



Frequently Used Laws by P.D. for Public Towing:

22851 CVC - on Stored Vehicle:

Vehicle stored per 3068.1 of the Civil Code (towing).

- ✓ \$4,000 or less - maximum 60 days storage.
- ✓ Over \$4,000 - maximum 120 days storage if lien application filed within 30 days.

3068.1 Civil Code - Applies to Towing_Liens:

(\$4,000 or less) printout must be requested by the 15th day for storage to continue; 120 days storage maximum if Declaration of Opposition filed, out-of-state vehicle, VIN # altered, or an interested party becomes known after lien mailed (new lien must be started). ONE day storage charge during the first 24 hour period; after 24 hours, storage calculated on a calendar day basis.

3068.2 Civil Code - Deficiency Claim:

Towing company has a claim against registered owner for total towing, storage and lien fees, less the amount received from the sale of the vehicle.

22851.12 CVC & 3074 Civil Code.

Lien-Sale Preparation

- ✓ Costs: Recovery - No charge sooner than third day of possession.
- ✓ \$35.00 maximum when \$4,000 or less, printout requested.
- ✓ \$70.00 maximum when lien agent has mailed Notice of Pending Lien.
 - o \$50.00 maximum when printout requested.
 - o \$100.00 maximum when lien agent has processed lien documents (over \$4,000) (at least two months later).

10652.5 CVC - Notices to Legal_Owner:

Storage to the Legal Owner does not continue past 15th day until certified notice sent to owner by the 1P day. After that, storage to the legal_owner resumes three days after certified notice sent. Costs can be added to bill. No charge before third day of possession.

22524.5 CVC - Insurance Company Responsibility to Towing Company:

For recovery vehicles that have a covered policy, insurer is responsible to towing accident or stolen_company for their charges. Insured or claimant is responsible if paid directly by insurance company.

24007.5 CVC - Smog Certificate on Lien Vehicles:

Buyer is responsible for the smog certificate as long as buyer signs agreement of responsibility and towing company sends a notice of transfer to the D.M.V.

22669 CVC - Abandoned Vehicles:

To get a Peg. 462 (junk slip) - vehicle must be towed under this code (or local abatement code) and be valued less than \$300 (or have no VIN). All other impounds must be liened.

10650 CVC - Written Record of Stored Vehicle:

Any vehicle stored over 12 hours must have a written record available for inspection by law enforcement.

14602.6 & 7 CVC - 30-Day Impound, Fleeing an Officer, or Speed Contest:

If legal owner repossesses vehicle, legal owner does not have to pay any lien fee if vehicle is picked up within 15 days.

22658 CVC - Removal from Private Property:

The person ordering the impound must notify law enforcement. Towing company should do it as a back-up.

San Jose Fire Protection Codes:

901.4 REQUIRED MARKING OF FIRE APPARATUS ACCESS ROADS, ADDRESSES AND FIRE-PROTECTION EQUIPMENT

901.4.1 GENERAL.

Marking of fire apparatus access roads, addresses and fire-protection equipment shall be in accordance with Section 901.4.

901.4.2 FIRE APPARATUS ACCESS ROADS.

When required by the chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

901.4.3 FIRE-PROTECTION EQUIPMENT AND FIRE HYDRANTS.

Fire protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions. When required by the chief, hydrant locations shall be identified by the installation of reflective markers. See also Section 1001.7.

901.4.4 PREMISES IDENTIFICATION.

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or mad fronting the property. Numbers shall contrast with their background. Sub-units of any building or complex, not having individual addresses, shall be identified in a consistent manner, either numerically or alphabetically, using a logical sequence. Unit numbers or letters shall be affixed near the main entrance of each occupancy in such a position as to be plainly visible and legible. Lighted directory maps may be required at building complex entrances or other locations, as specified by the Chief.

901.4.5 STREET OR ROAD SIGNS.

When required by the chief, streets and roads shall be identified with approved signs.

901.5 OBSTRUCTION AND CONTROL OF FIRE APPARATUS ACCESS ROADS AND FIRE-PROTECTION EQUIPMENT
SEE SECTIONS 902.2.4 AND 1001.7.

901.6 FIRE PROTECTION IN RECREATIONAL VEHICLE, MOBILE HOME AND MANUFACTURED HOUSING PARKS, SALES LOTS AND STORAGE LOTS.

Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Sections 902 and 903.

EXCEPTION:

Recreational vehicle parks located in remote areas shall be provided with protection and access roadways as required by the chief.

902.2.2 SPECIFICATIONS.

902.2.2.1 DIMENSIONS.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 14 feet (4267mm).

EXCEPTION:

Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.

902.2.2 SURFACE.

Fire apparatus access roads shall be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds and shall be provided with a surface so as to provide all-weather driving capabilities.

902.2.3 TURNING RADIUS.

The turning radius of a fire apparatus access road shall be as approved by the Chief. The turning radius of a fire apparatus access road shall be a minimum inside radius of not less than thirty (30) feet and an outside radius of not less than fifty (50) feet.

902.2.2.4 DEAD ENDS.

Dead end fire apparatus access roads in excess of 150 feet (45,720 mm) in length shall be provided with approved provisions for the turning around of fire apparatus. The maximum dead-end length of a fire access road shall not exceed 1,000 feet.

902.2.2.5 BRIDGES.

When a bridge is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with nationally recognized

standards. See Article 90, Standard a 1. 1. The bridge shall be design- for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posed at both entrances to bridges when required by the chief.

902.2.2.6 GRADE.

The gradient for a fire apparatus road shall not exceed the maximum approved by the Chief. The gradient for apparatus access road shall not exceed fifteen percent (15%).

902.2.3 MARKING. SEE SECTION 901.4.

902.2.4 OBSTRUCTION AND CONTROL OF FIRE APPARATUS ACCESS.

902.2.4.1 GENERAL.

The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under Section 902.2.2.1 shall be maintained at all times

Entrances to roads, trails or other access ways which have been closed with gates and barriers in accordance with Section 902.2.4.2 shall not be obstructed by parked vehicles.

San Jose Tow-Car Business Codes

6.66.010 DEFINITIONS

Unless the context otherwise requires, the definitions and general provisions set forth in this section govern the construction of this chapter.

- A. "Conducting a tow-car business" means the conducting or assisting in the conduction of a tow-car business, as an owner employee, agent or otherwise, by:
1. Soliciting the tow-car business;
 2. Seeking disabled or illegally parked vehicles for towing purposes;
 3. Operating any of the equipment of a tow-car for the purpose of hooking onto or hoisting a vehicle preparatory to its towing or leaving, or to disengage a vehicle after towing;
 4. Preparing a vehicle that is intended to be towed away by opening the vehicle or tying down its steering wheel, or disengaging its transmission system or by other means, or by the actual towing or transporting of another person's vehicle from place to place;
 5. Assisting in the storage or safekeeping of a vehicle and its contents after towing before its return to the owner thereof.
- B. "Person" means an individual, a firm, a partnership, a corporation, a company, an association, and a joint-stock association.
- C. "Tow-car" means a motor vehicle used in the tow-car business to tow or transport motor vehicles.
- D. "Tow-car business" is the business of towing motor vehicles in the city, whether or not the towing extends beyond the city. Such business also includes the storage of towed vehicles, pending their return to the rightful owners thereof, by the person or corporation which towed such vehicles, or by some other person or corporation which towed such vehicle. Government agencies and public utilities are exempt from this chapter.
- E. "Property owner" will have the same meaning as any other property owner described by commonly accepted real estate documents, codes, deeds, contracts and leases. Property owners may be either an individual, a firm, corporation, partnership, company or association.
- F. "Person in lawful possession of property" may be its owner, agent, resident manager, employee, tenant or member of a security patrol.
- G. "Notifications" required by this chapter are responsibilities that are transferred to the tow-car company as a condition of accepting the authority to place possessor liens on their towed vehicles.

