is registered by an automobile dismantler
45 licensed pursuant to Chapter 3 (commencing with Section 11500) of Division 5 and which is used exclusively to tow
46 vehicles owned by that automobile dismantler in the course of the automobile dismantling business.

47 **Vehicle Code Section 5201.**

48 5201. License plates shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the
49 plates from swinging, shall be mounted in a position so as to be clearly visible, and shall be maintained in a condition
50 so as to be clearly legible. The rear license plate shall be mounted not less than 12 inches nor more than 60 inches from
51 the ground, and the front license plate shall be mounted not more than 60 inches from the ground, except as follows:

52 (a) The rear license plate on a tow truck or reposessor's tow vehicle may be mounted on the left-hand side of the mast
53 assembly at the rear of the cab of the vehicle, not less than 12 inches nor more than 90 inches from the ground.

1 (b) The rear license plate on a tank vehicle hauling hazardous waste, as defined in Section 25117 of the Health and
2 Safety Code, or asphalt material may be mounted not less than 12 inches nor more than 90 inches from the ground.

3 (c) The rear license plate on a truck tractor may be mounted at the rear of the cab of the vehicle, but not less than 12
4 inches nor more than 90 inches from the ground.

5 (d) The rear license plate of a vehicle designed by the manufacturer for the collection and transportation of garbage,
6 rubbish, or refuse that is used regularly for the collection and transportation of that material by any person or
7 governmental entity employed to collect, transport, and dispose of garbage, rubbish, or refuse may be mounted not less
8 than 12 inches nor more than 90 inches from the ground.

9 (e) The rear license plate on a two-axle livestock trailer may be mounted 12 inches or more, but not more than 90
10 inches, from the ground.

11 (f) A covering shall not be used on license plates except as follows:

12 (1) The installation of a cover over a lawfully parked vehicle to protect it from the weather and the elements does not
13 constitute a violation of this subdivision. Any peace officer or other regularly salaried employee of a public agency
14 designated to enforce laws, including local ordinances, relating to the parking of vehicles may temporarily remove so
15 much of the cover as is necessary to inspect any license plate, tab, or indicia of registration on a vehicle.

16 (2) The installation of a license plate security cover is not a violation of this subdivision if the device does not obstruct
17 or impair the recognition of the license plate information, including, but not limited to, the issuing state, license plate
18 number, and registration tabs, and the cover is limited to the area directly over the top of the registration tabs. No portion
19 of a license plate security cover shall rest over the license plate number.

20 (g) A casing, shield, frame, border, product, or other device that obstructs or impairs the reading or recognition of a
21 license plate by an electronic device operated by state or local law enforcement, an electronic device operated in
22 connection with a toll road, high-occupancy toll lane, toll bridge, or other toll facility, or a remote emission sensing
23 device, as specified in Sections 44081 and 44081.6 of the Health and Safety Code, shall not be installed on, or affixed
24 to, a vehicle.

25 (h) (1) It is the intent of the Legislature that an accommodation be made to persons with disabilities and to those persons
26 who regularly transport persons with disabilities, to allow the removal and relocation of wheelchair lifts and wheelchair
27 carriers without the necessity of removing and reattaching the vehicle's rear license plate. Therefore, it is not a violation
28 of this section if the reading or recognition of a rear license plate is obstructed or impaired by a wheelchair lift or
29 wheelchair carrier and all of the following requirements are met:

30 (A) The owner of the vehicle has been issued a special identification license plate pursuant to Section 5007, or the
31 person using the wheelchair that is carried on the vehicle has been issued a distinguishing placard under Section
32 22511.55.

33 (B) (I) The operator of the vehicle displays a decal, designed and issued by the department, that contains the license plate
34 number assigned to the vehicle transporting the wheelchair.

35 (ii) The decal is displayed on the rear window of the vehicle, in a location determined by the department, in consultation
36 with the Department of the California Highway Patrol, so as to be clearly visible to law enforcement.

37 (2) Notwithstanding any other provision of law, if a decal is displayed pursuant to this subdivision, the requirements of
38 this code that require the illumination of the license plate and the license plate number do not apply.

39 (3) The department shall adopt regulations governing the procedures for accepting and approving applications for decals,
40 and issuing decals, authorized by this subdivision.

41 (4) This subdivision does not apply to a front license plate.

42 **Vehicle Code Section 11724.**

43 11724. A dealer, or the agent of a dealer, who has received a notice pursuant to Section 7507.6 of the Business and
44 Professions Code, shall not make a subsequent assignment to skip trace, locate, or repossess a vehicle without
45 simultaneously, and in the same manner by which the assignment is given, advising the assignee of the assignment of
46 the information contained in the notice. As used in this section, "assignment" has the same meaning set forth in Section
47 7500.1 of the Business and Professions Code.

48 **Vehicle Code Section 14602.6.**

49 14602.6. (a) (1) Whenever a peace officer determines that a person was driving a vehicle while his or her driving
50 privilege was suspended or revoked, driving a vehicle while his or her driving privilege is restricted pursuant to Section
51 13352 or 23575 and the vehicle is not equipped with a functioning, certified interlock device, or driving a vehicle without
52 ever having been issued a driver's license, the peace officer may either immediately arrest that person and cause the
53 removal and seizure of that vehicle or, if the vehicle is involved in a traffic collision, cause the removal and seizure of
54 the vehicle without the necessity of arresting the person in accordance with Chapter 10 (commencing with Section 22650)
55 of Division 11. A vehicle so impounded shall be impounded for 30 days.

1 (2) The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return
2 receipt requested, to the legal owner of the vehicle, at the address obtained from the department, informing the owner
3 that the vehicle has been impounded. Failure to notify the legal owner within two working days shall prohibit the
4 impounding agency from charging for more than 15 days' impoundment when the legal owner redeems the impounded
5 vehicle. The impounding agency shall maintain a published telephone number that provides information 24 hours a day
6 regarding the impoundment of vehicles and the rights of a registered owner to request a hearing. The law enforcement
7 agency shall be open to issue a release to the registered owner or legal owner, or the agent of either, whenever the agency
8 is open to serve the public for regular, nonemergency business.

9 (b) The registered and legal owner of a vehicle that is removed and seized under subdivision (a) or their agents shall
10 be provided the opportunity for a storage hearing to determine the validity of, or consider any mitigating circumstances
11 attendant to, the storage, in accordance with Section 22852.

12 (c) Any period in which a vehicle is subjected to storage under this section shall be included as part of the period of
13 impoundment ordered by the court under subdivision (a) of Section 14602.5.

14 (d) (1) An impounding agency shall release a vehicle to the registered owner or his or her agent prior to the end of 30
15 days' impoundment under any of the following circumstances:

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

17 (B) When the vehicle is subject to bailment and is driven by an unlicensed employee of a business establishment,
18 including a parking service or repair garage.

19 (C) When the license of the driver was suspended or revoked for an offense other than those included in Article 2
20 (commencing with Section 13200) of Chapter 2 of Division 6 or Article 3 (commencing with Section 13350) of Chapter
21 2 of Division 6.

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

23 (E) When the driver reinstates his or her driver's license or acquires a driver's license and proper insurance.

