

CHAPTER 2
STORAGE/IMPOUND AND RELEASE PROCEDURES

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CHAPTER 2

STORAGE/IMPOUND AND RELEASE PROCEDURES

1. GENERAL. The authority to remove, seize, and impound a vehicle is found primarily in the California Vehicle Code (CVC), California Constitution, and various case law decisions. These sections may contain conditional provisions for vehicle release. Removed, impounded, or seized vehicles are those which are taken by officers of this Department in a manner provided by law. These sections may contain conditional provisions for a vehicle release.
2. CALIFORNIA VEHICLE CODE REMOVAL AUTHORITIES.
 - a. Section 2814.2 California Vehicle Code - Vehicle Impoundment out of a Sobriety Checkpoint. If an officer encounters an unlicensed driver (Section 12500 CVC) during a sobriety checkpoint, the officer shall do the following:
 - (1) Make a reasonable attempt to identify the vehicle's registered owner (RO). If the officer is able to identify the RO, the vehicle shall be released to a validly licensed RO or any licensed driver authorized by the RO. The RO or their agent has until the end of the checkpoint to remove the vehicle.
 - (2) If a CHP 215, Notice to Appear, for Section 12500 CVC is issued and the vehicle is released to a licensed driver, the name and driver license number of the licensed driver to whom the vehicle was released to shall be listed on the officer's copy of the CHP 215.
 - (3) Upon completion of the checkpoint, the unlicensed driver's vehicle may be impounded pursuant to Section 22651(p) CVC, whether or not a CHP 215 had been issued, or may be parked and locked in a secure location.

If a vehicle is removed pursuant to Section 22651(p) CVC, the impounding officer shall complete the following on the CHP 180, Vehicle Report:

1 Write "Clear Through CHP - Impound" in the top margin of the CHP 180 and mark the "Impound" box.

2 Document in the "Remarks" section at the bottom of the CHP 180 what reasonable attempts were taken to identify the RO.

NOTE: If a driver is in violation of Sections 14601 through 14601.5 CVC, the vehicle may be impounded for 30 days pursuant to Section 14602.6(a)(1) CVC.

(4) Vehicle Release Procedures: a vehicle impounded for Section 22651(p) CVC shall be released to the RO or their agent upon presentation of the RO's or agent's current valid driver license and proof of current vehicle registration to the impounding Area office.

b. Section 9801(a)(1) California Vehicle Code - Department of Motor Vehicles Vehicle Seizure for Delinquent Registration. Any seizure made under this authority shall be with the concurrence of a supervisor who is familiar with the contents of Highway Patrol Manual (HPM) 82.5, Registration Enforcement Manual, Chapter 1, Policy, relating to such seizures and who has assured that the procedures have been followed. A vehicle seized pursuant to the authority of Section 9801(a)(1) CVC shall be released to the RO, legal owner (LO), or agent, without being sold if documentation from the Department of Motor Vehicles (DMV) is presented authorizing its release. The release should show that either the appropriate fees have been paid to DMV or that DMV has rescinded its decision to sell the vehicle. Refer to HPM 82.5, Chapter 1, for specific procedures to be followed regarding Section 9801(a)(1) CVC.

c. Section 10751(b) California Vehicle Code - Altered/Missing Vehicle Identification Number. Whenever a vehicle or part has a vehicle identification number (VIN) obviously mutilated or removed and comes into the possession of an officer, it should be seized. A supervisor or vehicle theft investigator's approval should be obtained prior to seizure. (Refer to HPM 81.1, Vehicle Theft Control Manual, Chapter 5, Section 10751 California Vehicle Code Disposition of Vehicle/Component Parts.)

d. Section 14602.6(a)(1) California Vehicle Code - Suspended, Revoked, Unlicensed Driver/30-Day Hold. This section provides for the 30-day impoundment of a vehicle.

(1) A vehicle is subject to a 30-day impoundment when an officer encounters a driver under the following conditions:

(a) A suspended or revoked license.

(b) Their driving privilege is restricted pursuant to Sections 13352 or 23575 CVC and the vehicle is not equipped with a functioning, certified ignition interlock device.

(c) The driver has never been issued a license, and there are indications the driver will continue to drive if they continue to have access to the vehicle.

(2) The following conditions must be met before impounding a vehicle pursuant to Section 14602.6(a)(1) CVC:

(a) Officers shall issue a citation prior to impounding when there is sufficient evidence to establish a violation of Sections 12500(a), 14601(a), 14601.1(a), 14601.2(a), 14601.2(b), 14601.3(a), 14601.4(a), 14601.5(a), or 14601.5(b) CVC.

(b) Officers should obtain the approval of a supervisor when possible, or as local policy mandates. The requirement to obtain a supervisor's approval may be waived at the discretion of the Area commander.

(c) Officers shall not issue a citation when impounding a vehicle as a result of a traffic collision, but shall ensure that there is sufficient evidence to establish one of the above violations.

(3) A vehicle should not be subject to a 30-day impound under the following conditions:

(a) The driver's license is expired or when a driver is driving out of class. For these situations, Section 22651(p) CVC should be used.

(b) The driver's license is a valid driver license from another state or foreign jurisdiction.

(c) The driver's license is suspended or revoked for an offense other than those included in Article 2 (commencing with Section 13200 CVC) of Chapter 2 of Division 6 or Article 3 (commencing with Section 13350 CVC) of Chapter 2 of Division 6. These exemptions include, but are not limited to, speeding or reckless driving, suspension for prostitution or controlled substance offense, driving in excess of 100 miles per hour, or minor's unlawful use of firearms.

(4) The CHP 180, shall be prepared and processed as follows for a 30-day impoundment:

(a) Officers shall mark the "Agency Hold" box and indicate "Hold for 30 days" in the top margin of the CHP 180.

(b) A CHP 180, Noticed of Stored Vehicle (Section 22852 CVC), a part of the CHP 180, shall be sent by certified mail, return receipt requested to the LO of a vehicle within 48 hours, excluding weekends and holidays. The RO shall be notified in accordance with Section 22852 CVC procedures outlined in HPM 81.2, Vehicle Procedures Manual, Chapter 1, CHP 180, Vehicle Report.

(5) The RO and LO or their agents shall be provided the opportunity for a storage hearing to determine the validity of, or consider any mitigating circumstances attendant to, the storage, in accordance with Section 14602.6(b) and 22852 CVC (refer to Annex A).

(6) When an RO or their agent requests, through the hearing process, an early release of a vehicle impounded for 30 days, it shall be released under the following circumstances:

(a) When the vehicle is a stolen vehicle.

(b) When the vehicle is subject to bailment and is driven by an unlicensed employee of a business establishment, including parking or repair garage.

(c) When the license of the driver was suspended or revoked for an offense other than those included in Article 2 (commencing with Section 13200 CVC) of Chapter 2 of Division 6 or Article 3 (commencing with Section 13350 CVC) of Chapter 2 of Division. These exemptions include, but are not limited to, speeding or reckless driving, suspension for prostitution or controlled substance offense, driving in excess of 100 miles per hour, or minor's unlawful use of firearms.

(d) When the driver can show proof that their driving privilege has been reinstated or obtains a driver license, and presents proof of current registration, or upon order of a court.

(e) Early release can no longer be denied if the decision is primarily based upon the owner's failure to inquire or determine the prospective driver possessed a valid driver license. This change is the result of a Court of Appeal decision, *Earl Smith v. Santa Rosa Police Department* (2002) 97 Cal.App.4th 546, 119 Cal.Rptr.2d 72.

(f) When a vehicle is released early, officers shall use the early release letter. A copy of the early release letter shall be provided to the relinquishing party and the original attached to the CHP 180 (refer to Annex B).

(7) A vehicle impounded under this section shall be released to the LO or their agent prior to the end of the 30-day impoundment if all of the following conditions are met:

(a) The LO is one of the following:

1 A motor vehicle dealer.

- 2 A bank.
- 3 A credit union.
- 4 An acceptance corporation.
- 5 Other licensed financial institution legally operating in California.
- 6 Another person, not the registered owner, holding a security interest in the vehicle.

(b) The LO or their agent shall also present a copy of the assignment as defined in Section 7500.1(b) of the Business and Professions Code, a release from the one responsible governmental agency, only if required by the agency, a government-issued photographic identification card, and any one of the following, as determined by the LO or their agent:

- 1 A certificate of repossession.
- 2 A security agreement.
- 3 Title showing proof of legal ownership of the vehicle.

(c) The LO or their agent shall present a valid identification with a photograph.

- 1 If the LO's agent is a reposessor, they shall present a valid repossession agency license or registration issued by the State of California.

(d) The LO or their agent shall sign an early release letter. A copy of the signed early release letter shall be provided to the relinquishing party and the original attached to the CHP 180 (refer to Annex B).

- 1 The LO shall not relinquish to the RO or the person listed as the RO or the driver who was involved in the original impoundment until a valid driver license or temporary driver license has been obtained or until the expiration of the impoundment period.
- 2 A person knowingly releasing the vehicle to the RO or the person in possession of the vehicle at the time of the impoundment or any agent of the RO, shall be guilty of a misdemeanor pursuant to Section 14602.6(g)(4) CVC.

(e) The LO or their agent shall be given a copy of any documents which they are required to sign for a vehicle's release (e.g., CHP 180). The

exception to this requirement would be a copy of a vehicle evidentiary hold log book.

(f) The Department shall not refuse to issue a release to the LO or their agent on the grounds that the impounded vehicle was previously issued a release.

(8) An impounded vehicle shall be released to a rental car agency. However, the rental car agency may not rent another vehicle to the driver of the seized vehicle until 30 days after the date the vehicle was seized.

(9) The RO, LO, or the person in possession of the vehicle shall not change the name of the RO or LO on the vehicle's record until the vehicle is released from impound.

(a) The Department shall not release a vehicle to a "new" RO or LO unless the impoundment period is completed or the vehicle meets the early release requirements.

(10) Commanders shall use discretion when releasing vehicles prior to the end of the 30-day period. All decisions shall ensure that the driver at the time of the impoundment does not have access to the vehicle for 30 days. Additionally, if the 30-day release falls on a weekend or holiday, arrangements shall be made for release to avoid an additional gate fee which could cost more than another day's storage fee.

(11) The impounding agency shall not be liable to the RO for the improper release of the vehicle to the LO, or their agent, or reposessor provided the release complies with the provisions of Section 14602.6 CVC.

(12) No vehicle shall be released without presentation of the RO or agent's valid driver license and proof of current vehicle registration to the storing agency.

NOTE: The U.S. Ninth Circuit Court of Appeal decision, *Miranda v. City of Cornelius* (2005) (U.S. Court of Appeal, 9th Circuit, 429 F.3d 858), does not impact the authority to impound a vehicle when a driver is cited under Section 14603 CVC, since the driver has already been convicted of a crime and is driving on a suspended or revoked driver license (refer to Annex C).

e. Section 14602.7(a) California Vehicle Code - Vehicle Impoundment: Fleeing a Peace Officer/Reckless Driving. This section is employed when an officer presents an affidavit to a magistrate establishing reasonable cause to believe that the vehicle was an instrumentality used in the officer's presence pursuant to

Section 2800.1, 2800.2, 2800.3, or 23103 CVC. The officer must obtain a warrant or court order authorizing the removal and seizure of the vehicle.

