

CHAPTER 1

GENERAL INFORMATION

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CHAPTER 1

GENERAL INFORMATION

1. ESTABLISHMENT OF THE CURRENT ABANDONED VEHICLE ABATEMENT (AVA) PROGRAM.

a. Historical Perspective.

(1) 1967. Section 22660 of the California Vehicle Code (VC) was implemented to allow a city and/or county, to adopt an ordinance which would establish procedures for the abatement and removal, as a public nuisance, of abandoned, wrecked, dismantled or inoperative vehicle or parts from private or public property, not including highways. The city and/or county, adopting the ordinance, would either assume the administrative and recovery costs for the vehicle abatement and removal or implement cost recovery procedures pursuant to Sections 25845 or 38773.5 of the Government Code. This VC section also established specific procedures to insure the rights of both the vehicle and the property owner were protected [i.e., a public hearing and notification to the California Highway Patrol (CHP)].

(2) 1971. Sections 9250.7 and 22710 VC were enacted which impose a one-time, one dollar (\$1) surcharge on vehicle registration or renewal on every vehicle for the 1973 calendar year. These fees were deposited in the newly created Abandoned Vehicle Trust Fund (AVTF). The Department of Public Works (DPW) was the designated administrator for the AVTF. The DPW, in cooperation with the CHP, county sheriffs, and city police departments, was required to survey the number of abandoned vehicles located upon streets and highways. The abandoned vehicle survey only reflected those vehicles which could not be traced to an owner or person responsible for the abandonment. The DPW was then allowed to do one of the following with the AVTF:

- (a) Provide for the removal of abandoned vehicles by DPW employees.
- (b) The DPW would contract for abandoned vehicle removal services and be reimbursed by the AVTF.
- (c) The DPW would disburse AVTF funds to local agencies which had established an ordinance and procedures, pursuant to Section 22660 VC.

(d) The AVTF funds would be prorated by DPW to each county in proportion to the number of abandoned vehicles surveyed by DPW. Whichever course of action DPW chose for the AVTF, a conditional priority was mandated for the removal of abandoned vehicles from state highways, public lands and parks, rivers and wildlife areas.

(3) 1973. The CHP assumed administration and operation of the “abandoned vehicle program” and AVTF fees. The AVTF funded CHP expenditures to carry out the provisions of Section 22710 VC, which included prorating AVTF money to each county in proportion to the number of abandoned vehicles which had been surveyed statewide pursuant to Section 22710 VC.

(4) 1976. Section 22660 VC was amended and Section 22661 VC was added. These sections allow a city and/or county to adopt an ordinance which would establish procedures for the abatement and removal, as a public nuisance, of abandoned, wrecked, dismantled or inoperative vehicle or parts from private or public property, not including highways. Additionally, the following VC sections were implemented:

(a) Section 22665 VC allowed for the reimbursement of AVTF funds to the CHP if a local authority requested the CHP to administer its abandoned vehicle abatement and removal program, pursuant to Section 2710 VC.

(b) Section 22664 VC allowed for licensed dismantlers, removing abandoned vehicles pursuant to Sections 22660 and 22661 VC, to be excused from the vehicle reporting requirements of Section 11520 VC, provided a copy of the resolution was maintained in the dismantler’s business records.

(c) Section 22666 VC required the CHP to establish procedures identical to those specified in Section 22661 VC when the CHP is administering an AVA program plan pursuant to Section 22665 VC. The CHP may seek reimbursement for administrative and removal costs from a local authority which is authorized to recover from the property owner pursuant to Section 22660 VC.

(d) Section 22667 VC required that when the CHP established procedures for the abatement of abandoned vehicles, the CHP will give priority for the abatement and removal of abandoned vehicles from state highways, public lands and parks, and from river and wildlife areas.

(e) Section 22668 VC prohibited a local authority's eligibility for the AVTF if an abandoned vehicle abatement and removal program was administered by the CHP.

(5) 1980. The California Legislature, Joint Legislative Budget Committee, prepared a report which analyzed the costs and benefits of the AVA program. The report included recommendations as to whether the AVA program should be continued, and if so under what conditions. The report recommended that legislation be enacted to terminate the state's responsibility for funding and administration of the program. The CHP continued to administer the AVA program through 1989.