24 (2) No vehicle shall be released pursuant to this subdivision without presentation of the registered owner's or agent's
25 currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of a court.

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

28 (f) A vehicle removed and seized under subdivision (a) shall be released to the legal owner of the vehicle or the legal
29 owner's agent prior to the end of 30 days' impoundment if all of the following conditions are met:

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

33 (2) (A) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle.
34 No lien sale processing fees shall be charged to the legal owner who redeems the vehicle prior to the 15th day of
35 impoundment. Neither the impounding authority nor any person having possession of the vehicle shall collect from the
36 legal owner of the type specified in paragraph (1), or the legal owner's agent any administrative charges imposed pursuant
37 to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

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

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

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

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

52 (3) The legal owner or the legal owner's agent presents a copy of the assignment, as defined in subdivision (b) of
53 Section 7500.1 of the Business and Professions Code; a release from the one responsible governmental agency, only if
54 required by the agency; a government-issued photographic identification card; and any one of the following, as
55 determined by the legal owner or the legal owner's agent: a certificate of repossession for the vehicle, a security
56 agreement for the vehicle, or title, whether paper or electronic, showing proof of legal ownership for the vehicle. Any
57 documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The law
58 enforcement agency, impounding agency, or any other governmental agency, or any person acting on behalf of those

1 agencies, shall not require any documents to be notarized. The law enforcement agency, impounding agency, or any
2 person acting on behalf of those agencies may require the agent of the legal owner to produce a photocopy or facsimile
3 copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500)
4 of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the law enforcement agency,
5 impounding agency, or any person acting on behalf of those agencies, that the agent is exempt from licensure pursuant
6 to Section 7500.2 or 7500.3 of the Business and Professions Code.

7 No administrative costs authorized under subdivision (a) of Section 22850.5 shall be charged to the legal owner of the
8 type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage
9 hearing. No city, county, city and county, or state agency shall require a legal owner or a legal owner's agent to request
10 a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The law
11 enforcement agency, impounding agency, or other governmental agency, or any person acting on behalf of those
12 agencies, shall not require any documents other than those specified in this paragraph. The law enforcement agency,
13 impounding agency, or other governmental agency, or any person acting on behalf of those agencies, shall not require
14 any documents to be notarized. The legal owner or the legal owner's agent shall be given a copy of any documents he
15 or she is required to sign, except for a vehicle evidentiary hold logbook. The law enforcement agency, impounding
16 agency, or any person acting on behalf of those agencies, or any person in possession of the vehicle, may photocopy and
17 retain the copies of any documents presented by the legal owner or legal owner's agent.

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

21 (g) (1) A legal owner or the legal owner's agent that obtains release of the vehicle pursuant to subdivision (f) shall not
22 release the vehicle to the registered owner of the vehicle, or the person who was listed as the registered owner when the
23 vehicle was impounded, or any agents of the registered owner, unless the registered owner is a rental car agency, until
24 after the termination of the 30-day impoundment period.

25 (2) The legal owner or the legal owner's agent shall not relinquish the vehicle to the registered owner or the person who
26 was listed as the registered owner when the vehicle was impounded until the registered owner or that owner's agent
27 presents his or her valid driver's license or valid temporary driver's license to the legal owner or the legal owner's agent.
28 The legal owner or the legal owner's agent or the person in possession of the vehicle shall make every reasonable effort
29 to ensure that the license presented is valid and possession of the vehicle will not be given to the driver who was involved
30 in the original impoundment proceeding until the expiration of the impoundment period.

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

34 (4) Any legal owner who knowingly releases or causes the release of a vehicle to a registered owner or the person in
35 possession of the vehicle at the time of the impoundment or any agent of the registered owner in violation of this
36 subdivision shall be guilty of a misdemeanor and subject to a fine in the amount of two thousand dollars (\$2,000) in
37 addition to any other penalties established by law.

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

41 (h) (1) A vehicle removed and seized under subdivision (a) shall be released to a rental car agency prior to the end of
42 30 days' impoundment if the agency is either the legal owner or registered owner of the vehicle and the agency pays all
43 towing and storage fees related to the seizure of the vehicle.

44 (2) The owner of a rental vehicle that was seized under this section may continue to rent the vehicle upon recovery of
45 the vehicle. However, the rental car agency may not rent another vehicle to the driver of the vehicle that was seized until
46 30 days after the date that the vehicle was seized.

47 (3) The rental car agency may require the person to whom the vehicle was rented to pay all towing and storage charges
48 related to the impoundment and any administrative charges authorized under Section 22850.5 that were incurred by the
49 rental car agency in connection with obtaining custody of the vehicle.

50 (I) Notwithstanding any other provision of this section, the registered owner and not the legal owner shall remain
51 responsible for any towing and storage charges related to the impoundment, any administrative charges authorized under
52 Section 22850.5, and any parking fines, penalties, and administrative fees incurred by the registered owner.

53 (j) The law enforcement agency and the impounding agency, including any storage facility acting on behalf of the law
54 enforcement agency or impounding agency, shall comply with this section and shall not be liable to the registered owner
55 for the improper release of the vehicle to the legal owner or the legal owner's agent provided the release complies with
56 the provisions of this section. The legal owner shall indemnify and hold harmless a storage facility from any claims
57 arising out of the release of the vehicle to the legal owner or the legal owner's agent and from any damage to the vehicle
58 after its release, including the reasonable costs associated with defending any such claims. A law enforcement agency

1 shall not refuse to issue a release to a legal owner or the agent of a legal owner on the grounds that it previously issued
2 a release.
3

4 **Vehicle Code Section 14602.7.**

5 14602.7. (a) A magistrate presented with the affidavit of a peace officer establishing reasonable cause to believe that
6 a vehicle, described by vehicle type and license number, was an instrumentality used in the peace officer's presence in
7 violation of Section 2800.1, 2800.2, 2800.3, or 23103, shall issue a warrant or order authorizing any peace officer to
8 immediately seize and cause the removal of the vehicle. The warrant or court order may be entered into a computerized
9 database. A vehicle so impounded may be impounded for a period not to exceed 30 days.

10 The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return receipt
11 requested, to the legal owner of the vehicle, at the address obtained from the department, informing the owner that the
12 vehicle has been impounded and providing the owner with a copy of the warrant or court order. Failure to notify the
13 legal owner within two working days shall prohibit the impounding agency from charging for more than 15 days
14 impoundment when a legal owner redeems the impounded vehicle. The law enforcement agency shall be open to issue
15 a release to the registered owner or legal owner, or the agent of either, whenever the agency is open to serve the public
16 for regular, nonemergency business.

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

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

21 (B) When the vehicle is subject to bailment and is driven by an unlicensed employee of the business establishment,
22 including a parking service or repair garage.

23 (C) When the registered owner of the vehicle causes a peace officer to reasonably believe, based on the totality of the
24 circumstances, that the registered owner was not the driver who violated Section 2800.1, 2800.2, or 2800.3, the agency
25 shall immediately release the vehicle to the registered owner or his or her agent.