(Prior code § § 6711.1, 67-11.3-6711.6. Amended by Ord. 21906.)

6.66.020 ACTS BY EMPLOYEES DEEMED ACTS BY EMPLOYER.

In constructing and enforcing the provisions of this chapter relating to penalties, or relating to grounds for denial or revocation of any license or Permit, the act, omission or failure of any officer, agent or employee of any person or corporation, acting within the scope of his official duties or employment is the act, omission or failure of the employing person or corporation. (Prior code § 6711.2.)

6.66.030 RULES TO IMPLEMENT CHAPTER PROVISIONS - CHIEF OF POLICE AUTHORITY.

The chief of police is hereby authorized to make and promulgate any and all rules that may be reasonably necessary to effectuate the purposes of the provisions of this chapter. (Prior code § 6711.32.)

6.66.040 TOW-CAR BUSINESS PERMIT REQUIRED.

No person shall engage in or conduct a tow-car business in the city without first having applied for and obtained a tow-car business permit of the type hereinafter provided for in this chapter, nor shall any person continue to engage in or conduct a tow-car business in the city after such tow-car business permit has expired or has been suspended or revoked. (Prior code § 6711.7.)

6.66.050 TOW-CAR BUSINESS - PERMIT INCLUDES TOW-CAR BUSINESS ASSISTANT PERMIT WHEN.

- A. The issuance of a tow-car business permit to a natural person to engage in and conduct a tow-car business shall authorize the recipient of such permit to also function as a tow-car business assistant for said business without his procuring a separate tow-car business assistant permit, unless such person is expressly excluded in the tow-car business permit from so acting for reasons that would have justified the rejection of such person's application, if filed for a tow-car business assistant permit.

- B. The issuance of a tow-car business permit to a corporation or other artificial entity shall not invest any director, officer or employee of the corporation with the right or privilege of assisting in the conduct of a tow-car business without having applied for and obtained a tow-car business assistant's permit. (Prior code § 6711.9.)

6.66.060 TOW-CAR BUSINESS PERMIT APPLICATION-CONTENTS REQUIRED.

Any person who desires to obtain a tow-car business permit shall prepare, subscribe and file an application for such permit with the chief of police of the city of San Jose, which application shall contain the following information:

- A) The name, residence address and telephone number of the applicant for a tow-car business permit; if a partnership, the name, residence address and telephone number of each partner; if a corporation, the name, residence address and telephone number of each director, each officer and the general manager;
 - B) The name under which the business operates;
 - C) The business address and telephone number of the business;
 - D) The make, year, model, color, license number, registered owner and legal owner of every tow-truck that will be operated in the tow-car business;
 - E) The name of the city, county, state' and specific address in which the applicant engaged in or conducted a tow-car business, or was employed as a tow-car business assistant within the last five years;
 - F) A statement of all felonies and misdemeanors (including moving traffic violations) for which the applicant has been convicted, excepting parking citations;
 - G) Proof of good moral character, which may be shown by such evidence as, but not limited to, statements of persons other than relatives of the applicant;
 - H) Such other information as the chief of Police may deem relevant and necessary to investigate and evaluate the qualifications of the applicant.
- (Prior code § 6711.11.)

6.66.070 EMPLOYMENT OF TOW-CAR BUSINESS ASSISTANTS - PERMITS REQUIRED.

No person shall employ or permit any person to assist in the conduct of tow-car business in the city unless such assistant has a valid tow-car business assistant's permit, and a valid California driver's license of the proper class, in full force and effect. Except, however, a newly employed tow-truck driver or tow-car business assistant can accompany a tow-truck driver with a valid permit for one week of training. After the one-week training period, the newly employed tow-truck driver shall submit an application for a tow-car business permit or tow-car business assistant's permit. The required fees shall accompany the application. This section shall apply only to individuals who are directly associated with the actual towing, hooking onto or hoisting of vehicles and shall not apply to those employees who work only in the offices of the tow-car business. (Prior code § 6711.10. Amended by Ord. 21906.)

6.66-080 TOW-CAR BUSINESS ASSISTANT PERMIT - REQUIRED.

No person shall assist in the conduct of a tow-car business in the city without having applied for and obtained a tow-car business assistant permit of the type hereinafter provided for in this chapter; nor shall any person continue to assist in the conduct of a tow-car business within the city after his tow-car business assistant permit has expired or has been suspended or revoked. (Prior code § 6711.8.)

6.66.090 TOW-CAR BUSINESS ASSISTANTS PERMIT - APPLICATION - CONTENTS REQUIRED.

Any person who desires to obtain a tow-car business assistant's permit shall prepare, subscribe and file an application for such permit with the chief of police of the city, which application shall contain the following information:

- A. The name, age, marital status, resident address and telephone number of applicant;
 - B. The experience of the applicant in the tow-car business, including years and months of such experience;
 - C. The name and business address of all persons by whom the applicant has been employed during the five-year period prior to making application;
 - D. A statement of all felonies and misdemeanors (including moving traffic violations) for which the applicant has been convicted, excepting parking citations;
 - E. Proof of good moral character, which may be shown by such evidence as, but not limited to, statements of persons other than relatives of the applicant;
 - F. Such other information that the chief of police may deem relevant and necessary to investigate and evaluate the qualifications of the applicant.
- (Prior code § 6711.12.)

6.66.100 PERMIT APPLICATIONS - PREPARATION PROCEDURES - SIGNATURES REQUIRED.

- A. The application for a tow-car business permit or tow-car business assistant's permit shall be submitted to the chief of police, and subscribed to by the applicant under penalty of perjury. Applications by partnerships shall be signed and bed to under penalty of perjury by all of the partners. Applications by corporations shall be signed and subscribed to under penalty of perjury by the president and secretary of the corporation.
- B. Where facts are unknown or not within the personal knowledge of a subscriber to an application, but within the realm of personal knowledge of other subscribers, the subscriber may qualify his execution by specifying that certain facts are not personally known to him, or that his execution is based upon information and belief.

(Prior code § 6711.13. Amended by Ord. 21906.)

6.66.110 PERMIT FEES.

Applicants for tow-car business permits and tow-car business assistant's permits shall pay a nonrefundable fee as set forth in the schedule of fees and as amended from time to time by resolution of the city council. (Prior code § 6711.14. Amended by Ords. 20640, 21285, 21906.)

6.66.120 PERSONS SIGNING PERMITS - FINGERPRINTING AND PHOTOGRAPHING REQUIRED.

As a condition to acceptance of any application for a tow-car business permit or a tow-car business assistant's permit, to facilitate investigation by the chief of police, all persons who subscribe their names to the application, as above provided, shall be photographed and fingerprinted by personnel of the police department of the city. (Prior code § 6711.15.)

6.66.130 INVESTIGATION OF APPLICANTS - CHIEF OF POLICE AUTHORITY.

Upon acceptance of an application for a tow-car business permit or a tow-car business assistant's permit, the chief of police shall investigate the applicant or applicants to determine whether or not there are grounds for denial of the permit or permits for which application has been made. (Prior code § 6711.16.)

