



A Tow Operator's Guide to Private Property Towing Under CVC 22658

Assembly Bill 2210 substantially changed the law regulating the non-consensual towing of vehicles from private property. The new law, which will take effect January 1st, 2007, contains new criminal and civil penalties for violating the provisions regulating private property towing. This guide was put together by the California Tow Truck Association to assist its members in complying with the new law. Due to the number of changes in the law and the new criminal and civil liability we urge each member to read the new law in its entirety and to consult an attorney if they have any questions.

Authorization – All tows from private property require “authorization from the owner or person in lawful possession of private property” (with the exception of tows initiated by law enforcement agencies)			
Type of Authorization:	Requirements:	Comments:	Penalties for violators:
Specific Authorization	<p>Specific Authorization requires obtaining “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”. CVC 22658 (I) (1) (A)</p> <p>Note: 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 specific location where the vehicle to be removed is located on that private property.</p>	<p>A separate written authorization is required for each and every vehicle at the time the tow is performed. This must contain the following information: (1) the make, model, vehicle identification number, and license plate number of the removed vehicle; (2) the name, signature, job title, residential or business address and working telephone number of the person authorizing the removal of the vehicle; (3) the grounds for the removal of the vehicle; (4) the time when the vehicle was first observed parked at the private property; (5) the time that authorization to tow the vehicle was given. CVC 22658 (I) (1) (B)</p> <p>CVC 22658.2 which contained provisions for towing from common interest developments (i.e. condominiums, gated communities, etc.) has been repealed. Towing from these types of developments is now governed under CVC 22658.</p>	<p>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 both. CVC 22658 (I) (4)</p> <p>Civil liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (I) (5)</p>
Private property lot open to the public (Tow Operator's Additional Duty to inquire)	<p>A towing company shall not remove or commence the removal of a vehicle from private property <u>open to the public without a fee</u> 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. CVC 22658 (I) (1) (D)</p>	<p>CVC 22953 prohibits a tow from private property <u>open to the public without a fee</u> within one hour of the vehicle being parked EXCEPT for hotel, motel, and apartment stalls and disabled parking or vehicles parked within 15 feet of a fire lane or fire hydrant or the entrance to or exit from private property.</p>	<p>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 both. CVC 22658 (I) (4)</p> <p>Civil liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (I) (5)</p> <p>A property owner or owner's agent or lessee who causes the removal of a</p>

			vehicle in violation of 22953(a) is liable for two times the towing and storage charges CVC 22953(e)
The 15 Unit or Less Apartment Exception -- to the required "actual presence" of the owner or agent and their "written authorization" before commencing the tow	<p>In the case of a residential rental property of 15 or fewer units that does not have an onsite owner, owner's agent or employee, there is an exception to the requirement that the owner or manager verify the violation and provide the written authorization before the tow.</p> <p>CVC 22658 (I) (1) allows a tenant who wants to have a car towed from the tenant's assigned space to verify the violation; and request the tow PROVIDED the tenant, within 24hours AFTER the tow, provides a signed request or electronic mail to the owner or manager confirming that the tenant requested the tow from that tenant's assigned parking space, AND the property owner or owner's agent, provides the written request to the towing company within 48 hours of authorizing the tow.</p> <p><u>Extreme caution should be used if the tow operator is going to accept this type of authorization which requires written or electronic mail from the tenant and, in addition, a written authorization from the property owner or agent.</u></p> <p><u>If either the tenant or property manager fails to follow through as required, the tow is illegal and the tow operator can be criminally prosecuted.</u></p>	<p>If you are unable to supply a copy of the authorization at the time of release of the vehicle, and you accept payment and release the vehicle you may be guilty of a misdemeanor.</p> <p>The authorization must contain the following: (1) the make, model, vehicle identification number, and license plate number of the removed vehicle; (2) the name, signature, job title, residential or business address and working telephone number of the person authorizing the removal of the vehicle; (3) the grounds for the removal of the vehicle; (4) the time when the vehicle was first observed parked at the private property; (5) the time that authorization to tow the vehicle was given. CVC 22658 (I) (1) (B)</p>	<p>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 both. CVC 22658 (I) (4)</p> <p>Civil Liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (I) (5)</p> <p>A property owner or owner's agent or lessee who causes the removal of a vehicle pursuant to the exemption for residential rental property of 15 or fewer units that does not have an onsite manager and fails to comply with the provisions for the exemption is guilty of an infraction, punishable by a fine of \$1,000. CVC 22658 (e) (2)</p>
General Authorization	<p>A General authorization to remove or commence removal of a vehicle at the towing company's discretion (i.e. without a specific written request as to that vehicle) must be in the form of a written agreement and applies to only three situations: (1) a vehicle unlawfully parked within 15 feet of a fire hydrant, (2) a vehicle parked in a fire lane, or (3) a vehicle parked in a manner which interferes with an entrance to, or exit from, the private property. CVC 22658(I) (1) (E)</p> <p>The towing company and the property owner, or owner's agent, or person in lawful possession of the private property shall have a written agreement granting that general authorization. CVC 22658 (I) (1) (E) (ii)</p>	<p>The towing company shall take a photograph of the vehicle that clearly indicates that parking violation. Prior to accepting payment, the towing company shall keep one copy of the photograph taken and shall show that photograph to the owner or an agent of the owner and provide, without charge, a photocopy to the owner or an agent of the owner, when that person claims the vehicle. CVC 22658 (I) (2)</p>	<p>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 both. CVC 22658 (I) (4)</p> <p>Civil Liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (I) (5)</p>