26 (2) No vehicle shall be released pursuant to this subdivision, except upon presentation of the registered owner's or
27 agent's currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of
28 the court.

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

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

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

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

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

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

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

43 (4) At the hearing, the magistrate may order the vehicle released if he or she finds any of the circumstances described
44 in subdivision (b) or (e) that allow release of a vehicle by the impounding agency. The magistrate may also consider
45 releasing the vehicle when the continued impoundment will cause undue hardship to persons dependent upon the vehicle
46 for employment or to a person with a community property interest in the vehicle.

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

49 (6) The agency employing the peace officer who caused the magistrate to issue the warrant or court order shall be
50 responsible for the costs incurred for towing and storage if it is determined in the poststorage hearing that reasonable
51 grounds for the storage are not established.

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

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

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

4 (2) (A) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle.
5 No lien sale processing fees shall be charged to the legal owner who redeems the vehicle prior to the 15th day of
6 impoundment. Neither the impounding authority nor any person having possession of the vehicle shall collect from the
7 legal owner of the type specified in paragraph (1), or the legal owner's agent any administrative charges imposed pursuant
8 to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

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

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

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

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

23 (3) The legal owner or the legal owner's agent presents, to the law enforcement agency, impounding agency, person
24 in possession of the vehicle, or any person acting on behalf of those agencies, a copy of the assignment, as defined in
25 subdivision (b) of Section 7500.1 of the Business and Professions Code; a release from the one responsible governmental
26 agency, only if required by the agency; a government-issued photographic identification card; and any one of the
27 following, as determined by the legal owner or the legal owner's agent: a certificate of repossession for the vehicle, a
28 security agreement for the vehicle, or title, whether paper or electronic, showing proof of legal ownership for the vehicle.
29 Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The
30 law enforcement agency, impounding agency, or any other governmental agency, or any person acting on behalf of those
31 agencies, shall not require any documents to be notarized. The law enforcement agency, impounding agency, or any
32 person acting on behalf of those agencies, may require the agent of the legal owner to produce a photocopy or facsimile
33 copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500)
34 of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the law enforcement agency,
35 impounding agency, or any person acting on behalf of those agencies that the agent is exempt from licensure pursuant
36 to Section 7500.2 or 7500.3 of the Business and Professions Code.

37 No administrative costs authorized under subdivision (a) of Section 22850.5 shall be charged to the legal owner of the
38 type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage
39 hearing. No city, county, city and county, or state agency shall require a legal owner or a legal owner's agent to request
40 a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The law
41 enforcement agency, impounding agency, or other governmental agency, or any person acting on behalf of those
42 agencies, shall not require any documents other than those specified in this paragraph. The law enforcement agency,
43 impounding agency, or other governmental agency, or any person acting on behalf of those agencies, shall not require
44 any documents to be notarized. The legal owner or the legal owner's agent shall be given a copy of any documents he
45 or she is required to sign, except for a vehicle evidentiary hold logbook. The law enforcement agency, impounding
46 agency, or any person acting on behalf of those agencies, or any person in possession of the vehicle, may photocopy and
47 retain the copies of any documents presented by the legal owner or legal owner's agent.

48 (4) A failure by a storage facility to comply with any applicable conditions set forth in this subdivision shall not affect
49 the right of the legal owner or the legal owner's agent to retrieve the vehicle, provided all conditions required of the legal
50 owner or legal owner's agent under this subdivision are satisfied.

51 (f) (1) A legal owner or the legal owner's agent that obtains release of the vehicle pursuant to subdivision (e) shall not
52 release the vehicle to the registered owner or the person who was listed as the registered owner when the vehicle was
53 impounded of the vehicle or any agents of the registered owner, unless a registered owner is a rental car agency, until
54 the termination of the impoundment period.

55 (2) The legal owner or the legal owner's agent shall not relinquish the vehicle to the registered owner or the person who
56 was listed as the registered owner when the vehicle was impounded until the registered owner or that owner's agent
57 presents his or her valid driver's license or valid temporary driver's license to the legal owner or the legal owner's agent.
58 The legal owner or the legal owner's agent shall make every reasonable effort to ensure that the license presented is valid

1 and possession of the vehicle will not be given to the driver who was involved in the original impoundment proceeding
2 until the expiration of the impoundment period.

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

6 (4) Any legal owner who knowingly releases or causes the release of a vehicle to a registered owner or the person in
7 possession of the vehicle at the time of the impoundment or any agent of the registered owner in violation of this
8 subdivision shall be guilty of a misdemeanor and subject to a fine in the amount of two thousand dollars (\$2,000) in
9 addition to any other penalties established by law.

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

13 (g) (1) A vehicle impounded and seized under subdivision (a) shall be released to a rental car agency prior to the end
14 of the impoundment period if the agency is either the legal owner or registered owner of the vehicle and the agency pays
15 all towing and storage fees related to the seizure of the vehicle.

16 (2) The owner of a rental vehicle that was seized under this section may continue to rent the vehicle upon recovery of
17 the vehicle. However, the rental car agency shall not rent another vehicle to the driver who used the vehicle that was
18 seized to evade a police officer until 30 days after the date that the vehicle was seized.

19 (3) The rental car agency may require the person to whom the vehicle was rented and who evaded the peace officer
20 to pay all towing and storage charges related to the impoundment and any administrative charges authorized under
21 Section 22850.5 that were incurred by the rental car agency in connection with obtaining custody of the vehicle.

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

25 (I) (1) This section does not apply to vehicles abated under the Abandoned Vehicle Abatement Program pursuant to
26 Sections 22660 to 22668, inclusive, and Section 22710, or to vehicles impounded for investigation pursuant to Section
27 22655, or to vehicles removed from private property pursuant to Section 22658.

28 (2) This section does not apply to abandoned vehicles removed pursuant to Section 22669 that are determined by the
29 public agency to have an estimated value of three hundred dollars (\$300) or less.

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

38 **Vehicle Code Section 14602.8.**

39 14602.8. (a) (1) If a peace officer determines that a person has been convicted of a violation of Section 23140, 23152,
40 or 23153, that the violation occurred within the preceding 10 years, and that one or more of the following circumstances
41 applies to that person, the officer may immediately cause the removal and seizure of the vehicle that the person was
42 driving, under either of the following circumstances:

43 (A) The person was driving a vehicle when the person had 0.10 percent or more, by weight, of alcohol in his or her
44 blood.

45 (B) The person driving the vehicle refused to submit to or complete a chemical test requested by the peace officer.

46 (2) A vehicle impounded pursuant to paragraph (1) shall be impounded for the following period of time:

47 (A) Five days, if the person has been convicted once of violating Section 23140, 23152, or 23153, and the violation
48 occurred within the preceding 10 years.

49 (B) Fifteen days, if the person has been convicted two or more times of violating Section 23140, 23152, or 23153, or
50 any combination thereof, and the violations occurred within the preceding 10 years.