6.66.140 TOW-CAR BUSINESS PERMIT - INSURANCE REQUIREMENTS.

- A. Every applicant for a tow-car business permit shall produce evidence that he can be insured and as a condition of the issuance of the permit will be insured for comprehensive automobile liability, for bodily injury liability and property damage liability insurance issued by a reputable insurer in the minimum limits of liability:
1. Bodily injury and property damage with a combined single limit of six hundred thousand dollars.
 2. Uninsured motorists' insurance with a minimum limit of thirty thousand dollars combined single limit.
 3. The above coverage's are to apply for all owned, non-owned, and hired vehicles.
- B. Proof of insurance shall be in the form of a certificate of insurance issued to the risk manager's office with the following endorsements attached to the certificates and made a part of the insurance policy itself.
1. The city of San Jose, its employees, officers, agents, and contractors are hereby added as additional insured.
 2. This policy shall be considered primary insurance as respects any other valid and collectible insurance the city of San Jose may possess, including
 3. Any self-retention the city may have, and any other insurance the city does possess shall be considered excess insurance only.
 4. This insurance shall act for each insured and additional insured as though a separate policy had been written for each. This, however, will not act to increase the limit of liability of the insuring company.
 5. A thirty-day written notice of cancellation shall be given to the city of San Jose in the event of cancellation and/or reduction in coverage of any nature. Such notice shall be sent to the risk manager.
- C. Permittee shall maintain such insurance in full force and effect throughout the term of such permit and each renewal thereof. (Prior code § 6711.17. Amended by Ord. 21906.)

6.66.150 TEMPORARY PERMITS - ISSUANCE CONDITIONS.

If the chief of police has no reason to believe that any grounds exist for denying an application for a tow-car business permit or a tow-car business assistant's permit, but has not yet completed his investigation, he may, in his discretion, pending completion of his investigation of the applicant, issue temporary permits for periods of time not to exceed thirty days' duration each, but subject to revocation at any time without cause or advance notice of such revocation. (Prior code § 6711.18.)

6.66.160 PROBATIONARY PERMITS.

- A. If after investigation of an applicant for a tow-car business permit or a tow-car business assistant's permit, the chief of police is not satisfied that the applicant is entitled to the permit but wishes to observe applicant in the actual conduct of the business or work for which a permit is requested before finally deciding whether to issue a regular permit, he may issue to the applicant a probationary permit.
- B. A probationary permit shall not be for more than six months duration and shall be subject to revocation by the chief of police upon his being satisfied that a regular permit shall be issued or denied and his issuance or denial of a regular permit. (Prior code § 6711.19.)

6.66.170 ISSUANCE OF PERMITS - TERMS.

If after investigation of an applicant for a tow-car business permit or a tow-car business assistant's permit the chief of police finds that no grounds exist for denial of the permit, he shall issue a regular tow-car business permit or a regular tow-car business assistant's permit, as the case may be, to the applicant for a period of two years, from date of issuance; or, if a temporary or probationary permit shall have previously been issued, for a period of two years from date of issuance of the temporary or probationary permit. (Prior code, § 6711.20. Amended by Ord. 21906.)

6.66.180 TOW-CAR BUSINESS PERMIT - TOW-CAR BUSINESS ASSISTANTS, PERMIT - GROUNDS FOR DENIAL - NOTICE REQUIRED

- A. The chief of police may deny a tow-car business permit or tow-car business assistant's permit if, after investigation, he finds that any of the following things are true:
1. That applicant: does not possess or cannot obtain the minimum required amount of bodily injury and/or property damage insurance; or
 2. That applicant does not possess the requisite knowledge or ability, tow-car equipment or facilities reasonably necessary to operate a tow-car business in such a manner as to adequately protect vehicles of the public that are towed and stored, from damage, theft or pilfer; or
 3. That applicant has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business, profession or trade for which the permit is to be issued; or
 4. That applicant was convicted of three or more moving violations of the California Vehicle Code in the last twelve months; or
 5. That applicant is on parole or probation for a criminal offense, if the criminal offense is substantially related to the qualifications, functions or duties of the business, profession or trade for which the permit is to be issued; or
 6. That applicant has done any act involving dishonesty, fraud or deceit with intent to substantially benefit himself or another, or substantially injure another; or,
 7. That applicant has knowingly made a false statement of fact required to be revealed in an application for the permit, or in any report required to be made thereunder; or
 8. That applicant has had a permit under the provisions of this chapter revoked within the previous three years from date of application.
- B. The chief of police shall notify the applicant, in the manner specified in Section 6.66.190, of his denial of any such permit, setting forth the grounds and basis for denial. (Prior code § 6711-21. Amended by Ord. 21906.)

6.66.190 TOW-CAR BUSINESS PERMIT - TOW-CAR ASSISTANT'S PERMIT - SUSPENSION OR REVOCATION AUTHORIZED WHEN

- A. The chief of police may suspend, for not more than sixty days, or revoke any tow-car business permit or tow-car assistant's permit for any of the following reasons:
1. Conviction of a felony by a holder of such permit during the period for which the tow-car or tow-car assistant's business permit was issued, if the felony is substantially related to the qualifications, functions or duties of the business, profession or trade for which the permit was issued; or
 2. Conviction of three or more moving violations or equipment violations of the California Vehicle Code, in the conduct of the tow-car business, by a holder of such, permit during any twelve-month period in which said permit is in effect resulting in the suspension or revocation of the perimeter's California driver's license;
 3. Conviction of the crime of theft during the permit period by a holder of such permit;
 4. The imposition of unreasonably high towing, storage or other charges in violation of the provisions of Section 6.66.110, to maximum fees or rates which may be charged for services or materials;
 5. Demanding, charging or asserting any lien against any vehicle or claim against any person in excess of the maximum fees or rates established by the city council pursuant to Section 6.66.260 below;
 6. The unauthorized or illegal towing or removal of any vehicle from public or private property;
 7. Repeated acts of negligence in the conduct of said business resulting in damage to vehicles while in the process of being hooked up, towed or stored, or resulting in theft of such vehicles or of property therein;
 8. Failure or refusal to satisfy any judgment awarded to the owner of a towed vehicle against the holder of the tow-car business permit, where such judgment resulted from the hooking up, removal, towing or storage of such vehicle;
 9. Failure to keep in full force and effect the required bodily injury and property damage insurance;
 10. Conviction of a misdemeanor or felony involving assault by a tow-car business owner or assistant against the owner or person entitled to possession of any vehicle that has been hooked up, removed, towed or stored;
 11. Employing, retaining in employment, or using any person as a tow-car business assistant or tow-car driver who has not been issued or has not in force a valid tow-car business assistant's permit;
 12. Knowingly submitting false facts and/or false information in an application for a tow-car business permit, or intentionally omitting or failing to indicate in the application facts which, if submitted, could have resulted in a denial of a permit;
 13. Failing to report vehicle removals or tows as required by law;
 14. Failing to report agreements with the owners or persons entitled to possession of real property that authorize tows of vehicles from private property, as required by this chapter;
 15. Anything which would authorize denial of a new permit if one were applied for;
 16. Falsification of tow-car business permit or any other document required pursuant to this chapter;
 17. Possession of any firearm, loaded or unloaded, or any other dangerous weapon in or on the tow truck, or either exposed or concealed upon the person of any tow-car business assistant or tow-car driver. This does not include tools used by the tow-truck driver or tow-car business assistant in the ordinary course and conduct of the tow business, unless, however, such tool is used in a threatening or offensive manner.

(Prior code § 6711.22. Amended by Ord. 21906.)

6.66.200 APPEAL FROM DENIAL OF PERMIT.

Within ten days after having been given written notice of the denial of tow-car business permit or a tow-car business assistant's permit, the person who was denied such permit may appeal the action of the chief of police to the code enforcement appeals commission. Such shall be done by filing written notice of appeal with said commission within said time. If written notice of appeal is not filed with said commission, within said time, the action of the chief of police shall be final. (Prior code § 6711.23. Amended by Ord. 20879.)