(1) The vehicle shall be described in the affidavit by vehicle type and license number.

(2) Area commanders or their designees shall communicate with the appropriate magistrate's office and develop procedures for the issuance of the warrants or court orders. An Area Standard Operating Procedure (SOP) should be developed to aid in the execution of this section.

(3) Officers shall mark the Agency Hold box and indicate "Hold for 30 days" in the Remarks section of the CHP 180.

(4) A vehicle impounded for Section 14602.7(a) CVC shall be released upon completion of the 30-day impoundment period only when the RO or agent provides a current valid driver license and proof of current vehicle registration.

(5) An impounded vehicle shall be released to the RO or their agent prior to the end of the impoundment period and without permission of the magistrate under any of the following circumstances:

(a) When the vehicle is a stolen vehicle.

(b) When the vehicle is subject to bailment and is driven by an unlicensed employee of a business establishment, including a parking or repair garage.

(c) When the RO causes the impounding Area office, through a post-storage hearing, to reasonably believe, based on the totality of the circumstances, that the RO was not the driver who violated Section 2800.1, 2800.2, or 2800.3 CVC.

(6) An impounded vehicle shall be released to the LO or their agent prior to the end of the impoundment period and without permission of the magistrate if all of the following conditions are met:

(a) The LO is one of the following:

1 A motor vehicle dealer.

2 A bank.

3 A credit union.

4 An acceptance corporation.

5 Another licensed financial institution legally operating in California.

6 Another person, not the RO, holding a security interest in the vehicle.

7 A federal, state, or municipal officer or employee performing official duties, with the presentation of a government-issued photographic identification card.

(b) The LO or their agent shall also present a copy of the assignment and any one of the following, as determined by the LO or their agent:

1 A certificate of repossession.

2 A security agreement.

3 Title showing proof of legal ownership of the vehicle.

(c) The LO or their agent shall present a valid identification with a photograph.

(d) If the LO's agent is a reposessor, they shall present a valid repossession agency license or registration issued by the State of California.

(e) The LO or their agent shall be given a copy of any documents which they are required to sign for a vehicle release (e.g., CHP 180). The exception to this requirement would be a copy of a vehicle evidentiary hold log book.

(f) The LO or their agent shall sign an early release letter. A copy of the signed early release letter shall be provided to the relinquishing party and the original attached to the CHP 180 (refer to Annex B).

1 The LO shall not relinquish to the RO, the person listed as the RO, or the driver who was involved in the original impoundment, until a valid driver license or temporary driver license has been obtained or until the expiration of the impoundment period.

2 A person knowingly releasing the vehicle to the RO, the person in possession of the vehicle at the time of the impoundment, or any agent of the RO shall be guilty of a misdemeanor pursuant to Section 14607.6(f)(4) CVC.

(g) The Department shall not refuse to issue a release to an LO or their agent on the grounds that the impounded vehicle was previously issued a release.

1 The LO shall not relinquish to the RO, the person listed as the RO, or the driver who was involved in the original impoundment until a valid driver license or temporary driver license has been obtained or until the expiration of the impoundment period.

2 A person knowingly releasing the vehicle to the RO, the person in possession of the vehicle at the time of the impoundment, or any agent of the RO shall be guilty of a misdemeanor pursuant to Section 14607.6(f)(4) CVC.

(h) An impounded vehicle shall be released to a rental car agency if the rental agency is either the RO or LO of the vehicle. However, the rental car agency may not rent another vehicle to the driver of the seized vehicle until 30 days after the date the vehicle was seized.

(i) The RO, LO, or the person in possession of the vehicle shall not change the name of the RO or LO on the vehicle's record until the vehicle is released from impound. The Department shall not release a vehicle to a new RO or LO until the impoundment period is completed or the vehicle meets the early release requirements.

(j) The impounding agency shall not be liable to the RO for the improper release of the vehicle to the LO, their agent, or reposessor, provided the release complies with the provisions of Section 14607.6 CVC.

f. Section 14602.8 California Vehicle Code – 5-or 15-day Impoundment for Second or More Prior Driving Under the Influence Conviction(s): This section should be used to impound a vehicle for 5 or 15 days when the driver has a blood alcohol content (BAC) of 0.10 percent or more and has one or more prior driving under the influence (DUI) convictions.

(1) A vehicle may be impounded for 5 or 15 days under either of the following conditions:

(a) The driver has a BAC of 0.10 percent.

1 In the event no immediate BAC results are available, two BAC results of 0.10 percent or greater from a portable evidential breath testing device, set at evidentiary mode, may be used to establish vehicle impoundment under Section 14602.8(a)(1) CVC.

- (b) The driver refused to submit to or complete a chemical test.
- (2) A 5-day impoundment occurs when the driver has one prior DUI conviction within the preceding 10 years. Time shall be calculated from the arrest date (date of violation) which resulted in a conviction for Section 23140, 23152, or 23153 CVC.
- (3) A 15-day impoundment occurs when the driver has two or more prior DUI convictions within the preceding 10 years. Time shall be calculated from the arrest date (date of violation) which resulted in a conviction for Section 23140, 23152, or 23153 CVC.
- (4) If the driver chooses a breath test, the impound authorities listed on the CHP 180 would be Section 22651(h) and 14602.8(a)(1) CVC.
- (5) The arresting officer shall line out the incorrect impound authority on the CHP 180 prior to submission to the Area office and notify the communications center of the correct impound authority. The "Impound" box shall be checked and the impound authority shall be listed on the CHP 180 as follows:
 - (a) Section 14602.8(a)(2)(A) CVC - 5 days (1 conviction within the last 10 years).
 - (b) Section 14602.8(a)(2)(B) CVC - 15 days (2 or more convictions within the last 10 years).
- (6) The Area office shall establish Area SOP to ensure the tow company is notified within 24 hours of the correct impound authority for the CHP 180.
- (7) If a driver is arrested for DUI who is unlicensed, suspended or revoked (suspension revocation meets the 30-day impoundment criteria), and has a confirmed DUI conviction within the past 10 years, Section 14602.6(a)(1) CVC would be the only impound authority written on the CHP 180.
- (8) Section 14602.8(a)(2) CVC - Release Procedures. A vehicle released under Section 14602.8(a)(2) CVC will follow the same release requirements of Section 14602.6(d)(1) CVC with the following exceptions:
 - (a) Failure to notify the LO within two working days by certified mail, return receipt requested, shall prohibit the impounding agency from charging more than five days impoundment.
 - (b) When the driver of the vehicle is not the sole RO and the vehicle is being released to another RO who agrees to not allow the driver to use the vehicle until the end of the 5- or 15-day impoundment period.

(c) A LO or their agent who obtains a release for the vehicle shall not release the vehicle to the RO, the person who was listed as the RO when the vehicle was impounded, or any agents of the RO until the termination of the impoundment period. A LO who knowingly releases or causes the release of a vehicle to the RO or to the person in possession of the vehicle at the time of the impoundment, or an agent of the RO is guilty of a misdemeanor.

(d) A lien sale processing fee shall not be charged to the LO who redeems the vehicle prior to the 10th day of a 15-day impoundment.

(e) A rental car agency shall not rent another vehicle to the driver until the impoundment period has ended.

(f) The LO, RO, or person in possession of the vehicle shall not change or attempt to change the name of the LO or RO on record until the vehicle is released from impoundment. The Department shall not release a vehicle to a new RO or LO until the impoundment period is completed or the vehicle meets the early release requirements.

g. Section 14602.9(a) California Vehicle Code - 30-Day Impoundment of Charter-Party Carrier's Bus. A charter-party carrier's bus may be impounded for 30 days if an officer determines that any of the following violations have occurred:

(1) Section 14602.9(a)(1) CVC - the driver was operating the charter-party carrier's bus when the carrier did not have a permit/certificate issued by the California Public Utilities Commission (CPUC), pursuant to Section 5375 of the Public Utilities Code (PUC).

(2) Section 14602.9(a)(2) CVC - the driver was operating the charter-party carrier's bus when the carrier was operating the bus with a suspended permit/certificate issued by the CPUC, pursuant to Section 5375 PUC.

(3) Section 14602.9(a)(3) CVC - the driver was operating the charter-party carrier's bus without having a valid driver license of the proper class, a passenger vehicle endorsement, or the required certificate (e.g., School Pupil Activity Bus).

(a) The RO, LO, or their agent shall be provided the opportunity for a storage hearing to determine the validity of, or consider any mitigating circumstances attendant to the storage, in accordance with Section 22852 CVC.

(b) The vehicle shall be released to the RO or their agent prior to the end of the impoundment period under any of the following conditions:

1 The vehicle is a stolen vehicle.

2 The vehicle is subject to bailment and was driven by an unlicensed employee of the business establishment, including a parking service or repair garage.

3 When the driver is not the sole RO of the vehicle and the vehicle is released to another RO who agrees to not allow the driver to use the vehicle until after the end of the impoundment period and the charter-party carrier has been issued a valid permit pursuant to Section 5375 PUC.

(c) The vehicle shall be released to the LO or their agent, prior to the end of the impoundment period, when all of the following conditions have been met:

1 The LO is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state, or is another person who is not the RO and holds a security interest in the vehicle.

2 The LO or their agent presents either lawful foreclosure documents or an affidavit of repossession for the vehicle, and a security agreement or title showing proof of legal ownership for the vehicle.

(d) The vehicle shall be released to a rental agency prior to the end of the impoundment period if the rental agency is either the LO or RO of the vehicle. The rental agency may continue to rent the vehicle upon recovery of the vehicle. However, the rental agency shall not rent another vehicle to the driver of the vehicle at the time of impoundment until the impoundment period has ended.

(e) If the vehicle is released to the LO, rental agency, or another RO, pursuant to "the driver is not the sole RO of the vehicle," an early release letter shall be completed (refer to Annex B).

h. Section 14607.6(a) California Vehicle Code - Vehicle Forfeiture for Driver License Violations. This section shall be used when an officer encounters a driver who is the RO and is unlicensed or has a suspended/revoked license, and the driver has a prior misdemeanor conviction for a violation of Section 12500(a), 14601(a), 14601.1(a), 14601.2(a), 14601.3(a), 14601.4(a), or 14601.5(a) CVC, or the RO of the vehicle has a Stipulated Vehicle Release Agreement (SVRA) indicated on the vehicle's record.

(1) If the prior conviction can be verified as a misdemeanor at the scene, the impound authority shall be listed as Section 14607.6(a) CVC on the CHP 180.

(2) If the conviction is verified as an infraction at the scene and the driver meets the requirements of Section 14602.6 CVC (30-day impound), the impound authority shall be listed as Section 14602.6(a)(1) CVC on the CHP 180.

