

IRVINE POLICE DEPARTMENT

IRVINE POLICE DEPARTMENT • ONE CIVIC CENTER PLAZA
P.O. BOX 19575, IRVINE, CALIFORNIA 92623 - 9575 • (949) 724-7000

Internet: <http://www.irvinepd.org> • E-Mail: ipd@irvinepd.org



DAVID L. MAGGARD, JR.
CHIEF OF POLICE

INFORMATIONAL BULLETIN

PRIVATE PROPERTY VEHICLE STORAGE / ENFORCEMENT 21107.7 CVC 22658(a) CVC

PURPOSE: California law gives the owners of private property the right of restricting public parking and the local police authority to store vehicles and enforce the provisions of the *California Vehicle Code* if proper signs are posted. In order to have uniformity throughout the city of Irvine, and to encourage voluntary compliance, the following guidelines are set forth.

PROPERTY OWNER'S RESPONSIBILITIES:

I. 21107.7 CVC

A. Any city may, by ordinance or resolution, find and declare that there are privately owned and maintained roads within the city that by reason of their proximity to or connection with highways, the interests of any residents residing along such road and the motoring public will be served by application of provisions of the *California Vehicle Code* to such roads.

B. Pursuant to Section 21107.7 CVC, the below procedure must be followed:

1. A petition, signed by a majority of the owners of any such privately owned and maintained road or by at least a majority of the board of directors of a common interest development must be filed with the City Clerk.

You should include with your board petition either a legal description of those streets addressed in your request or a description of those streets which defines their boundaries. *Please refer to the attached instructions for petition.*

In addition to the above, the board of directors of a common interest development must provide the City of Irvine – City Clerk's Office with completed address labels for all property owners affected by this request.

2. A public hearing will be scheduled before the City Council. Following the hearing, the Council may adopt a resolution designating that the provisions of the Vehicle Code shall be applied to the private streets in question.

A notice of public hearing will be published 10 days prior to the public hearing.

II. Public Safety and Traffic Engineering/Circulation Guidelines for California Vehicle Code (CVC) Enforcement in Private Residential Communities:

[Note: "HOA" refers to either the Homeowners Association, related Property Management Company, or their representative serving as applicant]

Prior to submitting a petition for CVC enforcement, the HOA must meet with Public Safety – Operations Bureau staff to address the below listed issues.

For consideration of CVC enforcement, one or more of three different types of enforcement issues should be identified by the HOA: 1) traffic control signs, 2) speeding, and 3) parking. For each of these issues, HOA shall employ the services of a traffic engineering consultant for the preparation of a report, which should address the following:

- A. *Traffic Control Signs*. Document the appropriateness (i.e., location and justification) of existing STOP or YIELD signs, and the need for additional STOP or YIELD signs, based on:
 - 1) Primary vehicular flow patterns within the complex;
 - 2) Primary pedestrian flow across drive aisles (e.g., to and from clubhouse, pools, tennis courts, etc.);
 - 3) Sight distance at key conflict areas; and
 - 4) Conformance with all applicable sections of the *Caltrans Traffic Manual* and/or the *Manual on Uniform Traffic Control Devices* (MUTCD).
- B. *Speeding*. Identify the locations within the subject community where speeding is perceived to be problematic. A map of the private community should be provided, with locations of all speed control devices (e.g., speed bumps, signs, etc.). It is important to note that the *California Vehicle Code* sets forth specific guidelines for determining enforceable speeds on streets. Thus, the HOA shall identify and summarize the process for determining *prima facie* and/or posted speeds within the subject area.

C. *Parking.* Provide a comparison between parking supply and demand, including:

- 1) Number of parking spaces provided versus the number required, if applicable, with supporting maps from entitlement process;
- 2) Survey data documenting peak parking demand; and
- 3) A map of the area showing where parking overflow becomes an issue, either within the private community, or on City streets.

Once completed, the report shall be presented to the City of Irvine Traffic Engineering/Circulation section of Public Works for review. Upon receipt of the report, Traffic Engineering/Circulation staff shall review and make recommendations that will be included along with the petition that is filed by the HOA with the City Clerk.

Upon enactment of the ordinance or resolution, the provisions of this code shall apply to the privately owned and maintained road if appropriate signs are erected at the entrance to the road of the size, shape, and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect that the road is subject to the provisions of this code.

If the HOA receives City Council approval, ALL appropriate provisions of the California Vehicle Code will be enforced.