6.66.210 HEARING BEFORE SUSPENSION OF PERMIT.

The chief of police shall not suspend or revoke any permit issued under this chapter unless he shall have first given the permittee a notice in writing, setting forth the grounds for such proposed revocation or suspension, and unless he first gives permittee a full and reasonable opportunity to be heard regarding the grounds for such act. Said notice shall specify a time and place for hearing. The chief of police, or his designated representative, shall preside at the hearing. The chief of police shall establish reasonable rules of procedure for the conduct of such hearing. Within ten days from and after the conclusion of the hearing, the chief of police shall give permittee a written notice of his decision. If he should suspend or revoke the permit, he shall specify the grounds for the suspension or revocation. No suspension or revocation shall become effective until such time as said notice has been given. (Prior code § 6711.24. Amended by Ords. 20490, 21906.)

6.66.220 APPEAL FROM SUSPENSION OR REVOCATION OF PERMIT.

Within ten days from and after giving notice of the suspension or revocation of a permit the permittee may appeal the action of the chief of police to the code enforcement appeals commission. Such appeal shall be done by filing written notice of appeal with said commission within the time required under San Jose Municipal Code Chapter 2.08. If written notice of appeal is not filed with said commission within said time, the action of the chief of police shall be final. (Prior code § 6711.25. Amended by Ord. 21906.)

6.66.230 PROCEDURE FOR SERVING NOTICES.

Any notice required by this chapter may be given in any manner in which service of summons from the superior court of the state may be effected, or by deposit in a sealed, postage-prepaid envelope which is addressed to the person to whom notice is being given at the said person's business or residence address that is specified in the application for a tow-car business permit or tow-car business assistant's permit. Service by United States mail shall be deemed to have been completed at the time of deposit in a United States mail depository or United States post office. (Prior code § 6711.26.)

6.66.240 REMOVAL OF VEHICLES FROM PRIVATE PROPERTY - AGREEMENT WITH PROPERTY OWNER - REQUIRED DISPLAY - REQUIRED SIGNS - RESPONSIBILITY OF MAINTAINING SIGNS.

- A. Every holder of a tow-car business permit who intends to engage in removing vehicles from private property and who intends to hold those vehicles under a possessory lien as a guarantee of payment for services shall make application to the chief of police.
- B. The chief of police shall establish reasonable rules and regulations regarding the responsibilities of the tow-car operators including, but not limited to, the following:
1. Each tow-car company will be responsible for responding to service requests from private property owners.
 2. Each tow-car company shall contact the police department auto desk within twenty minutes after departing the private property with the towed vehicle. The tow-car driver shall report the license number of the vehicle, the vehicle identification number if the license number is not available, the make and year of the vehicle, the time and location of removal, and the location where the vehicle is being stored.
 3. No tow-car company may take possession of any vehicle parked upon such private property until such time as the owner or agent has signed the tow receipt or similar document describing the tow and the vehicle being towed. Such agent shall be the private property owner, the property manager, security officer, or tenant in lawful possession. In no event shall the tow-car company act as or be an agent for the prime property owner. However, with respect to fire lanes, handicapped lanes or other areas clearly marked and identified as a safety hazard, the tow-truck driver need not obtain the signature of the private property owner or his agent, but may initiate the tow for public safety reasons. Public areas designated as public safety areas shall be so designated by the chief of police and may include the following: fire hydrants, emergency parking and driveways. The signed document authorizing the tow must be maintained in the office of the tow-car company for a minimum of thirty days and available for inspection upon request by the owner of the vehicle and/or to the chief of police.
 4. During non-business hours, the tow-car owner or agent must be available on an on-call basis and shall respond to the tow garage where towed vehicles are towed within twenty-five minutes of receiving a call from the vehicle owner or police department. If upon arrival, the vehicle owner is not at the premises, the tow-truck operator shall wait twenty-five minutes for the vehicle owner to return before departing the premises.
- C. This section shall not apply to private property owners requesting to have their personal vehicles towed from private property to another location. (Prior code § 6711.28. Amended by Ords. 20879, 2.1906.)

6.66.250 DISPLAY OF REQUIRED DOCUMENTS.

- A. All tow-truck companies shall at all times display, in their primary place of business, their business permit, the current rates setting maximum tow and service rates, and the name and telephone number of the San Jose police departments tow liaison unit.
- B. Those tow-truck companies which engage in private property towing shall also display a notice that advises their public that all of the following are available for review in the business office upon request:
1. The tow-car permit or business assistant's permit of any person on the premises; and
 2. The name and address of the person/property owner who directed them to remove the vehicle.
- (Prior code § 6711.27. Amended by Ord. 21906.)

6.66.270 REMOVAL OF VEHICLES FROM PRIVATE PROPERTY - APPROVAL-RETENTION OF AGREEMENT.

- A. No property owner shall remove vehicles owned by other persons from their private property without the approval of the chief of police.
- B. Applications for approval shall be submitted to the chief of police. Upon receipt of such application, the chief of police shall cause an inspection to be made of the real property. Such inspection shall verify that the site is posted in conformance with the provisions of this chapter and that all signs convey sufficient warning that vehicles will be towed away at the vehicle owner's expense. The chief of police shall establish reasonable rules and regulations relating to the number and locations of primary and secondary signs and if any special message must be conveyed. Required signs must be posted before final approval from the chief of police.
- C. The chief of police shall provide the owner of the real property with any or all of the following in order to facilitate the proper posting of signs on the property and generate a sufficient message to the motoring public that might wrongfully assume that the property was open for public use.
1. One or more on-site inspections leading up to the certification of the property;
 2. Notice that it is the responsibility of the property owner to post and to maintain all required signs; and, further, that should the property owner direct a tow, knowing that one or more of the required signs was missing, then said property owner may be subject to civil damages.
- D. No property owner or agent shall cause the removal of any vehicle from such Private property unless the property owner or his agent first signs the tow receipt, in possession of the tow-car driver or towcar business assistant, and by such a signature declares that at the time of the tow there were displayed in plain view at each entrance to the property, sufficient signs giving the public warning that public parking is prohibited and that all unauthorized vehicles would be towed away. Such signs, as well as any additional signs and/or markings or curb paintings declared necessary by the chief of police, must be posted in such a manner and location as to be visible during daylight and visible at night by the light of ordinary headlights.
- E. Vehicles may be towed from fire lanes and handicap zones without the signature of the property owner or his agent when such areas are clearly designated.
- F. The chief of police shall maintain records of all approved applications from private property owners. Such records shall be maintained for a period of three years.
- G. This section shall not apply to private property owners wishing to have their personal vehicles towed from private property to another location. (Prior code § 6711.29. Amended by Ords. 21568, 21906.)

6.66.280 POSTING REQUIRED SIGNS UPON PRIVATE PROPERTY - MAINTENANCE OF SIGNS REQUIRED - RESPONSIBILITY

- A. It shall be the responsibility of the owner of real property to maintain the required signs prior to causing the removal of any vehicle from said private property.
1. The property owner shall be liable to the vehicle owner in the event required signs were not properly posted;
 2. The property owner is solely responsible for the proper posting and maintaining of the required signs;
 3. Each sign shall be no smaller than eighteen inches high and twenty-four inches wide;
 4. Each sign shall carry the warning: "PARKING RESTRICTED 24 BRS. A DAY-UNAUTHORIZED VEHICLES WILL BE -TOWED AWAY AT THE VEHICLES OWNER'S EXPENSE"-:"PARKING AUTHORIZED ONLY BY:"-and the name of the business establishment authorizing the public parking;

5. There shall exist a vivid contrast between the painted letters and the background, with the words PARKING RESTRICTED 24 HRS. A DAY" and "TOWED AWAY," and "AUTHORIZED ONLY BY:.", giving additional highlighting.
6. The words "PARKING RESTRICTED 24 BRS. A DAY," "TOWED AWAY," and "AUTHORIZED ONLY BY:.", shall be printed in letters no less than three inches high. The remaining warning shall be printed in letters not less than one inch high.
7. Each sign shall convey the message in words no less than one inch in height that the persons seeking to locate their towed vehicles should contact the San Jose police department, auto desk, (408) 277-4000 and the name of the tow company and telephone number.
8. In accordance with the California Vehicle Code, all signing or curb markings warning of tow-a-way where determined necessary by the chief of police may require warning as to who determines which vehicles are authorized, length of permitted parking to conduct business, and other appropriate cautions to warn the prohibited public of the use.
9. (prior code § 6711.31a. Amended by Ords. 21568,21906.)