(3) If the officer is unable to verify the conviction as an infraction or a misdemeanor in the field, the impound authority shall be listed as Sections 14607.6/14602.6 CVC in the Storage Authority/Reason box. If after the impoundment it is discovered that the requirements of Sections 14607.6/14602.6 CVC were not met, the CHP 180 shall be amended.

(4) Verification of a conviction or lack of conviction must be completed as soon as possible. Once verification is made, the Department shall notify the RO, the LO, and the tow company that the impound authority was amended and that the vehicle will be forfeited at auction or held in impound for 30 days.

(a) The CHP 180 shall be corrected to remove the inappropriate impound authority and a brief memorandum shall be attached to the CHP 180 describing the reason for the amendment. (Refer to HPM 81.2, Chapter 1, CHP 180, Vehicle Report.)

(b) If the driver is the RO of the vehicle, the officer shall ensure:

1 When appropriate, that a notice of suspension or revocation was delivered under a good service code: A, B, D, H, I, J, or M.

2 The driver is cited at the time of the enforcement contact for violation of Sections 12500(a), 14601(a), 14601.1(a), 14601.2(a), 14601.3(a), 14601.4(a), or 14601.5(a) CVC or an SVRA is indicated on the vehicle's record.

3 When impounding a vehicle as a result of a traffic collision, ensure that there is sufficient evidence to file a complaint for one of the above violations.

4 Approval from a supervisor shall be obtained.

5 The top section of a CHP 180F, Vehicle Forfeiture Report, is completed and the RO is served with a copy of the Personal Notice of Intended Vehicle Forfeiture, page 3 of the CHP 180F (CHP 180F may be obtained through Supply Services).

a List the name and address of the appropriate district/city attorney and Area office.

b The officer shall process the CHP 180 and the CHP 180F in accordance with Area policy.

6 The safety and/or transportation of the driver and all passengers of the vehicle impounded is provided in a manner consistent with General Order (GO) 100.6, Special Relationships, and GO 100.45, Assistance to Pedestrians and Disabled Motorists, and Inspection of Unoccupied Vehicles.

(c) If the driver is not the RO of the vehicle:

1 A vehicle may be impounded when the driver is unlicensed or has a suspended or revoked driving privilege, and the RO of the vehicle has an SVRA indicated on the vehicle's record.

2 The criteria for impounding a vehicle from a driver who is not the RO is the same as when the driver is the RO, except there is no need to establish a prior driver license conviction when an SVRA is indicated on the DMV registration return for the impounded vehicle.

(d) Section 14607.6 CVC - Post-Impound Procedures.

1 Areas shall send by certified mail, return receipt requested, a CHP 180G, Notice of Intended Vehicle Forfeiture Pursuant To Vehicle Code Section 14607.6, (Adobe form) to all ROs and LOs of record that were not served a CHP 180F, page 3, by an officer. This shall be completed within two working days of impounding a vehicle pursuant to Section 14607.6 CVC.

2 When a vehicle is impounded and the RO's prior conviction is for Section 12500(a), 14601, 14601.1, or 14601.2 CVC with a conviction date after January 1, 1995, Areas shall contact the appropriate court to verify the conviction as a misdemeanor by using the DL 631, Court/DMV Roster, which contains direct phone numbers to courts within California.

(5) Section 14607.6 CVC - Release Procedures. The employee should indicate the reason for the storage/impound or required action in the Remarks section prior to release of the vehicle.

(a) When Section 14607.6 CVC is used as the impound authority and it is determined that the driver does not have a misdemeanor conviction, the

vehicle shall be released immediately upon proof of a valid driver license and current registration.

(b) A vehicle is eligible for community property owner interest release when all of the following conditions are met:

1 No SVRA appears on the impounded vehicle's registration record and the community property interest owner is present to claim an interest in the vehicle and signs the verification of their interest on the CHP 180F, page 3.

2 Proof of the community property interest ownership (husband/wife relationship) is supplied. Actual community property is necessary (e.g., not purchased with only one party's funds). Acceptable forms of proof include a canceled check from a joint bank account, a loan statement from a bank or credit union in both names, or a marriage certificate when the vehicle is registered to the husband and wife. Unacceptable forms of proof include insurance documents in both names, or a marriage certificate when the vehicle is only registered in the driver's name.

3 The driver or community property interest owner (spouse) signs a certification that the vehicle is the only vehicle available to the driver's immediate family and the DMV records substantiate the claim.

4 The RO, community property interest owner, or authorized driver presents a valid driver license and submits proof that the vehicle is properly registered.

5 If the driver requests the release of the vehicle and there is no SVRA on file, the driver or community property interest owner must sign a SVRA. A copy of the SVRA shall be sent by the impounding agency to the DMV within 10 days.

a An SVRA provides consent of the signatory to the automatic forfeiture and transfer of title to the state of any vehicle registered to that person if the vehicle is driven by a driver with a suspended or revoked driver license or by an unlicensed driver.

6 When an SVRA was completed in error, a deletion from the DMV record can be requested through DMV.

7 When an individual requests a community property interest owner release, the CHP 180F, page 2, shall be completed. Once all community property interest ownership requirements are met, the

vehicle shall be released immediately upon presentation of a valid driver license and current registration. The RO or agent is responsible for all towing and storage fees.

(c) A vehicle forfeited pursuant to Section 14607.6 CVC shall be released to an LO who, in the regular course of business, conducts sales of repossessed or forfeited vehicles if the LO notifies the Area of its intent to conduct the sale within 15 days of the mailing of the CHP 180G.

(6) Section 14607.6 CVC - Vehicle Disposal (Auction) Procedures. Vehicles impounded and subsequently forfeited to the state are required to be sold at public auction.

(a) The tow company shall provide the following information to the Area within 15 days of the sale:

- 1 Copies of all sales documentation with complete buyer information, including name and address.
- 2 Total sales price.
- 3 Itemized towing, storage, and sales cost breakdown.
- 4 A check made payable to the "California Highway Patrol" for any proceeds in excess of towing and storage costs.

(b) Upon receipt of a check from the tow company, the Area shall process the check in the following manner:

- 1 Issue a CHP 251, Counter Receipt.
- 2 The check and a copy of the CHP 251 shall be transmitted directly to Fiscal Management Section (FMS) using a CHP 230, Transmittal Record. Checks shall be listed separately in the "Other" section, noting "14607.6 CVC Forfeiture" and the forfeiture number.
- 3 A memorandum detailing the disbursement of these remaining funds shall be forwarded to FMS via Division. (Refer to Annex D.)
- 4 Division shall review and approve the memorandum prior to forwarding to FMS.

(c) The auction company will:

- 1 Transport the vehicle to the auction site within 24 hours of notification.

2 Pay for the towing and storage of the forfeited vehicle at the time of pick-up.

3 Auction the vehicle.

4 Disburse the proceeds from the sale of the vehicle.

5 Provide a full accounting of the disbursement of funds.

(d) Division commanders shall:

1 Develop policy for the implementation of Section 14607.6 CVC. Policy shall include procedures to track and coordinate the sale of all forfeited vehicles, conduct audits, and resolve complaints associated with the contracted auction company.

2 Audit Areas biannually, and auction companies quarterly, to ensure that all forfeitures, auctions, and disbursements are being performed in accordance with both Section 14607.6 CVC and the auction contract. Divisions shall submit a quarterly report to Research and Planning Section by the end of the month following each quarter, detailing their audits (negative reports required).

3 Randomly audit vehicles sold by auction companies to ensure compliance with Section 14607.6 CVC and adherence to the terms of the contract, and contact the vehicle buyer to ascertain the price paid for the forfeited vehicle. Auditors should compare this information against the reported sale price and verify that money was disbursed properly.

4 Ensure all Areas are effectively enforcing the provisions of Section 14607.6 CVC to maximize motorist compliance with driver licensing laws.

(e) Area commanders shall:

1 Ensure that Area personnel are trained regarding the policies and procedures for Section 14607.6 CVC.

2 Communicate with the appropriate district/city attorney to develop procedures for processing vehicles impounded pursuant to Section 14607.6 CVC. Area commanders should emphasize the need to sign the CHP 180G in a timely manner.

3 If requested, coordinate with the affected court for the disbursement of any remaining funds reasonably related to the implementation of Section 14607.6 CVC. In the absence of conflicting city/county requirements or district/city attorney concerns, the process outlined above shall be followed. In counties where a conflict exists, vehicles shall not be impounded pursuant to this authority until the issue is resolved.

4 Notify the appropriate contract auction company upon the forfeiture of a vehicle to the state, in accordance with notification procedures established by Division.

5 Ensure that the auction company is provided with the following items prior to the sale of the vehicle:

a The Declaration of Forfeiture.

1/ Areas shall apply to the appropriate district/city attorney for a written Declaration of Forfeiture which will provide title of the vehicle to the state. This permits the vehicle to be forfeited at auction.

2/ The Declaration of Forfeiture, a form generated by the district/city attorney, must be in the possession of the party (including the auction company or tow company) conducting the vehicle auction.

b A disbursement priority letter shall be completed and forwarded to the auction company prior to the sale of the vehicle. The disbursement priority letter shall include the following information: a complete vehicle description, forfeiture number, and a list of the disbursement details. These details shall include the payee, mailing address, specific amount, and reason for disbursement. (Refer to Annex E.)

c All forms and documents related to a forfeiture shall be retained at the Area level for six years from the date on the form. Items to be retained include:

1/ The CHP 180F (available through Supply Services).

2/ The CHP 180G, Notice of Forfeiture (Adobe form).

3/ A copy of the Declaration of Forfeiture (obtained from the district/city attorney).

4/ The DMV Reg. 135, Bill of Sale.

5/ A detailed disbursement memorandum (Annex D).

6/ A copy of disbursement checks.

7/ Auction fee documentation.

8/ Any additional local forms.

d Although the law allows for the disposal of vehicles to charitable organizations, vehicles shall be disposed of through the auction process in order to reimburse the tow company for the cost of towing and storage.

(f) The auction contract terms require the auction company to provide the buyer of a forfeited vehicle with the Declaration of Forfeiture. The DMV indicates that the Declaration of Forfeiture serves as title for registration purposes when accompanied by the appropriate supporting documents (e.g., bill of sale, odometer disclosure).

(g) Auction companies are required by Section 14607.6(j) CVC to provide a report to the impounding agency (Area) for each vehicle auctioned and sold within 15 days. Each report is required to include the following:

1 Vehicle forfeiture number.

2 Vehicle license and identification numbers.

3 Copies of the following:

a All invoices paid by contractor (towing, storage, etc.).

b Auction costs and costs incurred from notification requirements.

c The DMV Reg. 135, with complete buyer name and address.

d All checks disbursed to parties of interest including LOs, subordinate lien holders, local/state agencies, or courts.

(h) The auction company may decline to accept a vehicle when the costs associated with the sale of a forfeited vehicle would exceed the value of the vehicle. In this case, the rotation tow company shall be requested to sell the vehicle in order to recover towing and storage costs.

