

Private Party Impounds

There have been a number of changes, additions, and deletions to section 22658 regarding private property impounds and some related codes within the California Vehicle Code. The following information is provided to give the most up-to-date changes and how they may impact the private tow industry and enforcement. Changes are denoted in bold lettering.

VC 22658(a)

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

- (1) There is displayed, in plain view at all entrances to the property, a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency and the **name and telephone number of each towing company that is a party to a written general towing authorization agreement with the owner or person in lawful possession of the property.** The sign may also indicate that a citation may also be issued for the violation.
- (2) The vehicle has been issued a notice of parking violation, and 96 hours have elapsed since the issuance of that notice.
- (3) The vehicle is on private property and lacks an engine, transmission, wheels, tires, doors, windshield, or any other major part or equipment necessary to operate safely on the highways, the owner or person in lawful possession of the private property has notified the local traffic law enforcement agency, and 24 hours have elapsed since that notification.
- (4) The lot or parcel upon which the vehicle is parked is improved with a single-family dwelling.

VC 22658(f)

An **owner or person in lawful possession** of ()⁸ private property, or ()¹⁰ an association of a common interest development, **causing the removal of a vehicle parked on that property shall notify by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency within one hour after authorizing the tow.** An owner or person in lawful possession of private property, an association of a common interest development, causing the removal of a vehicle parked on that property, or the tow truck operator who removes the vehicle, shall state the grounds for the removal of the vehicle if requested by the legal or registered owner of that vehicle. ()⁹ A towing company that removes a vehicle from private property in compliance with ()¹¹ subdivision (l) is not responsible in ()⁸ a situation relating to the validity of the removal. ()⁹ A towing company that removes the vehicle under this section shall be responsible for ()¹² the following:

- (1) Damage to the vehicle in the transit and subsequent storage of the vehicle.
- (2) The removal of a vehicle other than the vehicle specified by the owner or other person in lawful possession of the private property.

VC 22658(g)(1)

(A) Possession of ()⁸ a vehicle under this section shall be deemed to arise when a vehicle is removed from private property and is in transit.

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

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

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

(h) A towing company **may impose a charge of not more than one-half of the regular towing charge for the towing of a vehicle** at the request of the owner, the owner's agent, or the person in lawful possession of the private property ()¹³ pursuant to this section if the owner of the vehicle or the vehicle owner's agent returns to the vehicle after the vehicle is coupled to the tow truck by means of a regular hitch, coupling device, drawbar, portable dolly, or is lifted off the ground by means of a conventional trailer, and before it is removed from the private property. The regular towing charge may only be imposed after the vehicle has been removed from the property and is in transit.

VC 22658(I)(1)

(A) A towing company shall not remove or commence the removal of a vehicle from private property **without first obtaining the written authorization from the property owner or lessee**, including an association of a common interest development, or an employee or agent thereof, **who shall be present at the time of removal and verify the alleged violation, except that presence and verification is not required if the person authorizing the tow is the property owner, or the owner's agent who is not a tow operator, of a residential rental property of 15 or fewer units that does not have an onsite owner, owner's agent or employee, and the tenant has verified the violation, requested the tow from that tenant's assigned parking space, and provided a signed request or electronic mail, or has called and provides a signed request or electronic mail within 24 hours**, to the property owner or owner's agent, which the owner or agent shall provide to the towing company within 48 hours of authorizing the tow. The signed request or electronic mail shall contain the name and address of the tenant, and the date and time the tenant requested the tow. A towing company shall obtain within 48 hours of receiving the written authorization to tow a copy of a tenant request required pursuant to this subparagraph. For the purpose of this subparagraph, a person providing the written authorization who is required to be present on the private property at the time of the tow does not have to be physically present at the specified location of where the vehicle to be removed is located on the private property.

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

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

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

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

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

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

(E) (i) General authorization to remove or commence removal of a vehicle at the towing company's discretion **shall not be delegated to a towing company or its affiliates except in the case of a vehicle unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or in a manner which interferes with ()⁸ an entrance to, or exit from, the private property.**

(ii) In those cases in which general authorization is granted to a towing company or its affiliate to undertake the removal or commence the removal of a vehicle that is

unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or that interferes with an entrance to, or exit from, private property, **the towing company and the property owner, or owner's shall notify by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency within one hour after authorizing the tow.** An owner or person in lawful possession of private property, an association of a common interest development, causing the removal of a vehicle parked on that property, or the tow truck operator who removes the vehicle, shall agent, or person in lawful possession of the private property shall have a written agreement granting that general authorization.

(2) If a towing company removes a vehicle ()¹⁸ under a general authorization described in subparagraph (E) of paragraph (1) and that vehicle is unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or in a manner ()⁷ that interferes with ()⁸ an entrance to, or exit from, the private property, **the towing company shall take, prior to the removal of that vehicle, a photograph of the vehicle ()⁷ that clearly indicates that parking violation.** ()¹⁹ Prior to accepting payment, **the towing company shall keep one copy of the photograph taken pursuant to this paragraph, and shall present that photograph and provide, without charge, a photocopy to the owner or an agent of the owner, when that person claims the vehicle.**()²⁰

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

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

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

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

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

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

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

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

VC 22658.2

Regarding private property towing from common interest developments is repealed. Elements of this section are now incorporated into Section 22658 VC.

VC 22953

This section is amended to forbid an employee of private property that is held open to the public for parking, from towing or removing a vehicle within one hour of the vehicle being parked. The amendment also **allows a vehicle to be removed immediately after being parked illegally in a manner that interferes with an entrance to, or an exit from, the private property.** A person who violates this section is civilly liable to the owner of the vehicle or his agent for two times the amount of the towing and storage charges. This amendment also changes the term “apartment complex” to “residential property.”