6.66.290 CHARGES FOR SERVICES - ESTABLISHMENT - OVERCHARGING PROHIBITED - SATISFACTION OF LIEN

- A) The city council may, from time to time, by ordinance or resolution, establish or amend a schedule of maximum fees or rates which may be charged for any service or materials, including but not limited to towing, storage, opening a locked vehicle, use of any special equipment, keeping any vehicle or its contents, delivery of any towed vehicle to any location other than the regular place of business of the holder of a tow-car permit, towing from a public street and towing from private property, furnished by a tow-car business permit holder in connection with the conduct of a tow-car business within the city of San Jose.
 - 1) No resolution or ordinance establishing or amending such a schedule of charges, shall be adopted until after a public hearing has been held by the city council to determine if such rates shall be established or amended, and, if so, what such rates should be.
 - 2) Fifteen days' notice of such hearing shall be given by the city clerk to each tow-car business permit holder by letter directed to the address contained in the permittee's application for a permit for a tow-car business permit, or such other address the permit holder may request, or by an advertisement appearing on two different days in a newspaper of general circulation in the city of San Jose more than fifteen days prior to the date of such hearing.
 - 3) At such hearing, the council may permit any person to present any oral or documentary evidence or opinion on any matter material to the subject of the establishment of reasonable rates for tow-car business services, or any charges thereof.
- B) The charges established by such resolution or ordinance shall become effective no earlier than ten days after a copy of such schedule of charges or amendment is mailed by the city clerk to each tow-car business permit holder at the address on his/her application, or such other address as the permit holder may request. A current copy of such schedule of charges shall be conspicuously posted at the place of business of any permit holder.
- C) After the effective date of charges established as herein provided, no person conducting a tow-car business within the city shall charge or demand, for any service or material, any fee or consideration in excess of the charges so established. Proof of any such overcharge shall be grounds for revocation or suspension of any tow-car business permit issued pursuant to provisions of this chapter.
- D) All tow-car companies, including franchisees, conducting businesses within the city of San Jose shall release such vehicles to their owners or operators upon the receipt of full payment in the form of:
 - 1) United States currency;
 - 2) Personal check;
 - 3) Master Card or Visa credit cards.
 - 4) With reference to personal checks, the tow-business permittee may require that:
 - (a) The check be personalized;
 - (b) It be written upon a California bank; and
 - (c) The person presenting the check show a valid California driver's license or valid California identification card.
 - 5) With reference to credit cards, the tow-business permittee may require:
 - (a) An accompanying valid California driver's license or valid California identification card; or
 - (b) Verification from a bank or credit reference service.

(Prior code § 6711.31. Amended by Ord. 21568, 21874.)

6.66.300 REMOVAL OF VEHICLES FROM PRIVATE PROPERTY - RESPONSIBILITY OF TOW-CAR COMPANY.

- A. Every tow-car business permittee, pursuant to this chapter, who intends to engage in removing vehicles from private property, and who intends to hold those vehicles under a possessory lien as a guarantee of payment for services as a condition to the operation of said business, shall provide the following safeguards:
 1. Each tow-car permittee will be responsible for responding to service requests from private property owners;
 2. Each tow-car permittee will be responsible to contact the police department auto desk by telephone within twenty minutes after departing from the property with the towed vehicle. The tow-car driver shall give the following information to the police department auto desk: the license number of the vehicle, the vehicle identification number if the license number is not available, make and year of the vehicle, time and location of removal, and the location where the vehicle is being stored;
 3. No tow-car permittee may take possession of any vehicle parked upon such private property until such time as the property owner or property owner's agent has authorized and signed the tow receipt or similar document describing the tow and the vehicle being towed. Such a signed document must be maintained in the office of the tow-car permittee and available for inspection upon request by the owner of the vehicle and/or by the chief of police;
 4. A lighted, enclosed office offering protection from weather;
 5. Provide a pay telephone or a business telephone within the office for use by the vehicle owner. In the absence of a pay telephone, the permittee shall allow the vehicle owner two local calls of not more than five minutes in duration for each call.

(Added by Ord. 21568. Amended by Ord. 21906.)

6.66.310. KEEPER AND LIEN EXPENSES INVOLVED IN THE TOW ESTABLISHMENT FOR LIEN DROP CHARGES DEFINED AND PROHIBITED - EVADING LIEN.

- A. Each tow-car business permittee who removes a vehicle to his place of business may assert a keeper lien on its possession until such time as all authorized towing, storage and special charges are satisfied. Nothing in this chapter shall supersede lien assertions established under state or federal law.
- B. It is unlawful to charge the vehicle owner any fee to drop the vehicle or otherwise release the vehicle back to his control at any point between its location on the private property and its arrival at the towcar storage facility. Such a "drop charge" to the vehicle owner is defined as reimbursement from the vehicle owner for services rendered by the tow-truck permittee. These services include, but are not limited to, unlocking the vehicle, tying off the steering wheel, disconnecting the drive shaft or related system, and recovery of time and wages of the tow-truck operator.
- C. It shall be unlawful to remove any vehicle from private property once its owner or person in lawful control has returned to its location on the property and declared his opposition to the removal. In order to make this declaration, it is not required that the person produce any identification connecting him with the vehicle. The person declaring opposition to the removal must remove the vehicle within five minutes to a legal or nonrestrictive parking area or the vehicle will be towed. (Added by Ord. 21906.)

6.66.320 RECORD KEEPING REQUIREMENTS

- A. Each tow-car permittee shall maintain complete books of account showing all towing business and charges transacted by him, both in and outside the city, supported by records or receipts and expenses, including separate records of receipts from towing originating in the city, and statements, vouchers and other documents accurately reflecting all such business. All such records shall be subject to audit and inspection at any reasonable time on request by the city and its authorized officers.
- B. Such records shall be maintained for a period of three years. (Added by Ord. 21906.)

6.66.330 REQUIRED SIGNS

- A. All permit holders or franchise tow-truck operators shall at all times display, in a conspicuous location in their place of business, a sign with the following information:
 - 1. Checks and credit cards accepted;
 - 2. The San Jose police tow liaison unit may be called regarding complaints about tows at (408) 277-4636.

(Prior code §§ 6711.30; 6.66.260. Amended and renumbered by Ord. 21906.)

Note: The preceding text is from the San Jose Code manual. That text was scanned into the computer by Rebello's Towing Services, Inc.. Any changes in text or punctuation were unintentional, and for clarification of any problems or confusion with the text it is recommended that the user refer to an original document.