(i) When an auction company declines to sell a vehicle, the impounding Area shall, as soon as possible, provide the Declaration of Forfeiture to the tow company in possession of the vehicle and request that the vehicle be immediately offered for sale at a public auction, unless the LO has requested to sell the vehicle. The forfeited vehicle must be offered for sale within 60 days following the declaration. However, if the vehicle has little or no resale value, it may be conveyed to a licensed dismantler. Tow companies shall provide the following information to the Area within 15 days of the sale:

- 1 Copies of all sales documentation with complete buyer information, including name and address.
- 2 Total sales price.
- 3 Itemized towing, storage, and sales cost breakdown.
- 4 Check made payable to the "California Highway Patrol" for any proceeds in excess of towing and storage costs.

(j) Upon receipt of a check from a tow company, the Area shall issue a CHP 251, Counter Receipt. The check, along with a copy of the CHP 251, shall be forwarded directly to FMS using a CHP 230, Transmittal Record. Checks shall be listed separately in the "Other" section noting "14607.6 CVC Forfeiture" and the forfeiture number. A memorandum detailing the disbursement of these remaining funds shall be prepared. Division shall review and approve the memorandum prior to forwarding to FMS.

1 A detailed disbursement memorandum shall include, but is not limited to: a complete vehicle description, forfeiture number, the payee mailing address, specific amount, the reason for disbursement, amount of the check received from the tow company, counter receipt number, and transmittal date.

2 The Department is not responsible for any costs associated with the towing, storage, transportation, sale, or the disbursement of funds as a result of vehicles impounded for forfeiture.

(k) Areas shall ensure that a history file is maintained for all vehicles forfeited pursuant to Section 14607.6 CVC. Each forfeited vehicle shall be assigned a Nuisance Vehicle Forfeiture Number. Example: The first vehicle forfeited in the Bakersfield Area (420) for 2011 would be assigned the number N001-420-11.

i. Section 22651 California Vehicle Code - Circumstances Permitting Removal. Officers may remove a vehicle from a highway, or in certain cases from public lands or private property, located within the territorial limits under any of the following circumstances:

(1) Section 22651(a) California Vehicle Code - Unattended on Bridge. Use this section when a vehicle is left unattended and obstructs traffic upon a bridge, viaduct, or causeway, or in a tube or tunnel.

(2) Section 22651(b) California Vehicle Code - Obstructing Traffic. Use this section when a vehicle is parked or left upon a highway so as to obstruct normal traffic movement or in a condition so as to create a hazard to other traffic upon the highway.

(a) In considering whether a vehicle creates a hazard to traffic, the officer should consider reduced visibility caused by darkness, fog, snow, etc.

(b) A visual hazard alone does not constitute a vehicle creating a hazard upon a highway (e.g., vehicle abandoned in a field after running off a roadway).

(3) Section 22651(c) California Vehicle Code - Stolen/Embezzled Vehicle. Use this section when a vehicle is found on a highway or public lands and has previously been reported stolen or a warrant has been issued for embezzled. (Refer to HPM 81.2, Chapter 3, Stolen, Embezzled, or Recovered Vehicle/Vessel Procedures.)

(4) Section 22651(d) California Vehicle Code - Blocking Driveway. Use this section when a vehicle is illegally parked so as to block the entrance to a private driveway.

(a) Officers should make a reasonable attempt to locate the vehicle's owner.

(5) Section 22651(e) California Vehicle Code - Blocking Fire Hydrant. Use this section when a vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant. (Reference Section 22514 CVC.)

(6) Section 22651(f) California Vehicle Code - Four Hours on Freeway. Use this section when a vehicle is stopped, parked, or left standing for more than four hours upon a freeway right-of-way and the driver, if present, cannot move the vehicle under its own power.

(a) Vehicles upon a freeway right-of-way includes on ramps and off ramps.

(b) "Cannot move" includes drivers waiting for service when such assistance has an extended arrival time or when the driver is indigent or without financial means to pay for service.

(7) Section 22651(g) California Vehicle Code - Driver Incapacitated. Use this section when the person in charge of a vehicle upon a highway or public land is, by physical injury or illness, incapacitated to the extent that they are unable to move vehicle or take custody.

(8) Section 22651(h)(1) California Vehicle Code - Driver in Custody. Use this section to provide for the safekeeping of vehicles and the property they may contain. An officer may remove a vehicle when the driver or person in control of the vehicle is taken into custody.

(a) Officers shall not remove vehicles from private property if the property is owned, leased, or rented by the driver or person in control of the vehicle. This includes parking spaces at community parking facilities, single family dwellings, apartment complexes, etc., where the driver or person in control of the vehicle resides.

(b) Prior to the removal of a vehicle, consideration regarding community caretaking shall be made prior to its removal (e.g., vehicle is legally parked at the time of the enforcement contact or it is at a safe location; the vehicle may be secured at the scene). If the vehicle is in a high crime area or illegally parked, the vehicle may be removed.

(9) Section 22651(h)(2) California Vehicle Code - Driver Under 21 Years of Age or on Probation. Use this section for a driver under 21 years of age, who has a blood alcohol content of .01 percent or greater and is issued a DS 367M, Under Age 21 Officer's Statement, or driver is on probation for prior DUI pursuant to Section 13389 CVC.

(a) Officers shall not remove vehicles from private property if the property is owned, leased, or rented by the driver or person in control of the vehicle. This includes parking spaces at community parking facilities, single family dwellings, apartment complexes, etc., where the driver or person in control of the vehicle resides.

(b) Prior to the removal of a vehicle, consideration regarding community caretaking shall be made. For example, if the vehicle is legally parked at the time of the enforcement contact, or is at a safe location, the vehicle may be secured at the scene. If the vehicle is in a high crime area or illegally parked, the vehicle may be removed.

(10) Section 22651(i)(1) California Vehicle Code - Five or More Parking Violations.

(a) Area commanders should establish guidelines in accordance with local court procedures for accepting evidence of bail for parking citations and registration or for issuing a CHP 215.

(b) The officer shall obtain a supervisor's approval, when possible, or as local policy mandates.

(11) Section 22651(j) California Vehicle Code - Illegally Parked with No License Plates. Use this section when a vehicle is found illegally parked with no license plates or other evidence of registration displayed.

(a) The vehicle may be impounded until the RO or person in control of the vehicle provides evidence of their identity and an address within this state at which they may be located.

(12) Section 22651(k) California Vehicle Code - Parked Over 72 Hours in Violation of Ordinance.

(a) In the Remarks section of the CHP 180, indicate the local ordinance violated which authorized removal.

(b) Officers should be able to articulate a belief that the vehicle has not been moved during the time period (issuance of a CHP 422, Vehicle Check/Parking Warning/Highway Damage Report).

(13) Section 22651(l) California Vehicle Code - Illegally Parked in Cleaning/Construction Area and Signs Posted 24 hours Prior to Removal. In the Remarks section of the CHP 180, indicate the local ordinance that prohibited the standing or parking and state the contents of posted signs (e.g., "No Parking or Stopping Between 6 a.m. and 9 a.m.").

(14) Section 22651(m) California Vehicle Code - Parade Access. Use this section when a highway has been authorized by local authorities for parades, celebrations, fairs, or movement of equipment, articles, or structures of unusual size, and signs are placed 24 hours prior to removal. In the Remarks section of the CHP 180, indicate the local ordinance that allowed the removal and state the contents of the posted signs (e.g., "No Parking or Stopping Between 6 a.m. and 9 a.m.").

(15) Section 22651(n) California Vehicle Code - Resolution or Ordinance Prohibiting Parking. In the Remarks section of the CHP 180, indicate the

resolution or ordinance and state the contents of the posted sign (e.g., “Tow Away Zone, No Parking or Stopping”).

(16) Section 22651(o)(1)(A) California Vehicle Code - Vehicle Registration Expired Six Months. Vehicle is found or operated upon a highway, public land, or an off-street parking facility.

(a) Officers may remove a vehicle for a registration expiration date (i.e., fees due, incomplete registration application) in excess of six months prior to the date the vehicle is located and the concurrence of a supervisor has been obtained, if possible. The requirement to obtain a supervisor’s approval may be waived at the discretion of the Area commander.

(b) Officers should **routinely** check the “Section 22850.3 CVC” box on the CHP 180 to ensure proof of current registration is provided for vehicle release purposes.

1 Officers may remove a vehicle when a VIN inquiry returns with NO RECORD ON FILE.

NOTE: A VIN inquiry automatically checks all states and a NO RECORD ON FILE return indicates no transactions have taken place on the vehicle for four years.

2 Officers shall not remove a vehicle when an inquiry for an out-of-state or California license plate returns with NO RECORD ON FILE.

3 Officers shall not remove a vehicle when an inquiry returns on a vehicle with a suspended registration for evidence of financial responsibility pursuant to Section 4000.38 CVC.

(c) The person in control of the vehicle may be cited for registration violation Section 4000(a)(1) CVC under the following circumstances:

1 When a registration inquiry returns with a “Pending Master File” record, the vehicle is not properly registered.

(d) Generally, officers should not cite in addition to removing a vehicle. Section 22850.3 CVC provides that a vehicle may not be released until proper registration is presented.

(e) Vehicle release procedures pursuant to Section 22651(o)(1)(A) CVC.

1 The vehicle shall be released under either of the following circumstances:

a The RO or person in control of the vehicle furnishes proof of current registration and a valid driver license.

b The LO or LO's agent, without payment of any fees, fines, or penalties for parking tickets or registration and without proof of current registration, if the vehicle will only be transported pursuant to the exemption specified in Section 4022 CVC (repossession) and the LO does all of the following:

1/ Pays the towing and storage costs.

2/ Completes an affidavit in a form acceptable to the impounding agency stating the vehicle was not in possession of the LO at the occurrence of an offense relating to standing or parking.

NOTE: A vehicle released to the LO is a repossessed vehicle for purposes of disposition or sale. If the vehicle is sold by the LO, the impounding agency has a lien upon any surplus that remains upon the sale of the vehicle. The impounding agency has a deficiency claim against the RO for the full amount of parking penalties/notice of parking violations issued for the vehicle. Upon receipt of any surplus money, the LO shall promptly remit the surplus to the impounding agency for processing notices of parking penalties/notices of parking violation issued by the impounding agency.

(17) Section 22651(o)(1)(B) California Vehicle Code - Displaying Registration Not Issued to Vehicle. Vehicle is found or operated upon a highway, public land, or an off-street parking facility and displays registration, identification card, license plate, special plate, or registration sticker not issued for that vehicle.

(a) Vehicle release procedures pursuant to Section 22651(o)(1)(B) CVC.

1 The vehicle shall be released under either of the following circumstances:

a The RO or person in control of the vehicle furnishes proof of current registration and a valid driver license.

b The LO or LO's agent, without payment of any fees, fines, or penalties for parking tickets or registration and without proof of current registration, if the vehicle will only be transported

pursuant to the exemption specified in Section 4022 CVC (repossession) and the LO does all of the following:

1/ Pays the towing and storage costs.