III. 22658(a) CVC

A. When a property owner cannot locate the driver of a vehicle which is illegally parked on his/her property, he/she may have the vehicle removed by a private - tow company provided the property owner is in compliance with the conditions set forth in the *California Vehicle Code* (CVC) section 22658(a). These provisions include, but are not limited to, the following:

- 1) There is displayed, in plain view at all entrances to the property, a sign not less than 17 by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that the vehicle(s) will be removed at the owner's expense, and containing the telephone number of the Irvine Police Department (949-724-7200). **Additionally required on or below this sign is the name and phone number of the tow company you use (have a written or verbal agreement with) who has a tow yard within ten miles of the property from which the vehicle is being towed.**
- 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 inoperable, lacking an engine, transmission, wheels, tires etc., the owner has notified the Irvine Police Department, and 24 hours have elapsed since that notification.

***PLEASE NOTE:**

The CVC has many provisions requiring certain postings and notifications by property owners or their agents, depending on the circumstances surrounding the removal of the vehicle. The property owner should first refer to the law contained therein (i.e., unabridged text) before removing vehicles from private property. A current text of the section is available at www.dmv.ca.gov.

For additional information or assistance, call the Irvine Police Department Operations Bureau at (949) 724-7021 or (949) 724-7023.

LATEST REVISION DATE 08-11-11



**CITY OF IRVINE
PUBLIC WORKS**



| DIMENSIONS (INCHES) | | | | | | | | |
|---------------------|--------|-----|-------|---|-----|-------|---|-----|
| A | B | C | D | E | F | G | H | J |
| 24 | 19 1/2 | 1/4 | 1 1/2 | 3 | 3/4 | 1 1/4 | 1 | 1/2 |

COLORS
 LEGEND & BORDERS = BLACK
 BACKGROUND = WHITE (REFL.)

PRIVATE PROPERTY IMPOUND SIGN

**STD. PLAN
404**

SHEET 1 OF 1

MARK CARROLL, R.C.E. 31515
 CITY OF IRVINE - CITY ENGINEER

DATE

MUTCD NUMBER: NONE

CALTRANS CODE: NONE



*** TIME PARKING**

1. CUSTOMER
2. GUEST
3. VISTOR.
4. PERMIT

| DIMENSIONS (INCHES) | | | | | | | | |
|---------------------|----|-----|---|------|------|------|------|---|
| A | B | C | D | E | F | G | H | J |
| 18 | 12 | 1/4 | 6 | 4.75 | 1.25 | 1.75 | 2.5C | 1 |

COLORS

LEGEND & BORDER = GREEN
 BACKGROUND = WHITE (REFL.)

REVISIONS

| NO. | INT. | DATE |
|-----|------|------|
| | | |
| | | |



FILE NAME
 SNS0140.DWG

CITY OF IRVINE * PUBLIC WORKS DEPARTMENT * TRANSPORTATION SERVICES

TIME RESTRICTED PARKING

APPROVED BY: *C. Lapinski* 11/9/94
 CONRAD LAPINSKI - R.T.E. 57 DATE
 CITY TRAFFIC ENGINEER

SIGN
 PLAN NO.

SNS140

MUTCD NUMBER: NONE

CALTRANS CODE: R26F



* CONDENSE SPACING = 27%

| DIMENSIONS (INCHES) | | | | | | | | | |
|---------------------|----|-----|-------|----|--------|-----|-------|-------|-------|
| A | B | C | D | E | F | G | H | J | K |
| 12 | 18 | 1/4 | 5 1/2 | 3B | 2 1/4B | 1/2 | 1/2 C | 1 5/8 | 5 3/8 |

| REVISIONS | | |
|-----------|------|------|
| NO. | INT. | DATE |
| | | |
| | | |

COLORS
 LEGEND & BORDER = RED
 BACKGROUND = WHITE (REFL.)



FILE NAME
 SNS0136.DWG

CITY OF IRVINE * PUBLIC WORKS DEPARTMENT * TRANSPORTATION SERVICES

NO STOPPING FIRE LANE

APPROVED BY:

C. Lapinski
 CONRAD LAPINSKI - R.T.E. 57
 CITY TRAFFIC ENGINEER

10/26/94
 DATE

SIGN
 PLAN NO.