51 (3) Within two working days after impoundment, the impounding agency shall send a notice by certified mail, return
52 receipt requested, to the legal owner of the vehicle, at the address obtained from the department, informing the owner
53 that the vehicle has been impounded. Failure to notify the legal owner within two working days shall prohibit the
54 impounding agency from charging for more than five days' impoundment when the legal owner redeems the impounded
55 vehicle. The impounding agency shall maintain a published telephone number that provides information 24 hours a day
56 regarding the impoundment of vehicles and the rights of a registered owner to request a hearing. The law enforcement

1 agency shall be open to issue a release to the registered owner or legal owner, or the agent of either, whenever the agency
2 is open to serve the public for regular, nonemergency business.

3 (b) The registered and legal owner of a vehicle that is removed and seized under subdivision (a) or his or her agent shall
4 be provided the opportunity for a storage hearing to determine the validity of, or consider any mitigating circumstances
5 attendant to, the storage, in accordance with Section 22852.

6 (c) Any period during which a vehicle is subjected to storage under this section shall be included as part of the period
7 of impoundment ordered by the court under Section 23594.

8 (d) (1) The impounding agency shall release the vehicle to the registered owner or his or her agent prior to the end of
9 the impoundment period under any of the following circumstances:

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

11 (B) When the vehicle is subject to bailment and is driven by an unlicensed employee of a business establishment,
12 including a parking service or repair garage.

13 (C) When the driver of the vehicle is not the sole registered owner of the vehicle and the vehicle is being released to
14 another registered owner of the vehicle who agrees not to allow the driver to use the vehicle until after the end of the
15 impoundment period.

16 (2) A vehicle shall not be released pursuant to this subdivision without presentation of the registered owner's or agent's
17 currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of a court.

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

20 (f) A vehicle removed and seized under subdivision (a) shall be released to the legal owner of the vehicle or the legal
21 owner's agent prior to the end of the impoundment period if all of the following conditions are met:

22 (1) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial
23 institution legally operating in this state, or is another person who is not the registered owner and holds a security interest
24 in the vehicle.

25 (2) (A) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle.
26 A lien sale processing fee shall not be charged to the legal owner who redeems the vehicle prior to the 10th day of
27 impoundment. The impounding authority or any person having possession of the vehicle shall not collect from the legal
28 owner of the type specified in paragraph (1), or the legal owner's agent any administrative charges imposed pursuant to
29 Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

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

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

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

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

44 (3) (A) The legal owner or the legal owner's agent presents to the law enforcement agency or impounding agency, or
45 any person acting on behalf of those agencies, a copy of the assignment, as defined in subdivision (b) of Section 7500.1
46 of the Business and Professions Code; a release from the one responsible governmental agency, only if required by the
47 agency; a government-issued photographic identification card; and any one of the following as determined by the legal
48 owner or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title,
49 whether paper or electronic, showing proof of legal ownership for the vehicle. The law enforcement agency, impounding
50 agency, or any other governmental agency, or any person acting on behalf of those agencies, shall not require the
51 presentation of any other documents.

52 (B) The legal owner or the legal owner's agent presents to the person in possession of the vehicle, or any person acting
53 on behalf of the person in possession, a copy of the assignment, as defined in subdivision (b) of Section 7500.1 of the
54 Business and Professions Code; a release from the one responsible governmental agency, only if required by the agency;
55 a government-issued photographic identification card; and any one of the following as determined by the legal owner
56 or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title,
57 whether paper or electronic, showing proof of legal ownership for the vehicle. The person in possession of the vehicle,
58 or any person acting on behalf of the person in possession, shall not require the presentation of any other documents.

1 (C) All presented documents may be originals, photocopies, or facsimile copies, or may be transmitted electronically.
2 The law enforcement agency, impounding agency, or any person acting on behalf of them, shall not require a document
3 to be notarized. The law enforcement agency, impounding agency, or any person in possession of the vehicle, or anyone
4 acting on behalf of those agencies may require the agent of the legal owner to produce a photocopy or facsimile copy
5 of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of
6 Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the law enforcement agency,
7 impounding agency, any other governmental agency, or any person in possession of the vehicle, or anyone acting on
8 behalf of them, that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and
9 Professions Code.

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

21 (4) A failure by a storage facility to comply with any applicable conditions set forth in this subdivision shall not affect
22 the right of the legal owner or the legal owner's agent to retrieve the vehicle, provided all conditions required of the legal
23 owner or legal owner's agent under this subdivision are satisfied.

24 (g) (1) A legal owner or the legal owner's agent who obtains release of the vehicle pursuant to subdivision (f) may not
25 release the vehicle to the registered owner of the vehicle or the person who was listed as the registered owner when the
26 vehicle was impounded or any agents of the registered owner, unless the registered owner is a rental car agency, until
27 after the termination of the impoundment period.

28 (2) The legal owner or the legal owner's agent shall not relinquish the vehicle to the registered owner or the person who
29 was listed as the registered owner when the vehicle was impounded until the registered owner or that owner's agent
30 presents his or her valid driver's license or valid temporary driver's license to the legal owner or the legal owner's agent.
31 The legal owner or the legal owner's agent or the person in possession of the vehicle shall make every reasonable effort
32 to ensure that the license presented is valid and possession of the vehicle will not be given to the driver who was involved
33 in the original impoundment proceeding until the expiration of the impoundment period.

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

37 (h) (1) A vehicle removed and seized under subdivision (a) shall be released to a rental car agency prior to the end of
38 the impoundment period if the agency is either the legal owner or registered owner of the vehicle and the agency pays
39 all towing and storage fees related to the seizure of the vehicle.

40 (2) The owner of a rental vehicle that was seized under this section may continue to rent the vehicle upon recovery of
41 the vehicle. However, the rental car agency shall not rent another vehicle to the driver of the vehicle that was seized until
42 the impoundment period has expired.

43 (3) The rental car agency may require the person to whom the vehicle was rented to pay all towing and storage charges
44 related to the impoundment and any administrative charges authorized under Section 22850.5 that were incurred by the
45 rental car agency in connection with obtaining custody of the vehicle.

46 (4) Any legal owner who knowingly releases or causes the release of a vehicle to a registered owner or the person in
47 possession of the vehicle at the time of the impoundment or any agent of the registered owner in violation of this
48 subdivision shall be guilty of a misdemeanor and subject to a fine in the amount of two thousand dollars (\$2,000) in
49 addition to any other penalties established by law.

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

53 (I) Notwithstanding any other provision of this section, the registered owner, and not the legal owner, shall remain
54 responsible for any towing and storage charges related to the impoundment, any administrative charges authorized under
55 Section 22850.5, and any parking fines, penalties, and administrative fees incurred by the registered owner.

56 (j) The law enforcement agency and the impounding agency, including any storage facility acting on behalf of the law
57 enforcement agency or impounding agency, shall comply with this section and shall not be liable to the registered owner
58 for the improper release of the vehicle to the legal owner or the legal owner's agent provided the release complies with

1 the provisions of this section. The legal owner shall indemnify and hold harmless a storage facility from any claims
2 arising out of the release of the vehicle to the legal owner or the legal owner's agent and from any damage to the vehicle
3 after its release, including the reasonable costs associated with defending any such claims. A law enforcement agency
4 shall not refuse to issue a release to a legal owner or the agent of a legal owner on the grounds that it previously issued
5 a release.

