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AMENDED IN SENATE JUNE 18, 2019  
AMENDED IN ASSEMBLY MARCH 28, 2019  
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 516**

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**Introduced by Assembly Members Chiu and Santiago**  
**(Coauthors: Assembly Members Bonta, Chu, and Gipson)**  
(Coauthor: Senator Wiener)

February 13, 2019

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An act to amend Sections 2810.2, 2814.2, 4000, 14602, 22651, and 40206.5 of, and to repeal Sections 22651.7, 22651.8, and 22851.1 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 516, as amended, Chiu. Authority to remove vehicles.

Existing law authorizes a peace officer, as defined, or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, to remove a vehicle located within the territorial limits in which the officer or employee may act, under designated circumstances, including, but not limited to, when a vehicle is found upon a highway or public land or removed pursuant to the Vehicle Code, and has been issued 5 or more notices of parking violations to which the owner or person in control of the vehicle has not responded within a designated time period. Under existing law, a vehicle that has been removed and impounded under those circumstances that is not released may be subject to a lien sale to

compensate for the costs of towage and for caring for and keeping safe the vehicle.

Existing law authorizes a peace officer and specified public employees, as an alternative to removal of a vehicle, to immobilize the vehicle with a device designed and manufactured for that purpose, if, among other circumstances, the vehicle is found upon a highway or public lands by the peace officer or employee and it is known to have been issued 5 or more notices of parking violations that are delinquent because the owner or person in control of the vehicle has not responded to the appropriate agency within a designated time period.

This bill would delete the authority of a peace officer or public employee, as appropriate, to remove or immobilize a vehicle under those circumstances. The bill would also modify the authority to remove a vehicle parked or left standing for 72 or more consecutive hours in violation of a local ordinance by requiring the vehicle to remain parked or left standing for ~~10~~ 5 or more business days after a notice is affixed to the vehicle specifying the date and time after which the vehicle may be removed. *The bill would also require the notice to include specified information.* The bill would repeal the related authority to conduct a lien sale to cover towing and storage expenses. The bill would make various conforming and technical changes.

*By requiring local authorities to provide specified information on parking notices, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) It is a fundamental and constitutional principle that a state
- 4 cannot take and sell the private property of its residents except

1 under limited circumstances, nor can it punish people because they  
2 cannot afford to pay its fines and fees.

3 (b) It is not sound public policy to tow privately owned vehicles  
4 that are safely parked, not causing traffic inconvenience, and not  
5 involved in a crime. To retrieve a vehicle from a tow yard can cost  
6 thousands of dollars. For people who cannot afford to pay the  
7 ~~often astronomical~~ *often astronomical* fines and fees, their cars  
8 are sold and they lose them permanently. Over 500,000 vehicles  
9 are sold at lien sales each year in California.

10 (c) Approximately 78 percent of Californians have to drive for  
11 work or to get to work. Studies have shown that the ability to drive  
12 significantly impacts employment rates, and that over the past 50  
13 years, American households without cars consistently lost income.  
14 For many Californians, their vehicle is their only shelter, their only  
15 way to get needed medical care, or their most valuable asset.

16 (d) Towing for debt collection purposes is not cost effective. It  
17 costs money for a local government to find the car, order the tow,  
18 and pay a private tow company to transport it. Vehicles towed for  
19 debt collection are more likely to be sold instead of reclaimed,  
20 which means the tow company has to use its limited lot space to  
21 store them for at least 30 days, and pay for an auction. Since  
22 vehicles towed because their owners could not afford to pay fees  
23 tend to be low in value, these lien sales usually fail to cover the  
24 cost of the tow and storage, let alone the cost of enforcement.

25 (e) There is no public safety purpose when a local government  
26 uses towing as a costly and draconian method to collect small  
27 amounts of debt, and this sanction has a disproportionate impact  
28 on lower income families and people of color.

29 SEC. 2. Section 2810.2 of the Vehicle Code is amended to  
30 read:

31 2810.2. (a) (1) A peace officer, as described in Chapter 4.5  
32 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
33 Code, may stop a vehicle transporting agricultural irrigation  
34 supplies that are in plain view to inspect the bills of lading,  
35 shipping, or delivery papers, or other evidence to determine  
36 whether the driver is in legal possession of the load, if the vehicle  
37 is on a rock road or unpaved road that is located in a county that  
38 has elected to implement this section and the road is located as  
39 follows:

1 (A) Located under the management of the Department of Parks  
2 and Recreation, the Department of Fish and Wildlife, the  
3 Department of Forestry and Fire Protection, the State Lands  
4 Commission, a regional park district, the United States Forest  
5 Service, or the federal Bureau of Land Management.