SNS136

MUTCD NUMBER: NONE

CALTRANS CODE: NONE



*** RESTRICTED PARKING**

1. CUSTOMER
2. GUEST
3. VISTOR
4. PERMIT
5. RESIDENT
5. EMPLOYEE
6. DELIVERY

| DIMENSIONS (INCHES) | | | | |
|---------------------|------|-----|------|---|
| A | B | C | D | E |
| 12 | 1.25 | 1/4 | 2.5C | 1 |

COLORS

LEGEND & BORDER = BLACK
BACKGROUND = WHITE (REFL.)

| REVISIONS | | |
|-----------|------|------|
| NO. | INT. | DATE |
| | | |
| | | |



FILE NAME
SNS0139.DWG

CITY OF IRVINE * PUBLIC WORKS DEPARTMENT * TRANSPORTATION SERVICES

RESTRICTED PARKING

APPROVED BY:

C. Lapinski
CONRAD LAPINSKI - R.T.E. 57
CITY TRAFFIC ENGINEER

11/19/94

DATE

SIGN
PLAN NO.

SNS139

**PETITION OF _____ HOMEOWNER'S ASSOCIATION
REQUESTING CITY ENFORCEMENT OF PRIVATE STREETS**

THIS PETITION OF _____ HOMEOWNER'S ASSOCIATION REQUESTING CITY ENFORCEMENT OF PRIVATE STREETS ("Petition") is dated this ____ day of _____, 2008.

WHEREAS, the _____ Homeowner's Association ("Association") desires to submit this Petition in order to request that the City of Irvine, a municipal corporation ("City"), by ordinance or resolution, find and declare that the privately owned and maintained roads within the City and the interests of the residents residing along the roads and the motoring public, by reason of their proximity to or connection with highways, will best be served by application of California Vehicle Code (C.V.C) § 21107.7 to those roads.

NOW, THEREFORE, BE IT RESOLVED that this Petition was regularly introduced and adopted by the Board at a duly notified regular meeting held on the ____ day of _____, 2008.

RESOLVED FURTHER, that the decision to file this Petition with the City was made by a majority of the owners of the Association, or by at least a majority of the Board.

RESOLVED FURTHER, that in accordance with C.V.C. § 21107.7, the Association gave the owners of the road or all owners in the Association development ten (10) days' prior written notice of the decision to file this Petition with the City;

RESOLVED FURTHER, that the Association acknowledges and understands that pursuant to C.V.C. § 21107.7, the City may impose reasonable conditions and may authorize the Association to erect traffic signs, signals, markings, and devices which conform to the uniform standards and specifications adopted by the Department of Transportation and/or City regulations governing the same.

RESOLVED FURTHER, that the foregoing named persons are the officers of the Association, duly elected or appointed, qualified and acting as such, and that the signatures set opposite their names are their genuine signatures and may be accepted as such by City.

RESOLVED FURTHER, that this Petition is signed by all the members of the Board that are in support of the Petition and that the undersigned collectively constitute a majority of the Board.

President of the Board

Vice-President of the Board

Secretary of the Board

Other Members in support of this Petition:

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

I, _____, Secretary of the _____ Homeowner's Association, do hereby certify that the foregoing Petition was regularly introduced and adopted by the Board of Directors at a duly noticed regular meeting held on the ____ day of _____, 2008 by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Secretary of the _____ Homeowner's Association

INSTRUCTIONS FOR PETITION

1. Introduce the petition at a duly notified regular meeting of the Board of Directors of the homeowner's association ("Board") and obtain the consent of the majority of the Board to file the petition with the City. If there is no Board, the consent of the majority of the owners of the development must be obtained.

2. Provide the owners of the road or all owners in the development ten (10) days' prior written notice of the Association's intention to file the petition with the City.

3. Complete the petition in its entirety, and obtain the necessary signatures. Please note that all the members of the Board, or all the owners of the development, that approve the petition must sign the petition.

4. Send the petition to:

Irvine Police Department
One Civic Center Plaza
P.O. Box 19575
Irvine, CA 92623

5. Comply with all City conditions with respect to the placement of traffic signs, signals, markings, and devices within the development.

Removal from Private Property

22658. (a) ()¹ 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.

(b) The ()² tow truck operator removing the vehicle, if the ()³ operator knows or is able to ascertain from the property owner, person in lawful possession of the property, or the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner of the vehicle, shall immediately give, or cause to be given, notice in writing to the registered and legal owner of the fact of the removal, the grounds for the removal, and indicate the place to which the vehicle has been removed. If the vehicle is stored in a ()⁴ storage facility, a copy of the notice shall be given to the proprietor of the ()⁵ storage facility. The notice provided for in this section shall include the amount of mileage on the vehicle at the time of removal and the time of the removal from the property. If the ()³ tow truck operator does not know 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 provided in this section, the ()⁶ tow truck operator shall comply with the requirements of subdivision (c) of Section 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property.

(c) This section does not limit or affect any right or remedy ()⁷ that the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon private property.

(d) The owner of a vehicle removed from private property pursuant to subdivision (a) may recover for any damage to the vehicle resulting from any intentional or negligent act of ()⁸ a person causing the removal of, or removing, the vehicle.