6 **Vehicle Code Section 21100.4.**

7 21100.4. (a) (1) A magistrate presented with the affidavit of a peace officer or a designated local transportation officer
8 establishing reasonable cause to believe that a vehicle, described by vehicle type and license number, is being operated
9 as a taxicab or other passenger vehicle for hire in violation of licensing requirements adopted by a local authority under
10 subdivision (b) of Section 21100 shall issue a warrant or order authorizing the peace officer or designated local
11 transportation officer to immediately seize and cause the removal of the vehicle. As used in this section, "designated local
12 transportation officer" means any local public officer employed by a local authority to investigate and enforce local
13 taxicab and vehicle for hire laws and regulations.

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

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

16 (4) The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return
17 receipt requested, to the legal owner of the vehicle, at an address obtained from the department, informing the owner that
18 the vehicle has been impounded and providing the owner with a copy of the warrant or court order. Failure to notify the
19 legal owner within two working days shall prohibit the impounding agency from charging for more than 15 days'
20 impoundment when a legal owner redeems the impounded vehicle. The law enforcement agency shall be open to issue
21 a release to the registered owner or legal owner, or the agent of either, whenever the agency is open to serve the public
22 for regular, nonemergency business.

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (6) The agency employing the peace officer or designated local transportation officer who caused the magistrate to
50 issue the warrant or court order shall be responsible for the costs incurred for towing and storage if it is determined in
51 the poststorage hearing that reasonable grounds for the storage are not established.

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

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

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

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

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

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

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

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

23 (3) (A) The legal owner or the legal owner's agent presents to the law enforcement agency or impounding agency, or
24 any person acting on behalf of those agencies, a copy of the assignment, as defined in subdivision (b) of Section 7500.1
25 of the Business and Professions Code; a release from the one responsible governmental agency, only if required by the
26 agency; a government-issued photographic identification card; and any one of the following as determined by the legal
27 owner or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title,
28 whether paper or electronic, showing proof of legal ownership for the vehicle. The law enforcement agency, impounding
29 agency, or any other governmental agency, or any person acting on behalf of those agencies, shall not require the
30 presentation of any other documents.

31 (B) The legal owner or the legal owner's agent presents to the person in possession of the vehicle, or any person acting
32 on behalf of the person in possession, a copy of the assignment, as defined in subdivision (b) of Section 7500.1 of the
33 Business and Professions Code; a release from the one responsible governmental agency, only if required by the agency;
34 a government-issued photographic identification card; and any one of the following as determined by the legal owner
35 or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title,
36 whether paper or electronic, showing proof of legal ownership for the vehicle. The person in possession of the vehicle,
37 or any person acting on behalf of the person in possession, shall not require the presentation of any other documents.

38 (C) All presented documents may be originals, photocopies, or facsimile copies, or may be transmitted electronically.
39 The law enforcement agency, impounding agency, or any person in possession of the vehicle, or anyone acting on behalf
40 of them, shall not require any documents to be notarized. The law enforcement agency, impounding agency, or any
41 person acting on behalf of those agencies, may require the agent of the legal owner to produce a photocopy or facsimile
42 copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500)
43 of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the law enforcement agency,
44 impounding agency, or any person in possession of the vehicle, or anyone acting on behalf of them, that the agent is
45 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

46 (D) No administrative costs authorized under subdivision (a) of Section 22850.5 may be charged to the legal owner
47 of the type specified in paragraph (1) who redeems the vehicle unless the legal owner voluntarily requests a poststorage
48 hearing. No city, county, city and county, or state agency shall require a legal owner or a legal owner's agent to request
49 a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The law
50 enforcement agency, impounding agency, or any other governmental agency, or any person acting on behalf of those
51 agencies, shall not require any documents other than those specified in this paragraph. The law enforcement agency,
52 impounding agency, or other governmental agency, or any person acting on behalf of those agencies, may not require
53 any documents to be notarized. The legal owner or the legal owner's agent shall be given a copy of any documents he
54 or she is required to sign, except for a vehicle evidentiary hold logbook. The law enforcement agency, impounding
55 agency, or any person acting on behalf of those agencies, or any person in possession of the vehicle, may photocopy and
56 retain the copies of any documents presented by the legal owner or legal owner's agent.

1 (4) A failure by a storage facility to comply with any applicable conditions set forth in this subdivision shall not affect
2 the right of the legal owner or the legal owner's agent to retrieve the vehicle, provided all conditions required of the legal
3 owner or legal owner's agent under this subdivision are satisfied.

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

7 (2) The legal owner or the legal owner's agent shall not relinquish the vehicle to the registered owner or the person who
8 was listed as the registered owner when the vehicle was impounded until the registered owner or that owner's agent
9 presents his or her valid driver's license or valid temporary driver's license, and an operator's license that is in compliance
10 with the licensing requirements adopted by the local authority under subdivision (b) of Section 21100, to the legal owner
11 or the legal owner's agent. The legal owner or the legal owner's agent or the person in possession of the vehicle shall
12 make every reasonable effort to ensure that the licenses presented are valid and possession of the vehicle will not be
13 given to the driver who was involved in the original impoundment proceeding until the expiration of the impoundment
14 period.

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

18 (4) Any legal owner who knowingly releases or causes the release of a vehicle to a registered owner or the person in
19 possession of the vehicle at the time of the impoundment or any agent of the registered owner in violation of this
20 subdivision shall be guilty of a misdemeanor and subject to a civil penalty in the amount of two thousand dollars
21 (\$2,000).

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

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

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

36 **Vehicle Code Section 22651.1.**

37 22651.1. Persons operating or in charge of any storage facility where vehicles are stored pursuant to Section 22651
38 shall accept a valid bank credit card or cash for payment of towing and storage by the registered owner, legal owner, or
39 the owner's agent claiming the vehicle. A credit card shall be in the name of the person presenting the card. "Credit card"
40 means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, except, for the purposes of this
41 section, credit card does not include a credit card issued by a retail seller. A person operating or in charge of any storage
42 facility who refuses to accept a valid bank credit card shall be liable to the owner of the vehicle or to the person who
43 tendered the fees for four times the amount of the towing and storage charges, but not to exceed five hundred dollars
44 (\$500). In addition, persons operating or in charge of the storage facility shall have sufficient funds on the premises to
45 accommodate and make change in a reasonable monetary transaction.

46 Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement
47 agencies may include the costs of providing for payment by credit when agreeing with a towing or storage provider on
48 rates.

49 **Vehicle Code Section 22658.**

50 22658. (a) The owner or person in lawful possession of private property, including an association of a common interest
51 development as defined in Section 1351 of the Civil Code, may cause the removal of a vehicle parked on the property
52 to a storage facility that meets the requirements of subdivision (n) under any of the following circumstances:

53 (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,
54 with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed
55 at the owner's expense, and containing the telephone number of the local traffic law enforcement agency and the name
56 and telephone number of each towing company that is a party to a written general towing authorization agreement with

1 the owner or person in lawful possession of the property. The sign may also indicate that a citation may also be issued
2 for the violation.