6 (B) Located within the respective ownership of a timberland  
7 production zone, as defined in Chapter 6.7 (commencing with  
8 Section 51100) of Part 1 of Division 1 of Title 5 of the Government  
9 Code, either that is larger than 50,000 acres or for which the owner  
10 of more than 2,500 acres has given express written permission for  
11 a vehicle to be stopped within that zone pursuant to this section.

12 (2) Upon reasonable belief that the driver of the vehicle is not  
13 in legal possession, the law enforcement officer specified in  
14 paragraph (1) shall take custody of the vehicle and load and turn  
15 them over to the custody of the sheriff of the county that has elected  
16 to implement this section in which the agricultural irrigation  
17 supplies are apprehended.

18 (b) The sheriff shall receive and provide for the care and  
19 safekeeping of the apprehended agricultural irrigation supplies  
20 that were in plain view within the boundaries of public lands under  
21 the management of the entities listed in subparagraph (A) of  
22 paragraph (1) of subdivision (a) or on a timberland production  
23 zone as specified in subparagraph (B) of paragraph (1) of  
24 subdivision (a), and immediately, in cooperation with the  
25 department, proceed with an investigation and its legal disposition.

26 (c) An expense incurred by the sheriff in the performance of  
27 the sheriff's duties under this section shall be a legal charge against  
28 the county.

29 (d) Except as provided in subdivision (e), a peace officer shall  
30 not cause the impoundment of a vehicle at a traffic stop made  
31 pursuant to subdivision (a) if the driver's only offense is a violation  
32 of Section 12500.

33 (e) During the conduct of pulling a driver over in accordance  
34 with subdivision (a), if the peace officer encounters a driver who  
35 is in violation of Section 12500, the peace officer shall make a  
36 reasonable attempt to identify the registered owner of the vehicle.  
37 If the registered owner is present, or the peace officer is able to  
38 identify the registered owner and obtain the registered owner's  
39 authorization to release the motor vehicle to a licensed driver  
40 during the vehicle stop, the vehicle shall be released to either the

1 registered owner of the vehicle if that person is a licensed driver  
2 or to the licensed driver authorized by the registered owner of the  
3 vehicle. If a notice to appear is issued, the name and the driver's  
4 license number of the licensed driver to whom the vehicle was  
5 released pursuant to this subdivision shall be listed on the officer's  
6 copy of the notice to appear issued to the unlicensed driver. If a  
7 vehicle cannot be released, the vehicle shall be removed pursuant  
8 to subdivision (o) of Section 22651, whether a notice to appear  
9 has been issued or not.

10 (f) For purposes of this section, "agricultural irrigation supplies"  
11 include agricultural irrigation water bladder and one-half inch  
12 diameter or greater irrigation line.

13 (g) This section shall be implemented only in a county in which  
14 the board of supervisors adopts a resolution authorizing the  
15 enforcement of this section.

16 SEC. 3. Section 2814.2 of the Vehicle Code is amended to  
17 read:

18 2814.2. (a) A driver of a motor vehicle shall stop and submit  
19 to a sobriety checkpoint inspection conducted by a law enforcement  
20 agency when signs and displays are posted requiring that stop.

21 (b) Notwithstanding Section 14602.6 or 14607.6, a peace officer  
22 or any other authorized person shall not cause the impoundment  
23 of a vehicle at a sobriety checkpoint if the driver's only offense is  
24 a violation of Section 12500.

25 (c) During the conduct of a sobriety checkpoint, if the law  
26 enforcement officer encounters a driver who is in violation of  
27 Section 12500, the law enforcement officer shall make a reasonable  
28 attempt to identify the registered owner of the vehicle. If the  
29 registered owner is present, or the officer is able to identify the  
30 registered owner and obtain the registered owner's authorization  
31 to release the motor vehicle to a licensed driver by the end of the  
32 checkpoint, the vehicle shall be released to either the registered  
33 owner of the vehicle if that person is a licensed driver or to the  
34 licensed driver authorized by the registered owner of the vehicle.  
35 If a notice to appear is issued, the name and driver's license number  
36 of the licensed driver to whom the vehicle was released pursuant  
37 to this subdivision shall be listed on the officer's copy of the notice  
38 to appear issued to the unlicensed driver. When a vehicle cannot  
39 be released, the vehicle shall be removed pursuant to subdivision

1 (o) of Section 22651, whether a notice to appear has been issued  
2 or not.