(6) 1990. Amendments to Sections 9250.7 and 22710 VC removed the AVTF money appropriation, administration from the CHP, and realigned the AVA program as follows:

(a) The CHP would provide "abandoned vehicle abatement program guidelines" for a service authority. Additionally, the CHP would review "abandoned vehicle abatement program plans," submitted by a service authority, to ensure they are consistent with the guidelines and provide revision recommendations to the submitting service authority.

(b) Service Authority would be established for the abatement of abandoned vehicle when a county's board of supervisors, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county, adopted resolutions which provided for the establishment of the authority and a one dollar (\$1) registration fee imposition.

(c) State Controller's Office (SCO) AVTF money would be continuously appropriated to the SCO for disbursement to each service authority with an approved abandoned vehicle abatement program plan.

(d) Department of Motor Vehicles (DMV) transmits the one dollar (\$1) vehicle registration fee to the SCO for deposit in the AVTF.

(7) 2001. Section 9250.7 VC was amended to require all commercial motor vehicles registered to an owner residing within a county, with an established service authority, to pay an additional service fee of two dollars (\$2).

(8) 2002. Sections 9250.7 and 22710 VC were amended as follows:

(a) An additional service fee of two dollars (\$2) was assessed to commercial vehicle weight fees subject to Section 9400.1 VC.

(b) A fiscal year-end report to be submitted to the SCO by a service authority which had been in existence for at least two full fiscal years.

1 A service authority's failure to submit a fiscal year-end report resulted in the one-year suspension of the authority by the SCO.

2 If a service authority's fiscal year-end report reflected that funds were not utilized in accordance with an authority's program or there were excess funds, the SCO shall suspend an authority for one year.

(9) 2008. Sections 9350.7 and 22710 VC were amended as follows:

(a) Section 9250.7 VC:

1 The fiscal year-end report submitted to the SCO will also include the number of notices to abate issued to vehicles during the previous fiscal year, the number of vehicles disposed of pursuant to an ordinance adopted pursuant to Section 22710 VC during the previous fiscal year, and the total expenditures by the service authority for towing and storage of abandoned vehicles during the previous fiscal year.

2 On or before January 1, 2010, and biennially thereafter, the service authority shall have a financial audit of the service authority conducted by a qualified independent third party.

(b) Section 22710 VC:

1 The money received by an authority pursuant to Section 9250.7 VC and this section shall be used only for the abatement, removal, or the disposal as a public nuisance of any abandoned, wrecked, dismantled, or inoperative vehicle or part of the vehicle from private or public property.

2 The money received shall not be used to offset the costs of vehicles towed under authorities other than an ordinance adopted pursuant to paragraph (1) or when costs are recovered under Section 22850.5 VC.

3 The money received by a service authority pursuant to Section 9250.7 VC and this section that are unexpended in a fiscal year may be carried forward by the service authority for the abandoned vehicle abatement program in the following fiscal year as agreed upon by the service authority and its member agencies.

4 A service authority may carry out an abandoned vehicle abatement from a public property after providing a notice as specified by the local ordinance adopted pursuant to Section 22660 VC of the jurisdiction in which the abandoned vehicle is located and that notice has expired.

5 In the event of a conflict with other provisions of law, this section shall govern the disbursement of money collected pursuant to this section and from the Abandoned Vehicle Trust Fund for the implementation of the abandoned vehicle abatement program.

2. STATE DEPARTMENT RESPONSIBILITIES.

a. California Highway Patrol.

(1) The Department shall provide guidelines for an abandoned vehicle abatement program.

(2) The Department reviews and approves abandoned vehicle abatement programs submitted by an Authority prior to submission to the SCO.

b. State Controller's Office.

(1) Upon receipt of a CHP approved abandoned vehicle abatement plan from an Authority, the SCO will contact DMV for fund appropriations to the submitting Authority.

(2) Review fiscal year-end reports submitted by an Authority to ensure fee revenues are consistent with program guidelines as approved by the CHP.

(3) Determine the suspension of an Authority, which has been in existence for at least two full fiscal years, and notify DMV of the one fiscal year suspension for any of the following:

(a) An excess of revenue fees.

(b) Fee revenues which are inconsistent with an Authority's plan.

(c) An authority has not submitted a fiscal year-end report.

c. Department of Motor Vehicles.

(1) Transmission of the service fee, established under Section 22710 VC, to the SCO for deposit in the Abandoned Vehicle Trust Fund.

(2) Suspend an Authority's service fees for one fiscal year upon notification by the SCO.