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

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

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

9 (b) The tow truck operator removing the vehicle, if the operator knows or is able to ascertain from the property owner,
10 person in lawful possession of the property, or the registration records of the Department of Motor Vehicles the name
11 and address of the registered and legal owner of the vehicle, shall immediately give, or cause to be given, notice in
12 writing to the registered and legal owner of the fact of the removal, the grounds for the removal, and indicate the place
13 to which the vehicle has been removed. If the vehicle is stored in a storage facility, a copy of the notice shall be given
14 to the proprietor of the storage facility. The notice provided for in this section shall include the amount of mileage on
15 the vehicle at the time of removal and the time of the removal from the property. If the tow truck operator does not know
16 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
17 provided in this section, the tow truck operator shall comply with the requirements of subdivision (c) of Section 22853
18 relating to notice in the same manner as applicable to an officer removing a vehicle from private property.

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

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

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

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

30 (f) An owner or person in lawful possession of private property, or an association of a common interest development,
31 causing the removal of a vehicle parked on that property shall notify by telephone or, if impractical, by the most
32 expeditious means available, the local traffic law enforcement agency within one hour after authorizing the tow. An
33 owner or person in lawful possession of private property, an association of a common interest development, causing the
34 removal of a vehicle parked on that property, or the tow truck operator who removes the vehicle, shall state the grounds
35 for the removal of the vehicle if requested by the legal or registered owner of that vehicle. A towing company that
36 removes a vehicle from private property in compliance with subdivision (1) is not responsible in a situation relating to
37 the validity of the removal. A towing company that removes the vehicle under this section shall be responsible for the
38 following:

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

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

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

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

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

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

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

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

57 (I) That which would have been charged for that towing or storage, or both, made at the request of a law enforcement
58 agency under an agreement between a towing company and the law enforcement agency that exercises primary

1 jurisdiction in the city in which is located the private property from which the vehicle was, or was attempted to be,
2 removed, or if the private property is not located within a city, then the law enforcement agency that exercises primary
3 jurisdiction in the county in which the private property is located.

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

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

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

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

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

22 (2) A person who knowingly charges a vehicle owner a towing, service, or storage charge at an excessive rate, as
23 described in subdivision (h) or (I), or who fails to make available his or her rate as required in subparagraph (B) of
24 paragraph (1) of subdivision (I), is guilty of a misdemeanor, punishable by a fine of not more than two thousand five
25 hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or by both that fine and
26 imprisonment.

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

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

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

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

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

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

46 (l) (1) (A) A towing company shall not remove or commence the removal of a vehicle from private property without
47 first obtaining the written authorization from the property owner or lessee, including an association of a common interest
48 development, or an employee or agent thereof, who shall be present at the time of removal and verify the alleged
49 violation, except that presence and verification is not required if the person authorizing the tow is the property owner,
50 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
51 onsite owner, owner's agent or employee, and the tenant has verified the violation, requested the tow from that tenant's
52 assigned parking space, and provided a signed request or electronic mail, or has called and provides a signed request or
53 electronic mail within 24 hours, to the property owner or owner's agent, which the owner or agent shall provide to the
54 towing company within 48 hours of authorizing the tow. The signed request or electronic mail shall contain the name
55 and address of the tenant, and the date and time the tenant requested the tow. A towing company shall obtain, within 48
56 hours of receiving the written authorization to tow, a copy of a tenant request required pursuant to this subparagraph.
57 For the purpose of this subparagraph, a person providing the written authorization who is required to be present on the

1 private property at the time of the tow does not have to be physically present at the specified location of where the vehicle
2 to be removed is located on the private property.

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

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

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

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

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

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

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

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

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

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

23 (E) (I) General authorization to remove or commence removal of a vehicle at the towing company's discretion shall
24 not be delegated to a towing company or its affiliates except in the case of a vehicle unlawfully parked within 15 feet
25 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.

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

31 (2) If a towing company removes a vehicle under a general authorization described in subparagraph (E) of paragraph
32 (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
33 with an entrance to, or exit from, the private property, the towing company shall take, prior to the removal of that vehicle,
34 a photograph of the vehicle that clearly indicates that parking violation. Prior to accepting payment, the towing company
35 shall keep one copy of the photograph taken pursuant to this paragraph, and shall present that photograph and provide,
36 without charge, a photocopy to the owner or an agent of the owner, when that person claims the vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (q) A vehicle removed and stored pursuant to this section shall be released by the law enforcement agency, impounding
29 agency, or person in possession of the vehicle, or any person acting on behalf of them, to the legal owner or the legal
30 owner's agent upon presentation of the assignment, as defined in subdivision (b) of Section 7500.1 of the Business and
31 Professions Code; a release from the one responsible governmental agency, only if required by the agency; a
32 government-issued photographic identification card; and any one of the following as determined by the legal owner or
33 the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title, whether
34 paper or electronic, showing proof of legal ownership for the vehicle. Any documents presented may be originals,
35 photocopies, or facsimile copies, or may be transmitted electronically. The storage facility shall not require any
36 documents to be notarized. The storage facility may require the agent of the legal owner to produce a photocopy or
37 facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section
38 7500) of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the storage facility,
39 that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

40 **Vehicle Code Section 22850.5.**

41 22850.5. (a) A city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution
42 establishing procedures for the release of properly impounded vehicles and for the imposition of a charge equal to its
43 administrative costs relating to the removal, impound, storage, or release of the vehicles. Those administrative costs may
44 be waived by the local or state authority upon verifiable proof that the vehicle was reported stolen at the time the vehicle
45 was removed.

46 (b) The following apply to any charges imposed for administrative costs pursuant to subdivision (a):

47 (1) The charges shall only be imposed on the registered owner or the agents of that owner and shall not include any
48 vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive, of, and
49 Section 22851 of, the Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper
50 administrative costs.

51 (2) Any charges shall be collected by the local or state authority only from the registered owner or an agent of the
52 registered owner.

53 (3) The charges shall be in addition to any other charges authorized or imposed pursuant to this code.

54 (4) No charge may be imposed for any hearing or appeal relating to the removal, impound, storage, or release of a
55 vehicle unless that hearing or appeal was requested in writing by the registered or legal owner of the vehicle or an agent
56 of that registered or legal owner. In addition, the charge may be imposed only upon the person requesting that hearing
57 or appeal.

1 No administrative costs authorized under subdivision (a) shall be charged to the legal owner who redeems the vehicle
2 unless the legal owner voluntarily requests a poststorage hearing. No city, county, city and county, or state agency shall
3 require a legal owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle
4 to the legal owner or the legal owner's agent. The impounding agency, or any person acting on behalf of the agency, shall
5 not require the legal owner or the legal owner's agent to produce any documents other than those specified in paragraph
6 (3) of subdivision (f) of Section 14602.6 or paragraph (3) of subdivision (e) of Section 14602.7. The impounding agency,
7 or any person acting on behalf of the agency, shall not require any documents to be notarized.

8 **Vehicle Code Section 23118.**

9 23118. (a) (1) A magistrate presented with the affidavit of a peace officer establishing reasonable cause to believe that
10 a vehicle, described by vehicle type and license number, is being used or operated in violation of Section 7502.1 of the
11 Business and Professions Code shall issue a warrant or order authorizing any peace officer to immediately seize and
12 cause the removal of the vehicle.