3 SEC. 4. Section 4000 of the Vehicle Code is amended to read:

4 4000. (a) (1) A person shall not drive, move, or leave standing  
5 upon a highway, or in an offstreet public parking facility, a motor  
6 vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly,  
7 unless it is registered and the appropriate fees have been paid under  
8 this code or registered under the permanent trailer identification  
9 program, except that an off-highway motor vehicle that displays  
10 an identification plate or device issued by the department pursuant  
11 to Section 38010 may be driven, moved, or left standing in an  
12 offstreet public parking facility without being registered or paying  
13 registration fees.

14 (2) For purposes of this subdivision, “offstreet public parking  
15 facility” means either of the following:

16 (A) Any publicly owned parking facility.

17 (B) Any privately owned parking facility for which no fee for  
18 the privilege to park is charged and that is held open for the  
19 common public use of retail customers.

20 (3) This subdivision does not apply to a motor vehicle stored  
21 in a privately owned offstreet parking facility by, or with the  
22 express permission of, the owner of the privately owned offstreet  
23 parking facility.

24 (4) Beginning July 1, 2011, the enforcement of paragraph (1)  
25 shall commence on the first day of the second month following  
26 the month of expiration of the vehicle’s registration. This paragraph  
27 shall become inoperative on January 1, 2012.

28 (b) A person shall not drive, move, or leave standing upon a  
29 highway a motor vehicle, as defined in Chapter 2 (commencing  
30 with Section 39010) of Part 1 of Division 26 of the Health and  
31 Safety Code, that has been registered in violation of Part 5  
32 (commencing with Section 43000) of Division 26 of the Health  
33 and Safety Code.

34 (c) Subdivisions (a) and (b) do not apply to off-highway motor  
35 vehicles operated pursuant to Sections 38025 and 38026.5.

36 (d) This section does not apply, following payment of fees due  
37 for registration, during the time that registration and transfer is  
38 being withheld by the department pending the investigation of any  
39 use tax due under the Revenue and Taxation Code.

1 (e) Subdivision (a) does not apply to a vehicle that is towed by  
2 a tow truck on the order of a sheriff, marshal, or other official  
3 acting pursuant to a court order or on the order of a peace officer  
4 acting pursuant to this code.

5 (f) Subdivision (a) applies to a vehicle that is towed from a  
6 highway or offstreet parking facility under the direction of a  
7 highway service organization when that organization is providing  
8 emergency roadside assistance to that vehicle. However, the  
9 operator of a tow truck providing that assistance to that vehicle is  
10 not responsible for the violation of subdivision (a) with respect to  
11 that vehicle. The owner of an unregistered vehicle that is disabled  
12 and located on private property, shall obtain a permit from the  
13 department pursuant to Section 4003 prior to having the vehicle  
14 towed on the highway.

15 (g) (1) Pursuant to Section 4022 and to subparagraph (B) of  
16 paragraph (3) of subdivision (n) of Section 22651, a vehicle  
17 obtained by a licensed reposessor as a release of collateral is  
18 exempt from registration pursuant to this section for purposes of  
19 the reposessor removing the vehicle to the reposessor's storage  
20 facility or the facility of the legal owner. A law enforcement  
21 agency, impounding authority, tow yard, storage facility, or any  
22 other person in possession of the collateral shall release the vehicle  
23 without requiring current registration and pursuant to subdivision  
24 (f) of Section 14602.6.

25 (2) The legal owner of collateral shall, by operation of law and  
26 without requiring further action, indemnify and hold harmless a  
27 law enforcement agency, city, county, city and county, the state,  
28 a tow yard, storage facility, or an impounding yard from a claim  
29 arising out of the release of the collateral to a licensee, and from  
30 any damage to the collateral after its release, including reasonable  
31 attorney's fees and costs associated with defending a claim, if the  
32 collateral was released in compliance with this subdivision.