2/ Completes an affidavit in a form acceptable to the impounding agency stating the vehicle was not in possession of the LO at the occurrence of an offense relating to standing or parking.

NOTE: A vehicle released to the LO is a repossessed vehicle for purposes of disposition or sale. If the vehicle is sold by the LO, the impounding agency has a lien upon any surplus that remains upon the sale of the vehicle. The impounding agency has a deficiency claim against the RO for the full amount of parking penalties/notice of parking violations issued for the vehicle. Upon receipt of any surplus money, the LO shall promptly remit the surplus to the impounding agency for processing notices of parking penalties/notices of parking violation issued by the impounding agency.

(18) Section 22651(o)(1)(C) California Vehicle Code - Displaying False Registration. Vehicle is found or operated upon a highway, public land, or an off-street parking facility and displays an altered, forged, counterfeit, or falsified license plate, special plate, registration sticker, registration card, identification card, temporary receipt, or permit.

(a) Vehicle release procedures pursuant to Section 22651(o)(1)(C) CVC.

1 The vehicle shall be released under either of the following circumstances:

a The RO or person in control of the vehicle furnishes proof of current registration and a valid driver license.

b The LO or LO's agent, without payment of any fees, fines, or penalties for parking tickets or registration and without proof of current registration, if the vehicle will only be transported pursuant to the exemption specified in Section 4022 CVC (repossession) and the LO does all of the following:

1/ Pays the towing and storage costs.

2/ Completes an affidavit in a form acceptable to the impounding agency stating the vehicle was not in possession of the LO at the occurrence of an offense relating to standing or parking.

NOTE: A vehicle released to the LO is a repossessed vehicle for purposes of disposition or sale. If the vehicle is sold by the LO, the impounding agency has a lien upon any surplus that remains upon the sale of the vehicle. The impounding agency has a deficiency claim against the RO for the full amount of parking penalties/notice of parking violations issued for the vehicle. Upon receipt of any surplus money, the LO shall promptly remit the surplus to the impounding agency for processing notices of parking penalties/notices of parking violation issued by the impounding agency.

(19) Section 22651(p) California Vehicle Code - Unlicensed/Suspended Driver. Officers shall use the most appropriate vehicle impound authority when they encounter a driver who is unlicensed or has a suspended/revoked license. Consideration should be given to previous actions which have failed to deter the driver. This section should be used unless circumstances warrant a more severe action. The Area commander may waive the requirement to obtain a supervisor's approval.

(a) All of the following conditions shall be satisfied prior to impounding a vehicle pursuant to Section 22651(p) CVC:

1 The officer has taken reasonable precautions to ensure the driver is unlicensed or that the driving privilege is suspended or revoked at the time of the enforcement contact.

2 If it is determined that the person's driving privilege is suspended or revoked, the officer shall ensure that a notice of revocation or suspension was delivered under DMV Service Code A, B, D, H, I, J, or M. A list of these DMV Service Codes follows:

A – Mailed, not returned, unclaimed, suspension issued before 6 - 30-95.

A – Certified mail, suspension issued after 6-30-95; driver properly served once 45 calendar days have passed from service date.

A – Mailed, not returned, unclaimed, suspension issued after 9 - 30-02.

B – Served, signed document on file; driver properly served.

D – Personal service document on file; driver properly served.

H – Acknowledged, no signature; driver properly served.

I – Returned unclaimed; issue DL 310A, “Verbal Notice by Peace Officer, DMV, or Court Employee.”

J – Personal service by an officer; driver properly served.

M – Verbal by court, DMV, or law enforcement; driver properly served.

3 The driver has been cited for a violation of Sections 12500(a), 14601(a), 14601.1(a), 14601.2(a), 14601.3(a), 14601.4(a), or 14601.5(a) CVC.

(b) A computer inquiry message “VERBAL OR PERSONAL SERVICE IS NEEDED” will display on a driver record only when Service Codes “I-Returned unclaimed,” “K-Refused,” or “R-Personal service unsuccessful” are present, or when Service Code “A” is displayed with a service date prior to June 30, 1995.

(c) An officer shall immediately issue a DL 310A, Verbal Notice by Peace Officer, DMV or Court Employee, on any Service Code “I,” “K,” or “R” and on any Service Code “A” issued prior to June 30, 1995. Under these circumstances, the vehicle shall not be removed unless further evidence of suspension can be substantiated. Further evidence includes statements by the driver, passengers, or other documentation.

(d) Officers may also remove a vehicle pursuant to Section 22651(p) CVC when the driver has a valid license, but the license is for a class of vehicle other than the vehicle operated by the driver (violation of Section 12500[b], [c] or [d] CVC). (Refer to HPM 100.68, Traffic Enforcement Policy Manual, Chapter 2, Arrest Policies).

(20) Section 22651(q) California Vehicle Code - Parked Over 24 Hours, Common Interest Development. A vehicle which is parked over 24 hours upon a highway within the boundaries of a common interest development which has posted signs prohibiting parking over 24 hours. A common interest development means any of the following:

(a) A community apartment project.

(b) A condominium project.

(c) A planned development.

(d) A stock cooperative.

(21) Section 22651(r) California Vehicle Code - Illegally Parked. Use this section when an illegally parked vehicle blocks the movement of a legally parked vehicle.

(22) Section 22651(s) California Vehicle Code - Roadside Rest Area or Viewpoint. A roadside rest area or viewpoint is a publicly maintained parking area, adjacent to a highway, utilized for the safe stopping of a vehicle to enable motorists to rest or view the scenery. A vehicle may be removed from a rest area or viewpoint under the following conditions:

(a) A CHP 422, Vehicle Check/Parking Warning/Highway Damage Report, has been properly completed and posted on a vehicle that has been stopped, parked, or left standing for more than eight hours prior to its removal.

(b) A CHP 422 has been properly completed and posted on a commercial motor vehicle (commercial motor vehicle as defined pursuant to Section 15210[b][1] CVC) that has been stopped, parked, or left standing for more than ten hours prior to its removal.

(c) Exception(s) are made for highway maintenance or construction equipment, an authorized emergency vehicle, or a vehicle which is properly permitted or authorized by the California Department of Transportation (Caltrans) to be parked there.

(23) Section 22651(t) California Vehicle Code - Activated Warning Lights on Private Security Vehicles on a Highway. Officers may use this authority to remove a private security agency's vehicle if the flashing amber warning light system is activated while the vehicle is on the highway, unless directed by a peace officer.

(a) A CHP 215 shall be issued for a violation of Section 25279(b)(2) CVC prior to the vehicle's removal.

(24) Section 22651(u) California Vehicle Code - Unlicensed, Expired, Suspended, or Revoked Dealer's License. Officers may use this authority to store a vehicle if a person acting as a dealer, manufacturer, remanufacturer, transporter, or branches thereof, without a valid dealer's, manufacturer's, etc. license.

(a) A CHP 215 shall be issued for a violation of Section 11700 CVC prior to the vehicle's removal.

(b) A supervisor's approval shall be obtained.

(25) Section 22651(w) California Vehicle Code - Removal of a vehicle from a public street which has been parked or left standing on a public street with advertising signs on it in violation of a local ordinance/resolution pursuant to Section 21100(p)(1) CVC and a prior warning citation for Section 21100(p)(1) CVC has been issued.

NOTE: Section 21100(p)(1) CVC does not apply to advertising signs which have been painted directly upon or permanently affixed to a vehicle and does not exceed the overall length, width, or height of the vehicle.

j. Section 22651.2(a) California Vehicle Code - Vehicle with Signs Advertising an Event. If the impound authority addresses a specific identifiable problem which would require the use of this section, Areas should develop local policy and consult with local authorities to obtain the required notices.

k. Section 22651.3 California Vehicle Code - Removal and Impoundment of a Vehicle from an Off-Street Parking Facility.

(1) Area commanders should establish guidelines in accordance with local court procedures for accepting evidence of bail for parking citations or for issuing a CHP 215.

NOTE: Area commanders shall ensure that the local court jurisdiction will accept and process a CHP 215 for parking violations.

(2) The officer must have knowledge that no response by the owner or agent has been made to the court.

NOTE: No response or bail deposit may be evidenced by the subject's parking citations remaining on the vehicle.

(3) Section 4000(a)(2) CVC defines an off-street public parking facility as any publicly owned parking facility or a privately owned parking facility for which no fee is charged to park and is open for the public use of retail customers. Section 4000(a)(3) CVC does not apply to any vehicle stored in a privately owned off-street parking facility by, or with the owner of the privately owned off-street parking facility's expressed permission.

l. Section 22651.4 California Vehicle Code - Impoundment of Foreign Commercial Vehicles. A foreign commercial vehicle registered in or from another country and operated outside a designated commercial zone may be impounded when the required operating authority from the United States Secretary of the Department of Transportation has not been obtained under all of the following conditions:

(1) The officer is currently involved in the Commercial Enforcement Program.

(2) The officer has obtained a supervisor's approval.

(3) The driver has been issued a citation for the following:

(a) Section 34517(a) CVC for impound Section 22651.4(a) CVC or
Section 34518(b) CVC for impound Section 22651.4(b) CVC.

(4) A foreign commercial vehicle may also be impounded for
Section 22651.4(c) CVC when the RO or driver has failed to pay registration,
regulatory, fuel permit, or other fees, or has an outstanding warrant in a county
in the state.

(a) A commercial vehicle impounded for Section 22651.4(c) CVC shall be
released upon payment of those fees/fines or the posting of bail.

(5) A complete inventory of the cargo, including a notation of its condition, has
been conducted.

(a) Any perishable cargo should be released to the owner as soon as
practicable. Arrangements should be made with the owner to recover any
perishable cargo at a safe location, such as the storage yard. In no
instance shall the cargo be off-loaded from the impounded commercial
vehicle at the commercial inspection or scale facility or on the side of the
highway.

1 All reasonable and appropriate steps should be taken to ensure
that the perishable cargo is not damaged.

2 Any cargo released to the owner or agent shall be noted on the
CHP 180.

3 The vehicle owner is responsible for the impoundment and storage
charges and is entitled to a hearing pursuant to Section 22852 CVC.

m. Section 22651.5(a) California Vehicle Code - Vehicle Theft Alarm. This section
allows for the removal of a vehicle upon the complaint of any person for a vehicle
which is parked within 500 feet of any occupied school, community college, or
university during normal hours of operation, or a vehicle parked within a residence
or business district, from a highway or from public or private property if the vehicle's
theft alarm has been continuously or intermittently and repeatedly activated, and
the officer is unable to locate the vehicle's owner within 20 minutes from the time of
arrival and the vehicle theft alarm device has not been completely silenced.

n. Section 22651.6 California Vehicle Code - Vehicle Removal: Speed Contest. Officers may remove a vehicle which was used in a speed contest and the driver was arrested and taken into custody for a violation of Section 23109(a) CVC.

o. Section 22651.9(a) California Vehicle Code - Removal of Vehicles for Sale.

