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NOTICE OF CHANGES TO LAWS REGULATING PRIVATE TOWS

Towing Operation Business Permit Required. No person shall engage in, manage, conduct or operate a towing operation business in the City of Los Angeles without a written permit from the Board of Police Commissioners. Los Angeles Municipal Code Section 103.204.

Tow Unit Operator Permit Required. No person shall operate or drive a tow unit nor shall any person be employed as a tow unit operator until such time as said person has received a written permit from the Board Of Police Commissioners to act as a tow unit operator except that any person employed as a tow unit operator may operate a tow truck without permit while under the immediate and direct supervision of a permitted tow unit operator for a period of not to exceed seven consecutive calendar days from the initial date of employment. Los Angeles Municipal Code Section 103.204. 1.

Permit Processing Section 213-485-8081

Please take notice that as of **January 1, 2007**, there were significant changes in the laws, which apply to tows from private property. All owners, agents and employees of your towing company are responsible for reviewing and complying with these new statutes in its entirety.

The following provisions reflect just some of the important changes to pre-existing law:

REQUIREMENT FOR POSTED SIGN AT ALL PROPERTY ENTRANCES: In addition to previously existing requirements, each sign in plain view at all entrances to the private property must include 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 [Vehicle Code §22658(a)(1)].

TOWING AUTHORIZATION REQUIRES VERIFICATION OF VIOLATION IN MOST CASES: 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 (There is an exception – see below -- for residential properties of 15 units or less under certain specified conditions)[Vehicle Code §22658(l)(1)(A)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)].

NARROW EXCEPTION TO PRESENCE AND VERIFICATION REQUIREMENT: 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.

A towing company shall maintain 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 [Vehicle Code §22658(l)(1)(A)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)].

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) [Vehicle Code §22658(e)(2)].

SPECIFIC REQUIRED CONTENTS OF THE WRITTEN TOWING AUTHORIZATION: The written authorization 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. [Vehicle Code §22658(l)(1)(B)].

A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)].

COPY OF “WRITTEN TOWING AUTHORIZATION” MUST BE PROVIDED TO THE PERSON CLAIMING THE VEHICLE PRIOR TO PAYMENT: 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. 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) [Vehicle Code §22658(l)(1)(C)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)].

NEW REQUIREMENT TO MAINTAIN WRITTEN TOWING AUTHORIZATIONS FOR INSPECTION AND COPYING: A towing company shall maintain the original written authorization ... 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 [Vehicle Code §22658(l)(3)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)].

INFORMATION WHERE TO MAKE A COMPLAINT MUST BE PROVIDED TO THE PERSON CLAIMING THE VEHICLE: 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 [Vehicle Code 22658(l)(1)(C)(iii)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)].

NEW REQUIREMENT THAT TOWING COMPANY MAKE GOOD FAITH INQUIRY THAT THE PERSON AUTHORIZING THE TOW COMPLIED WITH VEHICLE CODE §22953 (THE “1 HOUR RULE”): 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 [Vehicle Code §22658(l)(1)(D)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)].

GENERAL TOWING AUTHORIZATION SHALL NOT BE DELEGATED TO A TOWING COMPANY OR ITS AFFILIATES WITH LIMITED EXCEPTIONS:

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 an entrance to, or exit from, the private property [Vehicle Code 22658(l)(1)(E)(i)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)].

IN LIMITED SITUATIONS WHICH PERMIT A GENERAL AUTHORIZATION TOW, A WRITTEN AGREEMENT IS REQUIRED: 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 agent, or person in lawful possession of the private property shall have a written agreement granting that general authorization [Vehicle Code 22658(l)(1)(E)(ii)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)].