33 (h) For purposes of this section, possession of a California  
34 driver's license by the registered owner of a vehicle shall give rise  
35 to a rebuttable presumption that the owner is a resident of  
36 California.

37 SEC. 5. Section 14602 of the Vehicle Code is amended to read:  
38 14602. In accordance with subdivision (o) of Section 22651,  
39 a vehicle removed pursuant to subdivision (c) of Section 2814.2  
40 shall be released to the registered owner or that person's agent at

1 any time the facility to which the vehicle has been removed is open  
2 upon presentation of the registered owner's or agent's currently  
3 valid driver's license to operate the vehicle and proof of current  
4 vehicle registration.

5 SEC. 6. Section 22651 of the Vehicle Code is amended to read:

6 22651. A peace officer, as defined in Chapter 4.5 (commencing  
7 with Section 830) of Title 3 of Part 2 of the Penal Code, or a  
8 regularly employed and salaried employee, who is engaged in  
9 directing traffic or enforcing parking laws and regulations, of a  
10 city, county, or jurisdiction of a state agency in which a vehicle is  
11 located, may remove a vehicle located within the territorial limits  
12 in which the officer or employee may act, under the following  
13 circumstances:

14 (a) If a vehicle is left unattended upon a bridge, viaduct, or  
15 causeway, or in a tube or tunnel where the vehicle constitutes an  
16 obstruction to traffic.

17 (b) If a vehicle is parked or left standing upon a highway in a  
18 position so as to obstruct the normal movement of traffic or in a  
19 condition so as to create a hazard to other traffic upon the highway.

20 (c) If a vehicle is found upon a highway or public land and a  
21 report has previously been made that the vehicle is stolen or a  
22 complaint has been filed and a warrant thereon is issued charging  
23 that the vehicle was embezzled.

24 (d) If a vehicle is illegally parked so as to block the entrance to  
25 a private driveway and it is impractical to move the vehicle from  
26 in front of the driveway to another point on the highway.

27 (e) If a vehicle is illegally parked so as to prevent access by  
28 firefighting equipment to a fire hydrant and it is impracticable to  
29 move the vehicle from in front of the fire hydrant to another point  
30 on the highway.

31 (f) If a vehicle, except highway maintenance or construction  
32 equipment, is stopped, parked, or left standing for more than four  
33 hours upon the right-of-way of a freeway that has full control of  
34 access and no crossings at grade and the driver, if present, cannot  
35 move the vehicle under its own power.

36 (g) If the person in charge of a vehicle upon a highway or public  
37 land is, by reason of physical injuries or illness, incapacitated to  
38 an extent so as to be unable to provide for its custody or removal.

39 (h) (1) If an officer arrests a person driving or in control of a  
40 vehicle for an alleged offense and the officer is, by this code or



1 other law, required or permitted to take, and does take, the person  
2 into custody.

3 (2) If an officer serves a notice of an order of suspension or  
4 revocation pursuant to Section 13388 or 13389.

5 (i) If a vehicle is found illegally parked and there are no license  
6 plates or other evidence of registration displayed, the vehicle may  
7 be impounded until the owner or person in control of the vehicle  
8 furnishes the impounding law enforcement agency evidence of  
9 identity and an address within this state at which that individual  
10 can be located.

11 (j) (1) If a vehicle is parked or left standing upon a highway  
12 ~~for 72 or more consecutive hours~~ in violation of a local ordinance  
13 authorizing removal and the vehicle remains parked or left standing  
14 for ~~10~~ five or more business days after a notice is affixed to the  
15 vehicle specifying the date of the notice, the location of the vehicle,  
16 and the date and time after which the vehicle may be removed.

17 (2) *The notice described in paragraph (1) shall include*  
18 *information on alternative safe parking options and information*  
19 *on available resources within the jurisdiction for persons*  
20 *experiencing homelessness.*

21 (k) If a vehicle is illegally parked on a highway in violation of  
22 a local ordinance forbidding standing or parking and the use of a  
23 highway, or a portion thereof, is necessary for the cleaning, repair,  
24 or construction of the highway, or for the installation of  
25 underground utilities, and signs giving notice that the vehicle may  
26 be removed are erected or placed at least 24 hours prior to the  
27 removal by a local authority pursuant to the ordinance.