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

14 (3) Any vehicle so impounded may be impounded until such time as the owner of the property, or the person in
15 possession of the property at the time of the impoundment, produces proof of licensure pursuant to Chapter 11
16 (commencing with Section 7500) of Division 3 of the Business and Professions Code, or proof of an exemption from
17 licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

18 (4) The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return
19 receipt requested, to the legal owner of the vehicle, at an address obtained from the department, informing the owner that
20 the vehicle has been impounded and providing the owner with a copy of the warrant or court order. Failure to notify the
21 legal owner within two working days shall prohibit the impounding agency from charging for more than 15 days
22 impoundment when a legal owner redeems the impounded vehicle. The law enforcement agency shall be open to issue
23 a release to the registered owner or legal owner, or the agent of either, whenever the agency is open to serve the public
24 for regular, nonemergency business.

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

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

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

30 (2) No vehicle may be released under this subdivision, except upon presentation of the registered owner's or agent's
31 currently valid license to operate the vehicle, and proof of current vehicle registration, or upon order of the court.

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

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

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

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

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

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

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

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

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

50 (6) The agency employing the peace officer who caused the magistrate to issue the warrant or court order shall be
51 responsible for the costs incurred for towing and storage if it is determined in the poststorage hearing that reasonable
52 grounds for the storage are not established.

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

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

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

4 (2) (A) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle.
5 Except as specifically authorized by this subdivision, no other fees shall be charged to the legal owner or the agent of
6 the legal owner. No lien sale processing fees shall be charged to the legal owner who redeems the vehicle prior to the
7 15th day of impoundment. Neither the impounding authority nor any person having possession of the vehicle shall collect
8 from the legal owner of the type specified in paragraph (1), or the legal owner's agent any administrative charges imposed
9 pursuant to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

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

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

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

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

23 (3) (A) The legal owner or the legal owner's agent presents to the law enforcement agency or impounding agency, or
24 any person acting on behalf of those agencies, a copy of the assignment, as defined in subdivision (b) of Section 7500.1
25 of the Business and Professions Code; a release from the one responsible governmental agency, only if required by the
26 agency; a government-issued photographic identification card; and any one of the following as determined by the legal
27 owner or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title,
28 whether paper or electronic, showing proof of legal ownership for the vehicle. The law enforcement agency, impounding
29 agency, or any other governmental agency, or any person acting on behalf of those agencies, shall not require the
30 presentation of any other documents.

31 (B) The legal owner or the legal owner's agent presents to the person in possession of the vehicle, or any person acting
32 on behalf of the person in possession, a copy of the assignment, as defined in subdivision (b) of Section 7500.1 of the
33 Business and Professions Code; a release from the one responsible governmental agency, only if required by the agency;
34 a government-issued photographic identification card; and any one of the following as determined by the legal owner
35 or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title,
36 whether paper or electronic, showing proof of legal ownership for the vehicle. The person in possession of the vehicle,
37 or any person acting on behalf of the person in possession, shall not require the presentation of any other documents.

38 (C) All presented documents may be originals, photocopies, or facsimile copies, or may be transmitted electronically.
39 The law enforcement agency, impounding agency, or any person in possession of the vehicle, or anyone acting on behalf
40 of them, shall not require a document to be notarized. The law enforcement agency, impounding agency, or any person
41 acting on behalf of those agencies, may require the agent of the legal owner to produce a photocopy or facsimile copy
42 of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of
43 Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the law enforcement agency,
44 impounding agency, or any person in possession of the vehicle, or anyone acting on behalf of them, that the agent is
45 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

46 (D) No administrative costs authorized under subdivision (a) of Section 22850.5 shall be charged to the legal owner
47 of the type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage
48 hearing. No city, county, city and county, or state agency shall require a legal owner or a legal owner's agent to request
49 a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The law
50 enforcement agency, impounding agency, or any other governmental agency, or any person acting on behalf of those
51 agencies, shall not require any documents other than those specified in this paragraph. The law enforcement agency,
52 impounding agency, or other governmental agency, or any person acting on behalf of those agencies, may not require
53 any documents to be notarized. The legal owner or the legal owner's agent shall be given a copy of any documents he
54 or she is required to sign, except for a vehicle evidentiary hold logbook. The law enforcement agency, impounding
55 agency, or any person acting on behalf of those agencies, or any person in possession of the vehicle, may photocopy and
56 retain the copies of any documents presented by the legal owner or legal owner's agent.

1 (4) A failure by a storage facility to comply with any applicable conditions set forth in this subdivision shall not affect
2 the right of the legal owner or the legal owner's agent to retrieve the vehicle, provided all conditions required of the legal
3 owner or legal owner's agent under this subdivision are satisfied.

4 (f) (1) A legal owner or the legal owner's agent that obtains release of the vehicle pursuant to subdivision (e) shall not
5 release the vehicle to the registered owner of the vehicle or the person who was listed as the registered owner when the
6 vehicle was impounded or the person in possession of the vehicle at the time of the impound or any agents of the
7 registered owner until the termination of the impoundment period.

8 (2) The legal owner or the legal owner's agent shall not relinquish the vehicle to the registered owner or the person who
9 was listed as the registered owner when the vehicle was impounded until the registered owner or that owner's agent
10 presents his or her valid driver's license or valid temporary driver's license to the legal owner or the legal owner's agent.
11 The legal owner or the legal owner's agent or the person in possession of the vehicle shall make every reasonable effort
12 to ensure that the licenses presented are valid and possession of the vehicle will not be given to the driver who was
13 involved in the original impound proceeding until the expiration of the impoundment period.

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

17 (4) Any legal owner who knowingly releases or causes the release of a vehicle to a registered owner or the person in
18 possession of the vehicle at the time of the impound or any agent of the registered owner in violation of this subdivision
19 shall be guilty of a misdemeanor and subject to a fine in the amount of two thousand dollars (\$2,000) in addition to any
20 other penalties established by law.

21 (5) The legal owner, registered owner, or person in possession of the vehicle shall not change or attempt to change the
22 name of the legal owner or the registered owner on the records of the department until the vehicle is released from the
23 impound.

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

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

35 **Vehicle Code Section 24603.**

36 24603. Every motor vehicle that is not in combination with any other vehicle and every vehicle at the end of a
37 combination of vehicles shall at all times be equipped with stoplamps mounted on the rear as follows:

38 (a) Every such vehicle shall be equipped with one or more stoplamps.

39 (b) Every such vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be
40 equipped with two stoplamps, except that trailers and semitrailers manufactured after July 23, 1973, which are less than
41 30 inches wide, may be equipped with one stoplamp which shall be mounted at or near the vertical centerline of the
42 trailer. If such vehicle is equipped with two stoplamps, they shall be mounted as specified in subdivision (d).

43 (c) Except as provided in subdivision (h), stoplamps on vehicles manufactured on or after January 1, 1969, shall be
44 mounted not lower than 15 inches nor higher than 72 inches, except that a tow truck or a reposessor's tow vehicle, in
45 addition to being equipped with the required stoplamps, may also be equipped with two stoplamps which may be
46 mounted not lower than 15 inches nor higher than the maximum allowable vehicle height and as far forward as the
47 rearmost portion of the driver's seat in the rearmost position.