(1) Area commanders shall meet with local authorities, when applicable, to provide input regarding any streets or public lands, to be included in the local ordinances and/or resolutions pursuant to this section.

(2) Area commands shall obtain the notices of parking violation required by Section 22651.9(a)(2) CVC from the local authorities. The notices of parking violation shall be distributed to Area personnel. All citations issued pursuant to the local ordinance prohibiting parking for the purpose of advertising to the public the private sale of the vehicle shall be accompanied by the required notice of parking violation.

(3) Area commanders should establish agreements with the local authorities, when applicable, regarding the designation of responsibility for the removal of vehicles pursuant to Section 22651.9(a) CVC.

p. Section 22652(a) California Vehicle Code - Vehicle Removal from Disabled Person's Parking Space.

(1) Section 22652(a) CVC - may remove a vehicle from a stall or space designated for physically disabled persons pursuant to Sections 22507.8, 22511.7, and 22511.8 CVC.

(2) Section 22652(b) CVC - may remove a vehicle parked in a disabled person's parking space in a private, public, or off-street parking facility if posted under requirements of Section 22518(a) and (d) CVC.

q. Section 22652.6 California Vehicle Code - Vehicle Removal, Local Ordinance from Disabled Person's Parking Space. Local ordinance/resolution prohibiting parking in disabled person's parking space pursuant to Section 22511.57 CVC.

r. Section 22653 California Vehicle Code - Removal from Private Property.

(1) Section 22653(a) CVC allows the removal of a previously reported stolen or embezzled vehicle.

(2) Section 22653(b) CVC may, after a reasonable amount of time, remove a vehicle involved in Section 20002 CVC and no owner is available to grant permission for the vehicle removal.

(3) Section 22653(c) CVC driver arrested and taken forthwith to magistrate, private property owner requests vehicle removed from their property.

s. Section 22654 California Vehicle Code - Authorization for Moving/Removal of a Vehicle.

(1) Section 22654(a) CVC – allows for the removal and storage of a vehicle which is standing upon a highway and in violation of Sections 22500 (unlawful stopping, standing, or parking) or 22504 CVC (unincorporated area, parking at school bus stop).

(2) Section 22654(e) CVC - allows for the removal/storage of an unoccupied vehicle which has been parked/standing upon a highway so as to obstruct emergency services or the routing of traffic at a disaster scene. This section may be used if impractical to move the vehicle to another location. If the vehicle was lawfully parked, no moving/storage charges shall be assessed against the driver or RO.

t. Section 22655(a) California Vehicle Code - Impounding Vehicle for Investigation. Use this section for the purpose of inspection when an officer has reasonable cause to believe that a vehicle has been involved in a hit and run collision on a highway or private property which is open to the public, and the driver has failed to comply with Sections 20002 through 20006 CVC.

(1) A supervisor's approval shall be obtained prior to impounding.

(2) The vehicle shall be released to the owner upon the expiration of 48 hours from its removal.

(a) Weekends and holidays are not included when determining the 48-hour period.

(3) Area commanders should ensure post-storage hearing opportunities are afforded to the RO or party of interest.

(4) The RO or agent is responsible for towing and storage fees.

(5) If the vehicle needs to be held as evidence, it may be retained under the authority of Section 22655.5 CVC.

(a) Notify the evidence officer to arrange transfer of the vehicle to the evidence contract provider, if applicable. Amend the CHP 180 following the procedures in Chapter 1 of this manual.

u. Section 22655.3 California Vehicle Code - Removal for Investigation. Use this section for a vehicle used in fleeing or evading in violation of Section 2800.1 or 2800.2 CVC for the removal of a vehicle from property other than the ROs for the purpose of investigation, identification, and apprehension of the driver when the driver abandons the vehicle.

(1) Attempts to contact the RO shall be made as soon as possible to determine who had possession of the vehicle and if they had express or implied consent to drive the vehicle. Implied consent may be considered when the RO states that the driver did not have permission but does not wish to file a stolen vehicle report. Information obtained should be entered in the arrest/investigation report to assist in establishing financial responsibility for the towing and storage charges.

(2) The vehicle shall not be removed/impounded under this section if the driver is arrested prior to the tow truck's arrival or the RO is in the vehicle.

(3) If after removing a vehicle it is determined that the vehicle is stolen, the authority shall be changed to Section 22651(c) CVC to recover the vehicle.

(4) A supervisor's approval shall be obtained prior to impounding.

(5) All towing and storage fees are the responsibility of the RO, unless the vehicle was stolen or taken without permission.

v. Section 22655.5 California Vehicle Code - Vehicles Impounded for Evidence: Lien Charges.

(1) Section 22655.5(a) CVC allows for the removal of a vehicle found upon a highway or public or private property and the officer has probable cause to believe the vehicle was used as the means of committing a public offense, or a search warrant.

(2) Section 22655.5(b) CVC allows for the removal of a vehicle found upon a highway or public or private property and the officer has probable cause to believe the vehicle is itself evidence which shows that a crime has been committed, or the vehicle contains evidence which cannot be removed readily and shows that a crime has been committed, or a search warrant.

(a) When the vehicle itself constitutes evidence and/or needs scientific examination, as opposed to merely acting as a "container" of incriminating articles, it may be seized without a warrant, and wait until later for an examination performed in accordance with sound scientific procedures (refer to California Peace Officers Legal Source Book).

(3) Admissible evidence must be relevant, reliable, non-prejudicial, properly collected, documented and preserved, and not collected in violation of the defendant's constitutional rights (refer to California Peace Officer's Legal Source Book).

(4) A supervisor's approval shall be obtained prior to impounding.

(5) A CHP 180 and a CHP 36, Evidence/Property Receipt/Report, shall be completed for any vehicle seized as evidence.

(a) The evidence tow contractor shall sign the CHP 180 and CHP 36 (refer to Management Memorandum [MM] 011-047, Revised Policy Regarding Vehicles Seized as Evidence).

(6) A vehicle should not be seized as evidence for possible civil litigation at a later time.

(a) Officers have no affirmative duty to secure information or preserve evidence for civil litigation when officers have come to the aid of injured or stranded motorists. (*Williams v. State of California* [1983] 192 Cal. Rptr. 233.)

(7) If another storage authority applies, such as Section 22651(h) CVC, In-Custody; Section 22655(a) CVC, Hit and Run; Section 22655.3 CVC, Evading a Peace Officer, and the vehicle is not needed for evidence, that section should be used.

(8) Refer to MM 11-047 for policy regarding vehicles seized as evidence.

(a) District Attorney Notification. In order to avoid jeopardizing cases and to ensure the county is advised of vehicular evidence seizures that are pending, commanders shall provide notification to the local district attorney (DA) within 72 hours of the seizure, not including weekends or holidays.

(b) In cases where a vehicle is seized as evidence of a crime when no arrest is made, commanders shall ensure the vehicle is inspected and/or processed in a timely manner.

(c) Vehicle Evidence Release Procedures. The evidence officer shall ensure the RO or LO is notified in writing by certified mail, return receipt requested, when a vehicle is no longer necessary as evidence or has been released by the DA's office (refer to MM 11-047).

1 Vehicles impounded under the authority of a search warrant cannot be released except by a court order, pursuant to

Section 1536 Penal Code (PC).

NOTE: This requirement applies only to those items specifically listed on the search warrant.

(d) Lien Fees. No lien shall be attached to a vehicle removed under this section unless it was used by the alleged perpetrator of the crime with the express or implied permission of the owner of the vehicle. The CHP is responsible for towing and storage charges until the case is filed or the case is rejected by the DA's office (Attorney General's [AG] Opinion 85-804).

1 No lien shall be assigned to vehicles held under authority of a search warrant. The CHP is responsible for towing and storage charges until vehicle is released by a court order. (AG Opinion 84-106).

w. Section 22656 California Vehicle Code - Removal from Railroad Right-of-Way. Officers may remove a vehicle that is parked or abandoned upon any track or within 7 ½ feet of the nearest rail. A vehicle may be removed if parked beyond 7 ½ feet of the nearest rail, but within the right-of-way of a railroad, street railway, or light rail, if signs are posted giving notice that vehicles may be removed.

x. Section 22658 California Vehicle Code - Removal from Private Property. The Department generally does not conduct private property impounds.

y. Section 22659 California Vehicle Code - Removal from State Property. This section allows for the removal of a vehicle from state property (rented or leased) under the following circumstances:

(1) Section 22659(a) CVC allows for the removal of an illegally parked vehicle where signs are posted giving notice of violation and removal.

(2) Section 22659(b) CVC allows for the removal of a vehicle when an officer arrests a person driving or in control of a vehicle for an alleged offense.

(3) Section 22659(c) CVC allows for the removal of a vehicle when a report has been made that the vehicle is stolen or a complaint has been filed and a warrant issued charging that the vehicle has been embezzled.

(4) Section 22659(d) CVC allows for the removal of a vehicle when the person in charge of a vehicle is, by reason of physical injuries or illness, incapacitated to the extent that they are unable to provide for its custody or removal.

z. Section 22659.5 California Vehicle Code - Local Ordinance for Nuisance Abatement. This section allows a city or county to adopt an ordinance declaring a vehicle a nuisance subject for up to a 30-day impoundment if it is involved in the commission of specified crimes related to prostitution or the illegal dumping of commercial quantities of waste matter upon a public or private highway/road.

(1) The specified crimes are Section 266(h), 266(i), or 374.3(h) PC, relating to prostitution or 647(b) PC, relating to the dumping of commercial quantities of waste matter upon a public or private highway/road.

(2) The vehicle may only be impounded under the following conditions:

(a) There is an ordinance adopted by a city or county declaring a vehicle a nuisance.

(b) A valid arrest of the driver for a violation of these provisions.

(c) The owner/operator has a prior conviction for the same offense within the past three years or as stipulated by the ordinance.

(d) A RO is required to be present in the vehicle at the time of the violation of these provisions.

(e) A supervisor's approval shall be obtained.

(3) An early release of a vehicle impounded for Section 22659.6 CVC shall occur under any of the following:

(a) If the driver was arrested without probable cause.

(b) The vehicle is a stolen vehicle.

(c) The vehicle is a rental car and is released to the rental car agency.

(d) The RO was neither the driver nor a passenger at the time of the violation.

(e) The RO was unaware the driver was engaged in the aforementioned activities.

(f) A spouse, registered domestic partner, or other affected third party objects to the impoundment on the grounds that it creates a hardship, if the vehicle is the sole vehicle of the household or the length of the impoundment outweighs the seriousness of the act in which the vehicle was used.

(g) The driver is not the sole RO of the vehicle.

(h) The vehicle is subject to bailment and was driven by an unlicensed employee of a business establishment, including a parking service or repair garage.