28 (l) If the use of the highway, or a portion of the highway, is  
29 authorized by a local authority for a purpose other than the normal  
30 flow of traffic or for the movement of equipment, articles, or  
31 structures of unusual size, and the parking of a vehicle would  
32 prohibit or interfere with that use or movement, and signs giving  
33 notice that the vehicle may be removed are erected or placed at  
34 least 24 hours prior to the removal by a local authority pursuant  
35 to the ordinance.

36 (m) Whenever a vehicle is parked or left standing where local  
37 authorities, by resolution or ordinance, have prohibited parking  
38 and have authorized the removal of vehicles. Except as provided  
39 in subdivisions (u) and (v), a vehicle shall not be removed unless  
40 signs are posted giving notice of the removal.

1 (n) (1) If a vehicle is found or operated upon a highway, public  
2 land, or an offstreet parking facility under any of the following  
3 circumstances:

4 (A) With a registration that has been expired for at least six  
5 months before the date it is found or operated on the highway,  
6 public lands, or the offstreet parking facility.

7 (B) Displaying in, or upon, the vehicle, a registration card,  
8 identification card, temporary receipt, license plate, special plate,  
9 registration sticker, device issued pursuant to Section 4853, or  
10 permit that was not issued for that vehicle, or is not otherwise  
11 lawfully used on that vehicle under this code.

12 (C) Displaying in, or upon, the vehicle, an altered, forged,  
13 counterfeit, or falsified registration card, identification card,  
14 temporary receipt, license plate, special plate, registration sticker,  
15 device issued pursuant to Section 4853, or permit.

16 (D) (i) The vehicle is operating using autonomous technology,  
17 without the registered owner or manufacturer of the vehicle having  
18 first applied for, and obtained, a valid permit that is required to  
19 operate the vehicle on public roads pursuant to Section 38750, and  
20 Article 3.7 (commencing with Section 227.00) and Article 3.8  
21 (commencing with Section 228.00) of Title 13 of the California  
22 Code of Regulations.

23 (ii) The vehicle is operating using autonomous technology after  
24 the registered owner or person in control of the vehicle received  
25 notice that the vehicle's permit required for the operation of the  
26 vehicle pursuant to Section 38750, and Article 3.7 (commencing  
27 with Section 227.00) and Article 3.8 (commencing with Section  
28 228.00) of Title 13 of the California Code of Regulations is  
29 suspended, terminated, or revoked.

30 (iii) For purposes of this subdivision, the terms "autonomous  
31 technology" and "autonomous vehicle" have the same meanings  
32 as in Section 38750.

33 (iv) This subparagraph does not provide the authority for a peace  
34 officer to stop an autonomous vehicle solely for the purpose of  
35 determining whether the vehicle is operating using autonomous  
36 technology without a valid permit required to operate the  
37 autonomous vehicle on public roads pursuant to Section 38750,  
38 and Article 3.7 (commencing with Section 227.00) and Article 3.8  
39 (commencing with Section 228.00) of Title 13 of the California  
40 Code of Regulations.

1 (2) If a vehicle described in paragraph (1) is occupied, only a  
2 peace officer, as defined in Chapter 4.5 (commencing with Section  
3 830) of Title 3 of Part 2 of the Penal Code, may remove the vehicle.

4 (3) For the purposes of this subdivision, the vehicle shall be  
5 released under any of the following circumstances:

6 (A) If the vehicle has been removed pursuant to subparagraph  
7 (A), (B), or (C) of paragraph (1), to the registered owner of, or  
8 person in control of, the vehicle only after the owner or person  
9 furnishes the storing law enforcement agency with proof of current  
10 registration and a valid driver's license to operate the vehicle.

11 (B) If the vehicle has been removed pursuant to subparagraph  
12 (D) of paragraph (1), to the registered owner of, or person in control  
13 of, the autonomous vehicle, after the registered owner or person  
14 furnishes the storing law enforcement agency with proof of current  
15 registration and a valid driver's license, if required to operate the  
16 autonomous vehicle, and either of the following:

17 (i) Proof of a valid permit required to operate the autonomous  
18 vehicle using autonomous technology on public roads pursuant to  
19 Section 38750, and Article 3.7 (commencing with Section 227.00)  
20 and Article 3.8 (commencing with Section 228.00) of Title 13 of  
21 the California Code of Regulations.