State of California Vehicle Code Requirements for Private Property Towing

12110. TOWING SERVICE: UNLAWFUL ACTS

- a) Except as provided in subdivision (b), no towing service shall provide and no person or public entity shall accept any direct or indirect commission, gift, or any compensation whatever from a towing service in consideration of arranging or requesting the services of a tow truck. As used in this section, arranging does not include the activities of employees or principals of a provider of towing services in responding to a request for towing services.
- b) Subdivision (a) does not preclude a public entity otherwise authorized by law from requiring a fee in connection with the award of a franchise for towing vehicles on behalf of that public entity. However, the fee in such cases shall not exceed the amount necessary to reimburse the public entity for its actual and reasonable costs incurred in connection with the towing program.
- c) Any towing service or any employee of a towing service that accepts or agrees to accept any money or anything of value from a repair shop and any repair shop or any employee of a repair shop that pays or agrees to pay any money or anything of value as a commission, referral fee, inducement, or in any manner a consideration, for the delivery or the arranging of a delivery of a vehicle, not owned by the repair shop or towing service, for the purpose of storage or repair, is guilty of a misdemeanor. Nothing in this subdivision prevents a towing service from owning a vehicle to a repair shop owned by the same company that owns the towing service.

Added cIL746, Stats. 1983, Effective January 1, 1984.

Amended Ch. 924, Stats. 1988. Effective January 1, 1989.

Amended Ch. 675, Stats. 1994. Effective January 1, 1996. Supersedes Ch. 268.

12111. BUSINESS LICENSE TAX

- a) Except as provided in subdivision (b), no city or city and county may impose a business license tax for revenue-raising purposes on the operation of a tow truck in its jurisdiction if the vehicle towed maintains no fixed place of business within the boundaries of the city or city and county.
- b) A city or city and county may impose a business license tax upon a vehicle towed doing business within its jurisdiction who has no fixed place of business therein, if the license tax is graduated according to gross receipts attributable to work done within the city or city and county.

Added Ch. 13m, Stats. 1994. Effective January 1, 1985.

Amended Ch. 924, Stats. 1988. Effective January 1, 1989.

22500. PROHIBITED STOPPING, STANDING, OR PARKING

No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

- (a) Within an intersection, except adjacent to curbs as may be permitted by local ordinance.
- (b) On a crosswalk, except that a bus engaged as a common carrier or a taxicab may stop in an unmarked crosswalk to load or unload passengers when authorized by the legislative body of any city pursuant to an ordinance.
- (c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb, which sign or red paint was erected or placed by local authorities pursuant to an ordinance.
- (d) Within 15 feet of the driveway entrance to any fire station. This subdivision does not apply to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.
- (e) In front of a public or private driveway, except that a bus engaged as a common carrier, school bus, or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to an ordinance. In unincorporated territory, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as is paved, surfaced, or otherwise plainly marked by vehicle use as a private road or driveway entrance, shall constitute a driveway.
- (f) On any portion of a sidewalk, or with the body of the vehicle extending over any portion of a sidewalk, except electric carts when authorized by local ordinance, as specified in Section 21114.5. Lights, mirrors, or devices that are required to be mounted upon a vehicle under this code may extend from the body of the vehicle over the sidewalk to a distance of not more than 10 inches.
- (g) Alongside or opposite any street or highway excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- (h) On the roadway side of any vehicle stopped, parked, or standing at the curb or edge of a highway, except for: a schoolbus when stopped to load or unload pupils in a business or residence district where the speed limit is 25 miles per hour or less.
- (i) Except as provided under Section 22500.5, alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance.
- (j) In a tube or tunnel, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility.
- (k) Upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that buses engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are provided, when authorized by local authorities pursuant to an ordinance and except that local authorities pursuant to an ordinance or the Department of Transportation pursuant to an order, within their respective jurisdictions, may permit parking on bridges having sidewalks and shoulders of sufficient width to permit parking without interfering with the normal movement of traffic on the roadway. Local authorities, by ordinance or resolution, may permit parking on these bridges on state highways in their respective jurisdictions if the ordinance or resolution is first approved in writing by the department of Transportation. Parking shall not be permitted unless there are signs in place, as may be necessary, to indicate the provisions of local ordinances or the order of the Department of Transportation.
- (l) In front of that portion of a curb that has been cut down, lowered, or constructed to provide wheelchair accessibility to the sidewalk and that is designated for wheelchair access by either a sign or red paint on the curb pursuant to an ordinance of the local authority.

Amended Ch. 624 Stats. 1992 Effective September 14, 1992,
Amended Sec. 66, Ch. 877, Stats. 1998. Effective January 1, 1999.

22500.1. ADDITIONAL PROHIBITED STOPPING, STANDING, OR PARKING: FIRE LANE

In addition to Section 22500, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device-along the edge of any highway, at any curb, or in any location in a publicly or privately owned or operated off-street parking facility, designated as a fire lane by the fire department or fire district with jurisdiction over the area in which the place is located.

The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE".

Added Ch. 328, Stats. 1983. Effective January 1, 1984.
Amended Ch. 129, State. 1984. Effective May 21, 1984, by terms of an urgency clause.

22507.8. PARKING IN SPACES FOR THE DISABLED

- (a) It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans pursuant to Section 22511.7 or 22511.8, unless the vehicle displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.
- (b) It is unlawful for any person to obstruct, block, or otherwise bar access to those parking stalls or spaces except as provided in subdivision (a). (c) It is unlawful for any person to park or leave standing any vehicle, including a vehicle displaying a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59, in either of the following places:
 - (1) On the lines marking the boundaries of a parking stall or space designated for disabled persons or disabled veterans.
 - (2) In any area of the pavement within a parking lot or parking facility that is marked by crosshatched lines and is thereby designated for the loading and unloading of vehicles pursuant to any local ordinance.
- (c) Subdivisions (a), (b), and (c) apply to all off street parking facilities owned or operated by the state, and to all off street parking facilities owned or operated by a local authority. Subdivisions (a), (b), and (c) also apply to any privately owned and maintained off street parking facility.

Repealed and Added Ch. 338, Stats. 1989. Operative January 1, 1991.
Amended Ch. 303, Stats. 1990. Effective January 1, 1991.
Amended Ch. 1149, Stats. 1994. Effective January 1, 1995.

22507.9. LOCAL AUTHORITY: ENFORCEMENT OF DISABLED PERSONS PARKING

Local authorities may establish a special enforcement unit for the sole purpose of providing adequate enforcement of Section 22507.8 and local ordinances and resolutions adopted pursuant to Section 22511.7.

Local authorities may establish recruitment and employment guidelines, which encourage and enable employment of qualified disabled persons in these special enforcement units.

Members of the special enforcement unit may issue notices of parking violation pursuant to Section 41103 for violations of Section 22507.8 and local ordinances adopted pursuant to Section 22511.7. Members of the special enforcement unit shall not be peace officers and shall not make arrests in the course of their official duties, but shall wear distinctive uniforms and badges while on duty. A two-way radio unit, which may utilize police frequencies or citizens' band, may be issued by the local authority to each member of the special enforcement unit for use while on duty.

The local authority may pay the cost of uniforms and badges for the special enforcement unit, and may provide daily cleaning of the uniforms. Additionally, the local authority may provide motorized wheelchairs for use by members of the special unit while on -duty, including batteries and necessary recharging thereof. Any motorized wheelchair used by a member of the special enforcement unit while on duty shall be equipped with a single headlamp in the front and a single stop lamp in the rear.

Members of the special enforcement unit may be paid an hourly wage without the compensatory benefits provided other permanent and temporary employees, but shall be entitled to applicable workers' compensation benefits as provided by law. Insurance provided by the local authority for disability or liability of a member of the special enforcement unit shall be the same as for other employees performing similar duties.

Nothing in this section precludes a local authority from using regular full-time employees to enforce this chapter and ordinances adopted pursuant thereto.

This section applies to all counties and cities, including every charter city and city and county.
Added Ch. 1095, Stats. 1984. Effective January 1, 1985.