Signage Requirements			
Type of Signage:	Requirements:	Comments:	Penalties for Violators:
Entrances to Property	There must be 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. CVC 22658 (a) (1)	The name and address of the towing company(s) is not required if a General Authorization is not being used and the requirements for Specific Authorization are implemented on every tow. Signage is not required under the following circumstances: -- The vehicle has been issued a notice of parking violation, and 96 hours have elapsed since the issuance of that notice. -- The vehicle 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. -- The lot or parcel upon which the vehicle is parked is improved with a single-family dwelling. CVC 22658 (a) (2) (3) (4)	Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1 An owner or person in lawful possession of private property, or 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 the signage requirements. CVC 22658 (e) (1)
Credit Card Notice at Storage Facility	The towing company/storage facility 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 (Visa, MasterCard, Discover and AMEX) and cash are acceptable means of payment. CVC 22658 (k) (2) Note: Also must have on hand sufficient cash to make appropriate change. CVC 22658 (m) (5)	Size of the notice/sign is not specified, but it is suggested that the lettering be not less than one inch in size which is consistent with the private property sign requirements.	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 both. CVC 22658 (k) (3) Civil liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (k) (4)

Notification			
Type of Notification Required:	Requirements:	Comments:	Penalties for Violators:
Notification to Law Enforcement by the Towing Company	Notice required: A towing company that removes a vehicle from private property shall notify the local law enforcement agency of that tow after the vehicle is removed from the private property and is in transit. CVC 22658 (m) (1)	If you have difficulties beyond your control while trying notifying law enforcement, i.e. on-hold, line busy, are requested to call back at a later time, fax line busy, poor cell phone coverage etc., document the difficulties in detail including date and time. Remember, impracticability is an affirmative defense.	Violation of the 60 minute provision or the 15 minute provision = Misdemeanor , punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in the

	<p>Civil liability for delayed notice: A towing company that does not provide notification 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. CVC 22658 (m) (3)</p> <p>Criminal liability: A towing company must notify law enforcement 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. Failure to do so is a misdemeanor. CVC 22658 (m) (2)</p> <p>Burden of proving impossibility is on the tower: If notification is impracticable (reasonably impossible), the times for notification shall be tolled for the time period that notification is impracticable. Impracticability is an affirmative defense. CVC 22658 (m) (4)</p>		<p>county jail for not more than three months, or both. CVC 22658 (m) (2)</p> <p>Violation of the 30 minute provision = Civil Liability 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. CVC 22658 (m) (3)</p>
Notification to Law Enforcement by the Property Owner/Agent:	An owner or person in lawful possession of private property, or 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. CVC 22658 (f)		Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1
Notification to vehicle owner	<p>The tow truck operator removing the vehicle, if the operator knows or is able to ascertain from the property owner or owner's agent or from DMV records 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 removal, the grounds for the removal, and indicate the place to which the vehicle has been removed. If the vehicle is stored in a storage facility, a copy of the notice shall be given to the proprietor of the storage facility. The notice shall include the mileage at the time of removal and the time of removal. CVC 22658 (b)</p> <p>Note: if the tow truck operator is unable to give the notice required by this section, the tow truck operator shall comply with CVC 22853(c) relating to notice the Dept of Justice stolen vehicle system in Sacramento in the same manner as applicable to an officer removing a vehicle from private property.</p>	<p>CVC 22853 (c) provides that if you cannot give notice in the manner required by CVC 22852 (notice mailed or personally delivered within 48 hours excluding weekends and holidays) and the owner is not located with 120 hours of the removal, then you must send by mail a notice to the Dept of Justice stolen vehicle system in Sacramento.</p> <p>Note: the notice to the Dept of Justice must include: name address and telephone number of agency providing the notice, location of place of storage and description of the vehicle including name or make, manufacturer, license plate number and mileage and authority and purpose for removal of the vehicle. CVC 22852</p>	Misdemeanor CVC 22852.5

Consumer Notice to the Vehicle Owner/Agent by the Towing Company	The towing company shall provide to the vehicle owner/agent a separate notice that provides the telephone number of the appropriate local law enforcement or prosecuting agency by stating: <i>“If you believe that you have been wrongfully towed, please contact the local law enforcement or prosecuting agency at [insert appropriate telephone number].”</i> The notice shall be in English and in the most populous language, other than English, that is spoken in the jurisdiction. CVC 22658 (f) (1) (C) (iii)	The term “separate notice” can be notice that is distinctive (i.e. large bold print surrounded by a border, conspicuously displayed) and contained on your invoice. The “separate notice” could be presented on a separate piece of paper, but by including it on the invoice it will be signed for by the person you release the vehicle to, providing you with additional “signed for” documentation of your compliance. If you chose to use a separate piece of paper it is suggested it be in duplicate form and contain a signature line.	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 both. CVC 22658 (f) (4) Civil Liability to the owner of the vehicle or his or her agent for four times the amount of the towing and storage charges. CVC 22658 (f) (5)

Limitations on Area of Operation			
Distance:	Requirements:	Comments:	Penalties for Violators:
Within 10 Miles	A vehicle removed from private property shall be stored in a facility that is located within a 10-mile radius of the property from where the vehicle was removed. CVC 22658 (n) (1) (A)		Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1
Beyond 10 miles	The 10-mile radius requirement of 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. (CVC 22658 (n) (1) (B)	It is suggested that you enlist the help of the property owner in making this request for approval from a law enforcement agency. This will allow law enforcement to respond directly to the needs of the property owner who is having his property rights impeded by improperly parked or unauthorized vehicles.	Infraction (all CVC violations are infractions unless otherwise stated) CVC 40000.1