22 (ii) A declaration or sworn statement to the Department of Motor  
23 Vehicles that states that the autonomous vehicle will not be  
24 operated using autonomous technology upon public roads without  
25 first obtaining a valid permit to operate the vehicle pursuant to  
26 Section 38750, and Article 3.7 (commencing with Section 227.00)  
27 and Article 3.8 (commencing with Section 228.00) of Title 13 of  
28 the California Code of Regulations.

29 (C) To the legal owner or the legal owner's agency, without  
30 payment of any fees, fines, or penalties for parking tickets or  
31 registration and without proof of current registration, if the vehicle  
32 will only be transported pursuant to the exemption specified in  
33 Section 4022 and if the legal owner does all of the following:

34 (i) Pays the cost of towing and storing the vehicle.

35 (ii) Completes an affidavit in a form acceptable to the  
36 impounding law enforcement agency stating that the legal owner  
37 was not in possession of the vehicle at the time of occurrence of  
38 an offense relating to standing or parking. A vehicle released to a  
39 legal owner under this paragraph is a repossessed vehicle for  
40 purposes of disposition or sale. The impounding agency has a lien

1 on any surplus that remains upon sale of the vehicle to which the  
2 registered owner is or may be entitled, as security for the full  
3 amount of parking penalties for any notices of parking violations  
4 issued for the vehicle and for all local administrative charges  
5 imposed pursuant to Section 22850.5. Upon receipt of any surplus,  
6 the legal owner shall promptly remit to, and deposit with, the  
7 agency responsible for processing notices of parking violations  
8 from that surplus, the full amount of the parking penalties for all  
9 notices of parking violations issued for the vehicle and for all local  
10 administrative charges imposed pursuant to Section 22850.5.

11 (4) The impounding agency that has a lien on the surplus that  
12 remains upon the sale of a vehicle to which a registered owner is  
13 entitled has a deficiency claim against the registered owner for the  
14 full amount of parking penalties for any notices of parking  
15 violations issued for the vehicle and for all local administrative  
16 charges imposed pursuant to Section 22850.5, less the amount  
17 received from the sale of the vehicle.

18 (5) As used in this subdivision, “offstreet parking facility” means  
19 an offstreet facility held open for use by the public for parking  
20 vehicles and includes a publicly owned facility for offstreet  
21 parking, and a privately owned facility for offstreet parking if a  
22 fee is not charged for the privilege to park and it is held open for  
23 the common public use of retail customers.

24 (o) If the peace officer issues the driver of a vehicle a notice to  
25 appear for a violation of Section 12500, 14601, 14601.1, 14601.2,  
26 14601.3, 14601.4, 14601.5, or 14604, and the vehicle is not  
27 impounded pursuant to Section 22655.5. A vehicle so removed  
28 from the highway or public land, or from private property after  
29 having been on a highway or public land, shall not be released to  
30 the registered owner or the owner’s agent, except upon presentation  
31 of the registered owner’s or agent’s currently valid driver’s license  
32 to operate the vehicle and proof of current vehicle registration, to  
33 the impounding law enforcement agency, or upon order of a court.

34 (p) If a vehicle is parked for more than 24 hours on a portion  
35 of highway that is located within the boundaries of a common  
36 interest development, as defined in Section 4100 or 6534 of the  
37 Civil Code, and signs, as required by paragraph (1) of subdivision  
38 (a) of Section 22658 of this code, have been posted on that portion  
39 of highway providing notice to drivers that vehicles parked thereon

1 for more than 24 hours will be removed at the owner's expense,  
2 pursuant to a resolution or ordinance adopted by the local authority.

3 (q) If a vehicle is illegally parked and blocks the movement of  
4 a legally parked vehicle.

5 (r) (1) If a vehicle, except highway maintenance or construction  
6 equipment, an authorized emergency vehicle, or a vehicle that is  
7 properly permitted or otherwise authorized by the Department of  
8 Transportation, is stopped, parked, or left standing for more than  
9 eight hours within a roadside rest area or viewpoint.

10 (2) Notwithstanding paragraph (1), if a commercial motor  
11 vehicle, as defined in paragraph (1) of subdivision (b) of Section  
12 15210, is stopped, parked, or left standing for more than 10 hours  
13 within a roadside rest area or viewpoint.