IN LIMITED SITUATIONS WHICH PERMIT A GENERAL AUTHORIZATION TOW, A COPY OF PHOTOGRAPH DEPICTING THE VIOLATION MUST BE PROVIDED TO THE PERSON CLAIMING THE VEHICLE: If a towing company removes a vehicle 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 that interferes with 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 that clearly indicates that parking violation. 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 [Vehicle Code 22658(l)(2)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)]

IN LIMITED SITUATIONS WHICH PERMIT A GENERAL AUTHORIZATION TOW, RECORDS MUST BE MAINTAINED FOR INSPECTION AND COPYING:

A towing company shall maintain the general authorization described in subparagraph(E)of paragraph (1) and the photograph of the violation, required pursuant to this section 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 [Vehicle Code 22658(l)(3)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(l)(4)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(l)(5)].

VEHICLE NOT YET REMOVED FROM PRIVATE PROPERTY AND IN TRANSIT MUST BE UNCONDITIONALLY RELEASED: 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. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658 (g)(1)(C)].

NEW REQUIREMENT IN ORDER TO IMPOSE A RELEASE FEE: In order to impose the allowable charge of not more than one-half of the regular allowable towing charge after the vehicle's release, in addition to previously existing requirements, the vehicle must be 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 [Vehicle Code §22658(h)]. A person knowingly charging an excessive rate is guilty of a misdemeanor [Vehicle Code §22658(j)(2) and is civilly liable to the owner for four times the amount charged [Vehicle Code §22658(j)(1)].

TOWING COMPANY MUST EXPEDITIOUSLY NOTIFY LAW ENFORCEMENT ABOUT THE REMOVAL: 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.

A towing company is guilty of a misdemeanor if the towing company fails to provide the notification required 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.

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.

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. [Vehicle Code §22658(m)].

TOWING OPERATOR MUST NOTIFY THE VEHICLE'S OWNER ABOUT THE REMOVAL: The tow truck operator removing the vehicle is responsible to immediately provide the legal owner of the vehicle with information about the removal [Vehicle Code §22658(b)].

NEW STORAGE FACILITY REQUIREMENTS:

1. Proximity to site of removal: The storage facility must be located within a 10-mile radius of the property from where the vehicle was removed. Exception: The 10-mile radius requirement 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 [Vehicle Code §22658(n)(1)].

2. Hours of Operation: The storage facility must remain open during normal business hours and release vehicles after normal business hours. 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. "Normal business hours" are Monday to Friday, inclusive, from 8 a.m. to 5 p.m., inclusive, except state holidays [Vehicle Code §22658(n)(2)].

3. Available public telephone: The storage facility must have a public pay telephone in the office area that is open and accessible to the public [Vehicle Code §22658(n)(3)].

4. Must conspicuously post notice that credit card is accepted as payment: A person operating or in charge of a storage facility where vehicles are stored pursuant to this section 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 [Vehicle Code §22658(k)(2)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(k)(3)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(k)(4)].

5. Must accept a valid credit card as payment: A person operating or in charge of a storage facility where vehicles are stored pursuant to this section shall accept a valid 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. [Vehicle Code §22658(k)(1)]. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(k)(3)] and civilly liable for four times the amount of the towing and storage charges [Vehicle Code §22658(k)(4)].

NEW DEFINITION FOR PROHIBITED "EXCESSIVE CHARGE": A charge for towing or storage, or both, of a vehicle 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) 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 [Vehicle Code §22658(i)]. A person knowingly charging an excessive rate is guilty of a misdemeanor. [Vehicle Code §22658(j)(2)] and civilly liable for four times the amount charged [Vehicle Code §22658(j)(1)].

REQUIREMENT TO PROVIDE PROOF OF RATE BASED ON CHP APPROVAL: 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. A person failing to comply is guilty of a misdemeanor. [Vehicle Code §22658(j)(2)].

USE OF “BOOT” LIMITED TO LAW ENFORCEMENT/TRAFFIC ENFORCEMENT EMPLOYEES: Prohibits use of an immobilization device upon a vehicle by any person not specifically authorized to do so under Vehicle Code §22651.7(a). [Vehicle Code §22651.7(b)].

I have been provided with a copy of this document and with a copy of AB2210

Name

Signature

Job Title

Towing Company

Date