48 (d) Where two stoplamps are required, at least one shall be mounted at the left and one at the right side, respectively,
49 at the same level.

50 (e) Stoplamps on vehicles manufactured on or after January 1, 1979, shall emit a red light. Stoplamps on vehicles
51 manufactured before January 1, 1979, shall emit a red or yellow light. All stoplamps shall be plainly visible and
52 understandable from a distance of 300 feet to the rear both during normal sunlight and at nighttime, except that stoplamps
53 on a vehicle of a size required to be equipped with clearance lamps shall be visible from a distance of 500 feet during
54 those times.

55 (f) Stoplamps shall be activated upon application of the service (foot) brake and the hand control head for air, vacuum,
56 or electric brakes. In addition, all stoplamps may be activated by a mechanical device designed to function only upon
57 sudden release of the accelerator while the vehicle is in motion. Stoplamps on vehicles equipped with a manual

1 transmission may be manually activated by a mechanical device when the vehicle is downshifted if the device is
2 automatically rendered inoperative while the vehicle is accelerating.

3 (g) Any vehicle may be equipped with supplemental stoplamps mounted to the rear of the rearmost portion of the
4 driver's seat in its rearmost position in addition to the lamps required to be mounted on the rear of the vehicle.
5 Supplemental stoplamps installed after January 1, 1979, shall be red in color and mounted not lower than 15 inches above
6 the roadway. The supplemental stoplamp on that side of a vehicle toward which a turn will be made may flash as part
7 of the supplemental turn signal lamp.

8 A supplemental stoplamp may be mounted inside the rear window of a vehicle, if it is mounted at the centerline of the
9 vehicle and is constructed and mounted so as to prevent any light, other than a monitorial indicator emitted from the
10 device, either direct or reflected, from being visible to the driver.

11 (h) Any supplemental stoplamp installed after January 1, 1987, shall comply with Federal Motor Vehicle Safety
12 Standard No. 108 (49 C.F.R. 571.108). Any vehicle equipped with a stoplamp that complies with the federal motor
13 vehicle safety standards applicable to that make and model vehicle shall conform to that applicable safety standard unless
14 modified to comply with the federal motor vehicle safety standard designated in this subdivision.

15 **Vehicle Code Section 24605.**

16 24605. (a) A tow truck or an automobile dismantler's tow vehicle used to tow a vehicle shall be equipped with and
17 carry a taillamp, a stoplamp, and turn signal lamps for use on the rear of a towed vehicle.

18 (b) Whenever a tow truck or an automobile dismantler's tow vehicle is towing a vehicle and a stoplamp and turn signal
19 lamps cannot be lighted and displayed on the rear of the towed vehicle, the operator of the tow truck or the automobile
20 dismantler's tow vehicle shall display to the rear a stoplamp and turn signal lamps mounted on the towed vehicle, except
21 as provided in subdivision (c). During darkness, if a taillamp on the towed vehicle cannot be lighted, the operator of the
22 tow truck or the automobile dismantler's tow vehicle shall display to the rear a taillamp mounted on the towed vehicle.
23 No other lighting equipment need be displayed on the towed vehicle.

24 (c) Whenever any motor vehicle is towing another motor vehicle, stoplamps and turn signal lamps are not required on
25 the towed motor vehicle, but only if a stoplamp and a turn signal lamp on each side of the rear of the towing vehicle is
26 plainly visible to the rear of the towed vehicle. This subdivision does not apply to driveaway-towaway operations.

27 **Vehicle Code Section 26751.**

28 26751. After possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a security
29 agreement or lease agreement, the debtor shall pay the sheriff a fee of fifteen dollars (\$15) for the receipt and filing of
30 the report of repossession pursuant to Section 28 of the Vehicle Code before the vehicle may be redeemed by the debtor.
31 Except as provided herein, any person in possession of the vehicle shall not release it to the debtor without first obtaining
32 proof of payment of the fee to the sheriff. At the request of the debtor, a person in possession of the vehicle, or the legal
33 owner, may also release the vehicle to the debtor provided the debtor pays the fifteen dollar (\$15) fee, plus an
34 administrative fee not to exceed five dollars (\$5), to the person in possession or the legal owner, who shall transmit the
35 fifteen dollar (\$15) fee to the sheriff within three business days. The failure to transmit the fee within three business days
36 shall subject the person in possession or legal owner receiving the fee from the debtor to a fine of fifty dollars (\$50).
37 The proof of payment, or a copy thereof, shall be retained by the party releasing possession to the debtor for the period
38 required by law, and the party releasing possession shall provide a copy of the proof of payment to the debtor upon
39 request of the debtor.

40 **Vehicle Code Section 29004.**

41 29004. (a) (1) Except as required under paragraph (2), every towed vehicle shall be coupled to the towing vehicle by
42 means of a safety chain, cable, or equivalent device in addition to the regular drawbar, tongue, or other connection.

43 (2) Any vehicle towed by a tow truck shall be coupled to the tow truck by means of at least two safety chains in
44 addition to the primary restraining system. The safety chains shall be securely affixed to the truck frame, bed, or towing
45 equipment, independent of the towing sling, wheel lift, or under-reach towing equipment.

46 (3) Any vehicle transported on a slide back carrier or conventional trailer shall be secured by at least four tiedown
47 chains, straps, or an equivalent device, independent of the winch or loading cable. This subdivision shall not apply to
48 vehicle bodies that are being transported in compliance with Sections 1340 to 1344, inclusive, of Title 13 of the
49 California Code of Regulations.

50 (b) All safety connections and attachments shall be of sufficient strength to control the towed vehicle in the event of
51 failure of the regular hitch, coupling device, drawbar, tongue, or other connection. All safety connections and
52 attachments also shall have a positive means of ensuring that the safety connection or attachment does not become
53 dislodged while in transit.

54 (c) No more slack may be left in a safety chain, cable, or equivalent device than is necessary to permit proper turning.
55 When a drawbar is used as the towing connection, the safety chain, cable, or equivalent device shall be connected to the

1 towed and towing vehicle and to the drawbar so as to prevent the drawbar from dropping to the ground if the drawbar
2 fails.

3 (d) Subdivision (a) does not apply to a semitrailer having a connecting device composed of a fifth wheel and kingpin
4 assembly, and it does not apply to a towed motor vehicle when steered by a person who holds a license for the type of
5 vehicle being towed.

6 (e) For purposes of this section, a "tow truck" includes both of the following:

7 (1) A reposessor's tow vehicle, as defined in subdivision (b) of Section 615.

8 (2) An automobile dismantler's tow vehicle, as defined in subdivision (c) of Section 615.

9 (f) Vehicles towed by a reposessor's tow vehicle, as defined in subdivision (b) of Section 615, are exempt from the
10 multisafety chain requirement of paragraph (2) of subdivision (a) so long as the vehicle is not towed more than one mile
11 on a public highway and is secured by one safety chain.