22511.7. PARKING FOR THE DISABLED

22511.7. In addition to Section 22511.8, for off street parking, a local authority may, by ordinance or resolution, designate parking spaces for the exclusive use of any vehicle which displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59. Whenever a local authority so designates a parking space, it shall be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. In addition to blue paint, the space shall also be indicated by signs or other suitable means. In areas where snow or ice may obscure the blue paint, a clearly visible sign appropriately designating the space is sufficient for purposes of this section. This section does not restrict the privilege granted to disabled persons and disabled veterans by Section 22511.5. Amended Ch. 564, State. 1989. Effective January 1, 1990. Amended Ch. 692, Stats. 199W. Effective January 1, 1991. Amended CIL 1994. Stat 41. 1994. Effective January 1, 1995.

22511.8. OFF STREET PARKING FOR THE DISABLED: REMOVAL OF VEHICLES

22511.8. (a) Any local authority, by ordinance or resolution, and any person in lawful possession of an off street parking facility may designate stalls or spaces in an off street parking facility owned or operated by the local authority or person for the exclusive use of any vehicle which displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59. The designation shall be made by posting a sign as described in paragraph (1), and by either of the markings described in Paragraph (2) or (3):

- (1) By posting immediately adjacent to, and visible from, each stall or space, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.
 - (2) By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant.
 - (3) By outlining a profile of a wheelchair with occupant in white on dimensions as in paragraph (2). The profile is visible to a traffic enforcement officer when the space.
- (b) If posted in accordance with subdivision (d) or (e), the owner or person owned or operated off street parking after notifying the police or sheriffs department, may cause the remove of a vehicle from a stall or space designated pursuant to subdivision (a).in the facility to the nearest public garage unless a special identification license plate issued pursuant to Section 5007 or distinguishing placard issued pursuant to Section 22511.55 or 22511.59 is displayed on the vehicle.
- (c) If posted in accordance with subdivision (d), the local authority owning or operating an off street parking department, may cause designated stalls or spaces to be removed to a public garage unless a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59 is displayed on the vehicle.
- (d) Except as provided in subdivision (b), a stall or space in an off street parking facility owned or operated either privately or by a local authority shall consist of a sign not less than 17 by 22 inches in size with lettering not less than one inch in height which clearly and conspicuously states the following. 'Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be towed away at owners' expense. Towed vehicles may be reclaimed at:
_____ or by telephoning
_____ Telephoning.

The signs shall be posted in either of the following locations:

- (1) Immediately adjacent to, and visible from, the stall or space
 - (2) In a conspicuous place at each entrance to the off street parking facility.
- (e) If the parking facility is privately owned and public parking is prohibited by the posting of a sign meeting the requirements of paragraph (1) of subdivision (a) of Section 22658, the requirements of subdivision (b) may be met by the posting of a sign immediately adjacent to, and visible from, each stall or

space indicating that a vehicle not meeting the requirements of subdivision (a) will be removed at the owners' expense and containing the telephone number of the local traffic law enforcement agency.

(f) This section does not restrict the privilege granted to disabled persons and disabled veterans by Section 22511.5.'

Amended Ch. 654, State. 1989. Effective January 1, 1M.

Amended Ch. 216, State. 1M. Effective January 1. 1991

Amended Ch. M, State. 1991. Effective October 14, 1991, by terms of an urgency clause.

Amended Ch. 1149, State. 1994. Effective January 1,1995.

22651.1. TOWING OR STORAGE CHARGES

Persons operating or in charge of any storage facility where vehicles are stored pursuant to Section 22651 shall accept a valid bank credit card or cash for payment of towing and storage by the registered owner, legal owner, or the owner's agent claiming the vehicle. A person operating or in charge of the storage facility who refuses to accept a valid bank credit card shall be liable to the registered owner of the vehicle for four times the amount of the towing and storage charges, but not to exceed five hundred dollars (\$500). In addition, persons operating or in charge of the storage facility shall have sufficient funds on the premises to accommodate and make change in a reasonable monetary transaction.

Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when agreeing with a towing or storage provider on rates.

22658. REMOVAL FROM PRIVATE PROPERTY

- a) Except as provided in Section 22658.2, the owner or person in lawful possession of any private property, subsequent to notifying, by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency may cause the removal of a vehicle parked on the property to the nearest public garage under any of the following circumstances:
 - 1) There is displayed, in plain view at all entrances to the property a sign not less than 17 by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency. The sign may also indicate that a citation may also be issued for the violation.
 - 2) The vehicle has been issued a notice of parking violation, and 96 hours have elapsed since the issuance of that notice.
 - 3) The vehicle is on private property and lacks an engine, transmission, wheels, tires, doors, windshield, or any other major part or equipment necessary to operate safely on the highways, the owner or person in lawful possession of the private property has notified the local traffic law enforcement agency, and 24 hours have elapsed since that notification.
 - 4) The lot or parcel upon which the vehicle is parked is improved with a single-family dwelling.
- b) The person causing removal of the vehicle, if the person knows or is able to ascertain from the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner of the vehicle, shall immediately give, or cause to be given, notice in writing to the registered and legal owner of the fact of the removal, the grounds for the removal, and indicate the place to which the vehicle has been removed. If the vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage. The notice provided for in this section shall include the amount of mileage on the vehicle at the time of removal. If the person does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in this section, the person causing removal of the vehicle shall comply with the requirements of subdivision (c) of Section 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property.
- c) This section does not limit or affect any right or remedy which the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon private property.
- d) The owner of a vehicle removed from private property pursuant to subdivision (a) may recover for any damage to the vehicle resulting from any intentional or negligent act of any person causing the removal of, or removing, the vehicle.
- e) Any owner or person in lawful possession of any private property, or an "association" pursuant to Section 22658.2, causing the removal of a vehicle parked on that property is liable for double the storage or towing charges whenever there has been a failure to comply with paragraph (1), (2), or (3) of subdivision (a) or to state the grounds for the removal of the vehicle if requested by the legal or registered owner of the vehicle as required by subdivision (f).
- f) Any owner or person in lawful possession of any private property, or an 'association' pursuant to Section 22658.2, causing the removal of a vehicle parked on that property shall state the grounds for the removal of the vehicle if requested by the legal or registered owner of that vehicle. Any towing company that removes a vehicle from private property with the authorization of the property owner or the property owners' agent shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes the vehicle under this section shall be responsible for (1) any damage to the vehicle in the transit and subsequent storage of the vehicle and (2) the removal of a vehicle other than the vehicle specified by the owner or other person in lawful possession of the private property.
- g) Possession of any vehicle under this section shall be deemed to arise when a vehicle is removed from private property and is in transit.
- h) A towing company may impose a charge of not more than one half of the regular towing charge for the towing of a vehicle at the request of the owner of private property or that owner's agent pursuant to this section if the owner of the vehicle or the owner's agent returns to the vehicle before it is removed from the private property. The regular towing charge may only be imposed after the vehicle has been removed from the property and is in transit.
- i) (Following:
 - 1) A charge for towing or storage, or both, of a vehicle under this section is excessive if the charge is greater than that which would have been charged for towing or storage, or both, made at the request of a law enforcement agency under an agreement between the law enforcement agency and a towing company in the city or county in which is located the private property from which the vehicle was, or was attempted to be, removed.
 - 2) If a vehicle is released within 24 hours from the time the vehicle is brought into the storage facility, regardless of the calendar date, the storage charge shall be for only one day. Not more than one days storage charge may be required for any vehicle released the same day that it is stored.
 - 3) If a request to release a vehicle is made and the appropriateness are tendered and documentation establishing that the person requesting release is entitled to possession of the vehicle, or is the owner's insurance representative, is presented within the initial 24 hours of storage, and the storage facility fails to comply with the request to release the vehicle or is not open for business during normal business hours, then only one day's storage charge may be required to be paid until after the first business day. A business day is any day in which

the lien holder is open for business to the public for at least eight hours. If a request is made more than 24 hours after the vehicle is placed in storage, charges may be imposed on a full calendar day basis for each day, or part thereof that the vehicle is in storage.