NOTE: If the vehicle is released to another RO, under “the driver is not the sole RO of the vehicle,” that RO shall sign an early release letter and agree to not allow the driver to use the vehicle until the end of the impoundment period.

(4) In the Remarks section of the CHP 180, indicate the ordinance violated which authorized the impoundment.

aa. Section 22669 California Vehicle Code - Removal of Abandoned Vehicles. To prevent claims against the Department for the unlawful removal of abandoned vehicles, a CHP 422, Vehicle Check/Parking Warning/Highway Damage Report, shall be utilized pursuant to GO 100.45.

(1) Section 22669(a) CVC allows for the removal of a vehicle when an officer has reasonable grounds to believe the vehicle has been abandoned pursuant to Section 22523 CVC from a highway or from public/private property.

(2) Section 22669(d) CVC allows for the removal of a vehicle which has been parked, resting, or otherwise immobilized on a highway or public right-of-way and which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part/equipment necessary to operate safely on the highway.

bb. Section 23109.2(a) California Vehicle Code - Vehicle Impoundment: Speed Contests and Reckless Driving. This section allows for the removal of a vehicle for not more than 30 days when an officer arrests and takes into custody a person who has been involved in the following:

(1) A speed contest, pursuant to Section 23109(a) CVC.

(2) Reckless driving on a highway, pursuant to Section 23103(a) CVC.

(3) Reckless driving in an off-street parking facility, pursuant to Section 23103(b) CVC.

(4) Exhibition of speed on a highway, pursuant to Section 23109(c) CVC.

(a) A supervisor’s approval shall be obtained.

NOTE: The Department is responsible for towing/storage charges if acquittal or dismissal of the charge(s) occurs. Consideration should be given to previous actions which have failed to deter the driver and any possible adverse operational impacts upon the Department.

(b) Because of the financial liability imposed upon the impounding agency, members of this Department should use this section only if a flagrant violation has occurred and no other impound authority reasonably applies to the situation.

(c) The vehicle shall be released to the RO under the following circumstances:

1 RO was neither the driver nor a passenger at the time of the violation.

2 RO was unaware the driver was using the vehicle to engage in any of these violations.

cc. Section 23118(a)(1) California Vehicle Code - Unlicensed Repossessor: Tow Vehicle Impoundment. An officer may present a magistrate with an affidavit establishing reasonable cause that the vehicle described in the affidavit is being operated in violation of Section 7502.1 of the Business and Professions Code and obtain a warrant or court order for the immediate seizure of the vehicle.

dd. Section 27159 California Vehicle Code - Diesel Vehicles: Excessive Pollution: Removal from Service. This section is to be used by CHP officers only when requested by California Air Resources Board (CARB) personnel to remove a vehicle previously cited by the CARB for pollution violations from service pursuant to Section 44011.6(f) of the Health and Safety Code.

(1) Supervisory approval shall be obtained prior to impounding a vehicle under this section. The supervisor shall ensure that necessary forms have been provided by the requesting CARB inspector and consider the totality of circumstances in determining the appropriateness of the vehicle's removal.

(a) Consideration for preservation of the load should be a priority when deciding to impound loaded trucks (e.g., livestock trucks, refrigerated loads).

(b) The power unit is the only vehicle subject to removal under this section. Supervisors should ensure the driver contacts their terminal, the vehicle's owner, or a company representative/agent to assume responsibility for towed vehicles/loads.

(2) A CARB "Request For Vehicle To Be Placed Out Of Service By The California Highway Patrol," form ED-001, shall be provided by CARB to the removing CHP officer. Copies of the completed request will be provided to the vehicle driver.

(a) The officer will check the Agency Hold box on the CHP 180 and supply the CARB inspector a copy of the CHP 180 upon request.

(b) The CARB form ED-001 will be attached to and submitted with the CHP 180. In addition, the storing officer shall include the following statement in the "Remarks" section of the CHP 180, **"IMPOUND PURSUANT TO REQUEST FROM CARB. RELEASE ONLY UPON CARB AUTHORIZATION."**

(c) The officer will insert CARB contact information under the "Storing Agency" section, which is located on the reverse side of the two half sheets (pages 2 and 3 of the CHP 180).

(3) Vehicles removed at the request of a CARB inspector shall be released upon written notification from the CARB to the tow company. The CARB form ED-001 includes a section to facilitate this process.

(4) Although the CHP is only acting as an agent for the agency directing the removal for the CARB, the responsibility for compliance with Section 22852 CVC, Notice to Owner: Poststorage Hearing, will be distributed as follows:

(a) The CHP will address notification requirements to the RO and LO of the vehicle. A copy of CARB's form ED-001, which contains post-storage hearing information, shall be included with the notices.

(b) As the agency directing the removal, CARB will arrange for and conduct all post-storage hearings. The CARB is also responsible for costs incurred for removal and storage if it is determined that reasonable grounds for the removal and storage were not properly established.

(c) Upon receiving a request for a post-storage hearing, CARB will coordinate CHP representation in order to ensure the ability to answer questions regarding CHP involvement.

ee. Section 34506.4(a) California Vehicle Code - Removal of Certain Unsafe Vehicles.

(1) Only those officers who have successfully completed the Department's Commercial Enforcement Training Course and are currently involved in the

Department's Commercial Enforcement Program may use Section 34506.4(a) CVC as the storage authority, and then only with the approval of a supervisor.

(a) When impounding a vehicle for Section 34506.4(a) CVC, the officer and supervisor shall ensure the vehicle's condition meets the "out-of-service" requirements contained in HPM 82.6, Commercial Enforcement Manual, Chapter 3, Inspection Policies.

(b) If an out-of-service condition is discovered on the highway, and the condition permits restricted movement under Section 24004 CVC, the driver should be allowed to move the vehicle to a place of repair near the location of the violation.

(2) All post-storage hearing requirements shall apply.

ff. Section 34506.4(b) California Vehicle Code - Removal of Farm Labor Vehicles.

(1) Only those officers who are certified as a Farm Labor Vehicle (FLV) officer may impound an FLV for Section 34506.4 (b) CVC, and then only with the approval of a supervisor.

(2) When removing an FLV, officers shall obtain the name and telephone number of the farm employer(s) from the driver or occupants. The information shall be provided to the CHP communications center, which shall make reasonable attempts to notify the farm employer(s). The communications center shall provide the dispatch log number associated with attempts to contact the farm employer(s) to the impounding officer, and the efforts shall be documented on the associated CHP 180.

(3) An officer storing/impounding an FLV shall make arrangements for transportation of the farm laborers to the nearest safe location or to their place of employment, whichever is closer and reasonable.

(4) Although previous violations impact the length of time FLVs are held in impound, there are no current formal or informal means at the departmental level to track FLVs which have been previously impounded.

(a) Enforcement Procedures - An FLV officer may utilize the following methods to determine if an FLV has been previously impounded:

1 The same FLV officer previously impounded the FLV, or has knowledge that another FLV officer has previously impounded the FLV.

2 The DMV record of storage/impound.

NOTE: Storage/impound records stay in the system for 30 days, after which time the record is no longer available.

3 Verification through local CHP Area vehicle storage/impound files.

(b) Upon the initial and any subsequent enforcement stops of an FLV, a certified FLV officer shall take appropriate enforcement action pursuant to HPM 82.6, Chapter 14, Farm Labor Vehicle Inspection Program.

(c) The FLV officer shall write in the body of the appropriate enforcement document, "Driver advised of 2800(b) CVC." This notation shall be included on the CHP 350, Farm Labor Vehicle (FLV) Inspection.

(d) When completing the CHP 180, the Agency Hold box shall be checked. The officer shall identify one of the following impound authorities and time frames, as appropriate:

1 Section 34506.4(b)(1) CVC - 24 hours for a first violation of Sections 2800(b), 24002.5(a), or 31402(a) CVC.

2 Section 34506.4(b)(2) CVC - Not less than 10 days for a second violation of Sections 2800(b), 24002.5(a), or 31402(a) CVC, or any combination of two of these provisions if the equipment or maintenance violation has not been repaired.

3 Section 34506.4(b)(3) CVC - Not less than 30 days for a third or subsequent violation of Sections 2800(b), 24002.5(a), or 31402(a) CVC, or any combination of three or more of these provisions if the equipment or maintenance violation has not been repaired.

(e) The FLV officer shall include the following information in the remarks section of the CHP 180:

1 Driver's name.

2 Driver license number.

3 Company or farm labor contractor's name, if applicable.

4 Indicate if this is a second or subsequent offense and how verification was obtained, as indicated in section ff. (4). A copy of any previous documentation should be attached to the CHP 180 for reference.

(f) The CHP 180 shall be sent to the RO, pursuant to Section 22852 CVC.

(g) Section 34506.4(b) CVC - Release Procedures.

1 An FLV shall be released at the end of the specified impound time frame under either of the following conditions:

a Satisfactory proof that the vehicle has been repaired to comply with existing law or,

b Satisfactory proof that the vehicle will be lawfully moved or transported to a place of repair.

2 The RO or LO of record at the time of impound may request a hearing to determine the validity of the impound pursuant to Section 22852 CVC.

gg. Section 34506.5 California Vehicle Code - Farm Labor Vehicles: Forfeiture.

(1) Farm Labor Vehicles that have been previously impounded for a second or subsequent time pursuant to Section 34506.4 (b)(3) CVC, 30-day impound, may be forfeited if the local DA's office participates in the vehicle forfeiture procedures outlined in Section 14607.6 CVC. (Refer to Section 14607.6 CVC, Vehicle Forfeiture for Driver License Violations.)

(2) The RO or LO of record at the time of impoundment may request a hearing to determine the validity of the impoundment pursuant to Section 14607.6(n) CVC.

hh. Section 34660(d) California Vehicle Code - Vehicle Impound: Suspended Motor Carrier Permit. Only those officers who have successfully completed the Department's Commercial Enforcement Training Course and are currently involved in the Department's Commercial Enforcement Program and have obtained a supervisor's approval may use Section 34660(d) CVC.

(1) This section may be utilized to impound a vehicle or combination of vehicles after their motor carrier permit has been suspended and they continue to operate as a motor carrier.

(2) The vehicle(s) is found upon a highway, any public lands, or an off-street parking facility.

(3) The vehicle(s) shall be released to the RO or their agent upon proof of current registration, a valid driver license of the appropriate class, and proof of a valid motor carrier permit.

3. OTHER VEHICLE REMOVAL AUTHORITIES.

a. Section 731 Streets and Highways Code - Vending from a State Highway.

Section 731 Streets and Highway Code states that officers may immediately remove any vehicle or structure parked or placed within any state highway for the purpose of vending.

(1) Exemptions are granted to:

(a) A seller taking orders or delivering any commodity immediately adjacent to the premises of the purchaser.

(b) Owners, operators, or mechanics working on a temporarily disabled vehicle.

(2) Owners are entitled to post-storage hearings under this section.

b. Section 5133(c) Public Utilities Code - Household Goods Carriers. This section states that officers may immediately remove any vehicle used in the business of transporting household goods and personal effects if the household goods carrier does not possess a valid permit or operating authority. Such operation would be defined as a public nuisance.