(e) ()⁹ (1) 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 is liable for double the storage or towing charges whenever there has been a failure to comply with paragraph (1), (2), or (3) of subdivision (a) or to state the grounds for the removal of the vehicle if requested by the legal or registered owner of the vehicle as required by subdivision (f).

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

(f) ()⁹ 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.

(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.

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

(i) That which would have been charged for that towing or storage, or both, made at the request of a law enforcement agency under an agreement between a towing company and the law enforcement agency that exercises primary jurisdiction in the city in which is located the private property from which the vehicle was, or was attempted to be, 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 the private property is located.

(ii) ()¹⁴ That which would have been charged for that towing or storage, or both, under the rate approved for that towing operator by the California Highway Patrol for the jurisdiction in which the private property is located and from which the vehicle was, or was attempted to be, removed.

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

(2) If a vehicle is released within 24 hours from the time the vehicle is brought into the storage facility, regardless of the calendar date, the storage charge shall be for only one day. Not more than one day's storage charge may be required for ()⁸ a vehicle released the same day that it is stored.

(3) If a request to release a vehicle is made and the appropriate fees are tendered and documentation establishing that the person requesting release is entitled to possession of the vehicle, or is the owner's insurance representative, is presented within the initial 24 hours of storage, and the storage

facility fails to comply with the request to release the vehicle or is not open for business during normal business hours, then only one day's storage charge may be required to be paid until after the first business day. A business day is any day in which the lienholder is open for business to the public for at least eight hours. If a request is made more than 24 hours after the vehicle is placed in storage, charges may be imposed on a full calendar day basis for each day, or part thereof, that the vehicle is in storage.

(j) ()⁹ (1) A person who charges a vehicle owner a towing, service, or storage charge at an excessive rate, as described in subdivision (h) or (i), is civilly liable to the vehicle owner for four times the amount charged.

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

(k) (1) ()¹⁵ A person operating or in charge of a storage facility where vehicles are stored pursuant to this section shall accept a valid ()¹⁶ credit card or cash for payment of towing and storage by a registered owner or the owner's agent claiming the vehicle. "Credit card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, except for the purposes of this section, credit card does not include a credit card issued by a retail seller.

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

(3) A person operating or in charge of a storage facility who refuses to accept a valid ()¹⁶ credit card or who fails to post the required notice under paragraph (2) is guilty of a misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than three months, or by both that fine and imprisonment.

(4) A person described in paragraph (1) who violates paragraph (1) or (2) is civilly liable to the registered owner of the vehicle or the person who tendered the fees for four times the amount of the towing and storage charges. ()¹⁷

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

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

(l) (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.

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

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

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

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

(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, shal 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.

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

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

(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.

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

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

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

(3) Has a public pay telephone in the office area that is open and accessible to the public. ()²¹

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

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

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

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

Amended Sec. 23, Ch. 1007, Stats. 1999. Effective January 1, 2000.

Amended Sec. 1, Ch. 212, Stats. 2003. Effective January 1, 2004

Amended Sec. 3, Ch. 609, Stats. 2006. Effective January 1, 2007.

The 2006 amendment added the italicized material, and at the point(s) indicated, deleted the following:

1. "Except as provided in Section 22658.2, the owner or person in lawful possession of any private property, within one hour of notifying, by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency, may cause the removal of a vehicle parked on the property to the nearest public garage "
2. "person causing removal of"
3. "person"
4. "public garage"
5. "garage"
6. "'association" pursuant to Section 22658.2"
7. "which"
8. "any"
9. "Any"
10. "a person"
11. "the authorization of the property owner or the property owner's agent shall not be held"
12. "(1) any damage to the vehicle in the transit and subsequent storage of the vehicle and (2) the removal of a vehicle other than the vehicle specified by the owner or other person in lawful possession of the private property."
13. "or that owner's agent"
14. "(1) A charge for towing or storage, or both, of a vehicle under this section is excessive if the charge is greater than that which would have been charged for towing or storage, or both, made at the request of a law enforcement agency under an agreement between the law enforcement agency and a towing company in the city or county in which is located the private property"
15. "Persons"
16. "bank"
17. "but not to exceed five hundred dollars (\$500). In addition, persons"
18. "without written"
19. "The"
20. "Any towing company, or any affiliate of a towing company, which removes, or commences removal of, a vehicle from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted by paragraph (1), is liable to the owner of the vehicle for four times the amount of the towing and storage charges, in addition to any applicable criminal penalty, for a violation of paragraph (1)."
21. "(m)" .