14 (3) For purposes of this subdivision, a roadside rest area or  
15 viewpoint is a publicly maintained vehicle parking area, adjacent  
16 to a highway, utilized for the convenient, safe stopping of a vehicle  
17 to enable motorists to rest or to view the scenery. If two or more  
18 roadside rest areas are located on opposite sides of the highway,  
19 or upon the center divider, within seven miles of each other, then  
20 that combination of rest areas is considered to be the same rest  
21 area.

22 (s) If a peace officer issues a notice to appear for a violation of  
23 Section 25279.

24 (t) If a peace officer issues a citation for a violation of Section  
25 11700, and the vehicle is being offered for sale.

26 (u) (1) If a vehicle is a mobile billboard advertising display, as  
27 defined in Section 395.5, and is parked or left standing in violation  
28 of a local resolution or ordinance adopted pursuant to subdivision  
29 (m) of Section 21100, if the registered owner of the vehicle was  
30 previously issued a warning citation for the same offense, pursuant  
31 to paragraph (2).

32 (2) Notwithstanding subdivision (a) of Section 22507, a city or  
33 county, in lieu of posting signs noticing a local ordinance  
34 prohibiting mobile billboard advertising displays adopted pursuant  
35 to subdivision (m) of Section 21100, may provide notice by issuing  
36 a warning citation advising the registered owner of the vehicle that  
37 the owner may be subject to penalties upon a subsequent violation  
38 of the ordinance, that may include the removal of the vehicle as  
39 provided in paragraph (1). A city or county is not required to

1 provide further notice for a subsequent violation prior to the  
2 enforcement of penalties for a violation of the ordinance.

3 (v) (1) If a vehicle is parked or left standing in violation of a  
4 local ordinance or resolution adopted pursuant to subdivision (p)  
5 of Section 21100, if the registered owner of the vehicle was  
6 previously issued a warning citation for the same offense, pursuant  
7 to paragraph (2).

8 (2) Notwithstanding subdivision (a) of Section 22507, a city or  
9 county, in lieu of posting signs noticing a local ordinance regulating  
10 advertising signs adopted pursuant to subdivision (p) of Section  
11 21100, may provide notice by issuing a warning citation advising  
12 the registered owner of the vehicle that the owner may be subject  
13 to penalties upon a subsequent violation of the ordinance that may  
14 include the removal of the vehicle as provided in paragraph (1).  
15 A city or county is not required to provide further notice for a  
16 subsequent violation prior to the enforcement of penalties for a  
17 violation of the ordinance.

18 SEC. 7. Section 22651.7 of the Vehicle Code is repealed.

19 SEC. 8. Section 22651.8 of the Vehicle Code is repealed.

20 SEC. 9. Section 22851.1 of the Vehicle Code is repealed.

21 SEC. 10. Section 40206.5 of the Vehicle Code is amended to  
22 read:

23 40206.5. (a) Within 15 days of a request, by mail or in person,  
24 the processing agency shall mail or otherwise provide to a person  
25 who has received a notice of delinquent parking violation, or that  
26 person's agent, a photostatic copy of the original notice of parking  
27 violation or an electronically produced facsimile of the original  
28 notice of parking violation. The issuing agency may charge a fee  
29 sufficient to recover the actual cost of providing the copy, not to  
30 exceed two dollars (\$2). Until the issuing agency complies with a  
31 request for a copy of the original notice of parking violation, the  
32 processing agency may not proceed pursuant to Section 40220.

33 (b) If the description of the vehicle on the notice of parking  
34 violation does not substantially match the corresponding  
35 information on the registration card for that vehicle and the  
36 processing agency is satisfied that the vehicle has not been  
37 incorrectly described due to the intentional switching of license  
38 plates, the processing agency shall, on written request of the person  
39 cancel the notice of parking violation without the necessity of an  
40 appearance by that person.

1 (c) For purposes of this section, a copy of the notice of parking  
2 violation may be a photostatic copy or an electronically produced  
3 facsimile.

4 *SEC. 11. If the Commission on State Mandates determines that*  
5 *this act contains costs mandated by the state, reimbursement to*  
6 *local agencies and school districts for those costs shall be made*  
7 *pursuant to Part 7 (commencing with Section 17500) of Division*  
8 *4 of Title 2 of the Government Code.*

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