(1) At the request of the California Public Utilities Commission (CPUC), the AG, DA, City Attorney, or County Counsel, an officer may impound the vehicle for a period not to exceed 72 hours in order to enable the requesting agency to abate the public nuisance, to obtain an order from the superior court of the county in which the vehicle has been impounded to prevent the use of the vehicle in violation of the law, and to obtain any other remedy available under law as permitted by Section 5316 Public Utilities Code (PUC).

(2) Although this section of the PUC provides for removal and impoundment of these vehicles, it shall not be used by members of this Department unless specifically requested by the CPUC, the AG, DA, City Attorney, or County Counsel. If a member of this Department is specifically requested to remove such a vehicle, there shall be a mutual agreement between the agency and the Department establishing provisions for post-storage hearings, conditions for release of the vehicle and financial responsibility.

c. Section 5411.5(a) Public Utilities Code - Charter-Party Carrier. This section allows an officer to impound a charter-party carrier of passenger vehicles within 100 feet of a public airport or within two miles of the California/Mexico border when there is an arrest of the driver for operating a charter-party carrier without a valid CPUC certificate/permit (Section 5411 PUC).

(1) A supervisor's approval shall be obtained prior to impoundment.

NOTE: The Department is responsible for towing/storage charges if acquittal or dismissal of the charge(s) occurs. Consideration should be given to previous actions which have failed to deter the driver.

d. Section 53075.6 Government Code - Unlicensed Taxicabs. This section allows an officer to impound an unlicensed taxicab when an officer arrests the driver for operating a taxicab in violation of a local ordinance and the offense occurred 100 feet of a public airport or within two miles of the California/Mexico border.

(1) A supervisor's approval shall be obtained prior to impoundment.

NOTE: The Department is responsible for towing/storage charges if acquittal or dismissal of the charge(s) occurs. Consideration should be given to previous actions which have failed to deter the driver.

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ANNEX A

LEGISLATIVE INTENT OF SECTION 14602.6 CALIFORNIA VEHICLE CODE

MOTION TO PRINT IN JOURNAL

Senator Kopp moved that the following letters be printed in the Journal.

Motion carried.

Sacramento, August 31, 1994

The Honorable Bill Lockyer
Senate President pro Tempore

Dear Senator Lockyer: This letter is to ensure accurate interpretation of two provisions in Senate Bill 1758 related to the operation of vehicles by unlicensed drivers.

With respect to the vehicle impound and storage provisions in Vehicle Code Section 14602.6, SB 1758 is intended to address culpable conduct by the owner-operator of a vehicle. It is not intended to impose a 30-day impound penalty on a vehicle owner under the following circumstances: when the vehicle has been stolen; when the vehicle is subject to bailment and driven by an unlicensed employee of a business establishment, including a parking service or repair garage; or when the owner has not knowingly allowed an unlicensed person to drive.

With respect to the provisions of Vehicle Code Section 14604, it is intended that lenders and lessors have complied with the requirement to make a "reasonable effort or inquiry to determine whether the prospective driver possesses a valid driver's license" if the lender or lessor has inquired whether the borrower or lessee has a valid driver's license at the inception of the vehicle loan or lease.

Sincerely yours,

SENATOR QUENTIN L. KOPP

Sacramento, August 31, 1994

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ANNEX B

EARLY RELEASE LETTER EXAMPLE

State of California—Business, Transportation and Housing Agency		EDMUND G. BROWN Jr., Governor
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL		
P. O. Box 942898 Sacramento, CA 94298-0001 (916) 843-3340 (800) 735-2929 (TT/TDD) (800) 735-2922 (Voice)		
DATE: _____ File No.: _____ “I, the undersigned, a registered owner (R/O), legal owner (L/O), or agent indicated below, am requesting the early release of the vehicle described below. As a condition of the release, I agree to ensure that the driver indicated below will not have access to said vehicle during the remainder of the 30-day impoundment period ending on _____, pursuant to Section 14602.6 of the California Vehicle Code (CVC). Vehicles released to a rental company may immediately return the vehicle to the rental fleet. Furthermore, I agree to ensure that the driver indicated below will not be given, rented, or provided this vehicle or any other vehicle to drive, until he/she is properly licensed and our company has complied with the provisions of Section 14604 CVC and applicable laws. I accept full liability for the vehicle, its condition and contents as described on the CHP 180, Vehicle Report. All property will be returned to the rightful owner as required by law. I declare under penalty of perjury that all information supplied for the release of this vehicle is true and correct and will ensure that the above provisions are followed.” R/O, L/O, or Agent: _____ Address: _____ Date of Impound: _____ Vehicle: License # _____ Make _____ Model _____ Year _____ Driver at the time of impoundment: _____ Driver's date of birth: _____ R/O, L/O, or Agent Signature: _____ ☐ Early Release Denied Remarks/Comments: _____ _____ _____  <i>Safety, Service, and Security</i><i>An Internationally Accredited Agency</i>		

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ANNEX C

UNITED STATES COURT OF APPEAL FOR THE NINTH CIRCUIT

MIRANDA V. CITY OF CORNELIUS, DECISION

Issue:

In *Miranda vs. City of Cornelius* – F. 3d 858 (2005), a federal appeals court considered whether the police impoundment of a car from an owner's driveway following a traffic infraction was an unreasonable search and seizure in violation of the fourth and fourteenth amendments of the United States Constitution. The federal appeals court found no valid public safety purpose for impounding the vehicle and ruled the seizure violated the constitutional rights of the owner.

Facts:

In the City of Cornelius, Oregon in 2003, Jorge Miranda was providing a driving lesson to his wife, Irene Miranda, in his car. A city police officer observed Mrs. Miranda driving poorly and followed the vehicle until she pulled into the driveway of their home. The officer determined Mrs. Miranda was unlicensed and cited her for driving without a license, as well as citing Mr. Miranda for allowing an unlicensed driver to drive and impounded his vehicle. A city ordinance authorized police to tow a vehicle, without prior notice, if an officer reasonably believed the driver was unlicensed. Mr. Miranda retrieved the vehicle the following day after paying towing and impound fees. The Mirandas sued the city claiming unreasonable seizure and a violation of their due process rights for not being notified of the tow and provided an opportunity to contest it. The district court upheld the seizure on the ground the Mirandas had no reasonable expectation of privacy in their parked car on their unenclosed driveway. The Mirandas appealed.

Appellate Court Decision:

The United States Court of Appeals cited a United States Supreme Court ruling in *South Dakota v. Opperman* (428 U.S. 364, 96 S.Ct. 3092 [1976]), to determine whether the police could justify the seizure under the "community caretaking" function. In *South Dakota v. Opperman*, the Supreme Court defined that as the right to impound vehicles which "jeopardize public safety and the efficient movement of vehicular traffic." The court of Appeals found the Mirandas car parked in their driveway posed no such threat to safety or traffic flow. The court dismissed the city's argument (the impoundment of the Miranda's car would stop them from repeating their illegal activity in the future) finding a non-criminal traffic infraction was insufficient to justify the seizure under the "community caretaking" function. It noted the deterrence rationale was incompatible with the "community caretaking" principal and added the deterrent effect in this case was negligible anyway.

The appellate court concluded the seizure served "no acceptable purpose" and was therefore unreasonable and unconstitutional. The court said while the Mirandas constitutional rights against unreasonable seizure had been violated, their due process rights had not been since there was no city policy which deprived plaintiffs of their right to contest the impoundment. The appellate court awarded the Mirandas their costs stemming from the seizure and remanded the case to the district court saying it may consider whether the city can provide any legitimate government purpose sufficient to make the seizure reasonable.

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ANNEX D

DISBURSEMENT MEMORANDUM

State of California

Business, Transportation and Housing Agency

Memorandum

Date:

To: _____ Division

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
_____ Area

File No.:

Subject: **DISBURSEMENT OF VEHICLE FORFEITURE PROCEEDS**

Amount of Check: _____

Refer to Counter Receipt #: _____ on Weekly Transmittal dated _____

Vehicle Description:

Make	Model	Year	License Number	Vehicle Identification Number

Forfeiture #: N _____

Please disburse funds from the sale of the above vehicle to the following pursuant to Section 14607.6 CVC:

Name: _____	Amount: \$ _____
Address: _____	Reason for Disbursement: _____
City/State/Zip: _____	_____

Name: _____	Amount: \$ _____
Address: _____	Reason for Disbursement: _____
City/State/Zip: _____	_____

Name: _____	Amount: \$ _____
Address: _____	Reason for Disbursement: _____
City/State/Zip: _____	_____

Safety, Service, and Security
CHP 51 (Rev. 03-11) OPT 076



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_____ Division

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Date:

Bureau of Automotive Repair
Vehicle Inspection and Repair Fund
10240 Systems Parkway
Sacramento, CA 95827

Amount: \$ _____
Reason for Disbursement:
50% of unclaimed proceeds
(if applicable)

City/County of _____
General Fund
Address: _____
City/State/Zip _____

Amount: \$ _____
Reason for Disbursement
50% of unclaimed proceeds
(if applicable)

TOTAL DISBURSEMENTS \$ _____
(Must equal amount of check)

Approved:

Division Approval:

Commander Date

Date

ANNEX E

DISBURSEMENT PRIORITY LETTER

State of California—Business, Transportation and Housing Agency		EDMUND G. BROWN Jr., Governor		
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL				
P. O. Box 942898 Sacramento, CA 94298-0001 (916) 843-3340 (800) 735-2929 (TT/TDD) (800) 735-2922 (Voice)				
				
DATE: _____				
File No.: _____				
Auction Company ABC Parkway Sacramento, CA 95811				
Dear Auction Company Contact:				
The following vehicle has been forfeited pursuant to Section 14607.6 of the California Vehicle Code (CVC):				
Make	Model	Year	License Number	Vehicle Identification Number
Forfeiture #: N _____				
Please disburse funds from the sale of the above vehicle to the following pursuant to Section 14607.6 CVC:				
Name: _____		Amount: \$ _____		
Address: _____		Reason for Disbursement: _____		
City/State/Zip: _____		_____		
Name: _____		Amount: \$ _____		
Address: _____		Reason for Disbursement: _____		
City/State/Zip: _____		_____		
Bureau of Automotive Repair Vehicle Inspection and Repair Fund 10240 Systems Parkway Sacramento, CA 95827		Amount: \$ _____ Reason for Disbursement: 50% of unclaimed proceeds (if applicable)		
<i>Safety, Service, and Security</i>		 <i>An Internationally Accredited Agency</i>		

Auction Company

Page 2

Date:

City/County of _____

General Fund

Address: _____

City/State/Zip _____

Amount: \$ _____

Reason for Disbursement

50% of unclaimed proceeds

(if applicable)

TOTAL DISBURSEMENTS \$ _____

(Must equal amount of check)

Sincerely,

J. A. LEADER, Captain

Commander

Area Office