- a) Any person who charges a vehicle owner a towing, service, or storage charge at an excessive rate, as described in subdivision (i), is liable to the vehicle owner for four times the amount charged.
- b) Persons operating or in charge of any storage facility where vehicles are stored pursuant to this section shall accept a valid bank credit card or cash for payment of towing and storage by a registered owner or the owner's agent claiming the vehicle. A person operating or in charge of any storage facility who refuses to accept a valid bank credit card is liable to the registered owner of the vehicle for four times the amount of the towing and storage charges, but not to exceed five hundred dollars (\$500). In addition, persons operating or in charge of the storage facility shall have sufficient moneys on the premises of the primary storage facility during normal business hours to accommodate, and make change in, a reasonable monetary transaction. Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies as described in subdivision (i).
- c) Following:
 - 1) A towing company shall not remove or commence the removal of a vehicle from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who shall be present at the time of removal. General authorization to remove or commence removal of a vehicle at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of a vehicle unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or in a manner which interferes with any entrance to, or exit from, the private property.
 - 2) If a towing company removes a vehicle without written authorization and that vehicle is unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or in a manner which interferes with any entrance to, or exit from, the private property, the towing company shall take, prior to the removal of that vehicle, a photograph of the vehicle which clearly indicates that parking violation. The towing company shall keep one copy of the photograph taken pursuant to this paragraph, and shall present that photograph to the owner or an agent of the owner, when that person claims the vehicle.
 - 3) Any towing company, or any affiliate of a towing company, which removes, or commences removal of, a vehicle from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted by paragraph (1), is liable to the owner of the vehicle for four times the amount of the towing and storage charges, in addition to any applicable criminal penalty, for a violation of paragraph (1).

Added Ch. 963, Stats. 1959. Effective September 18, 1959.
Amended Ch. 639, Stats. 1963. Effective September 20, 1963.
Amended Ch. 1698, Stats. 1971. Operative May 3, 1972.
Amended Ch. 1022, Stats. 1979. Effective January 1, 1980.
Amended Ch. 308, Stats. 1980. Effective January 1, 1981.
Amended Ch. 738, Stats. 1982. Effective January 1, 1983.
Amended Ch. 913, Statg. 1983. Effective January 1, 1984.
Amended Ch. 1334, Stats. 1984. Effective January 1, 1985. Supersedes Ch. 255 and c)L 325
Amended CIL 1335, Stats. 1985. Effective January 1, 1986. Supersedes Ch. 312.
Amended Ch. 1262, Stats. 1986. Effective January 1, 1987.
Amended Ch. 672, Stats. 1987. Effective January 1, 1988.
Amended Ch. 998, Stats. 1990. Effective January 1, 1991. Supersedes Ch. 309.
Amended Ch. 71 1, Stats. 1991. Effective January 1, 1992.
Amended Ch. 1004, Stats. 1991. Effective January 1, 1992.
Amended Ch. 1220, Stats. 1992. Effective January 1, 1993. Supersedes Ch. 246.
Amended Ch. 272, Stats. 1993. Effective August 2, 1993, by terms of an urgency clause
Amended Ch. 1220, Stars. 1994. Effective September 30, 1994, by terms of an urgency clause.
Amended Sec. 6, Ch. 404, Stars. 1996. Effective January 1, 1996.

The 1995 amendment added the italicized material, and at the point(s) indicated, deleted the following: "a request to release"

22658.1. NOTIFICATION: DAMAGE TO FENCES

- (a) Any towing company that, in removing a vehicle, cuts, removes, otherwise damages, or leaves open a fence without the prior approval of the property owner or the person in charge of the property shall then and there do either of the following:
 - 1) Locate and notify the owner or person in charge of the property of the damage or open condition of the fence, the name and address of the towing company, and the license, registration, or identification number of the vehicle being removed.
 - 2) Leave in a conspicuous place on the property the name and address of the towing company, and the license, registration, or identification number of the vehicle being removed, and shall without unnecessary delay, notify the police department of the city in which the property is located, or if the property is located in unincorporated territory, either the sheriff or the local headquarters of the Department of the California Highway Patrol, of that information and the location of the damaged or opened fence.
- (b) Any person failing to comply with all the requirements of this section is guilty of an infraction.

Added Ch. 608, Stats. 1985. Effective January 1, 1986.

22658.2. REMOVAL FROM COMMON INTEREST DEVELOPMENT

- (a) Except as provided in subdivision (b), an "association", as defined in subdivision (a) of Section 1351 of the Civil Code, of a common interest development, as defined in subdivision (c) of Section 1351 of the Civil Code, may cause the removal of a vehicle parked on that property to the nearest public garage if all of the following requirements are satisfied:
 - (1) A sign not less than 17 by 22 inches in size with lettering not less than one inch in height appears at each entrance to the common interest development and contains both of the following:
 - a) A statement that public parking is prohibited and all vehicles not authorized to park on the common interest development will be removed at the owners' expense.

- b) The telephone number of the local traffic law enforcement agency. The sign may also indicate that a citation may be issued for the violation.
- (2) If the identity of the registered owner of the vehicle is known or readily ascertainable, the president of the association or his or her designee shall, within a reasonable time, notify the owner of the removal by first-class mail. If the identity of the owner of the vehicle is not known or ascertainable, the president of the association or his or her designee shall comply with subdivision (c) of Section 22853.
- (3) The president of the association or his or her designee, gives or causes to be given, notice of the removal to the local traffic law enforcement agency immediately after the vehicle has been removed. The notice shall include a description of the vehicle, the license plate number, and the address from where the vehicle was removed.
- (b) The association may cause the removal without notice of any vehicle parked in a marked fire lane, within 15 feet of a fire hydrant, in a parking space designated for handicapped without proper authority, or in a manner which interferes with any entrance to, or exit from, the common interest development or any separate interest contained therein.
- (c) Notwithstanding Section 1708 of the Civil Code, the association shall not be liable for any damages incurred by the vehicle owner because of the removal of a vehicle in compliance with this section or for any damage to the vehicle caused by the removal. However, the owner of a vehicle removed pursuant to this section may recover for any damage to the vehicle which results from any intentional or negligent act of the association or any person causing the removal of, or removing, the vehicle.
- (d) Notwithstanding any other provision of law, subdivisions (f) to (k), inclusive, of Section 22658 apply to the removal of vehicles pursuant to this section.

Added Ch. 1262, Stats. 1986. Effective January 1, 1987.

22953. REMOVAL PROHIBITED

- (a) Every owner or person in lawful possession of any private property which is held open to the public, or a discernable portion thereof, for parking of vehicles at no fee, shall not tow or remove, or cause the towing or removal, of any vehicle within one hour of the vehicle being parked.
- (b) Notwithstanding subdivision (a), a vehicle may be removed immediately after being illegally parked within 15 feet of a fire hydrant, in a fire lane, or in a parking space or stall legally designated for disabled persons.
- (c) Subdivision (a) does not apply to property designated for parking at an apartment complex, or to property designated for parking at a hotel or motel where the parking stalls or spaces are clearly marked for a specific room.

Added Ch 1335. Stat!! 1985. Effective January 1, 1986

Note: The preceding text is from the California State Civil Code manual available at any Department of Motor Vehicles for a fee of \$4.00. That text was scanned into the computer by Rebello's Towing Services, Inc.. Any changes in text or punctuation were unintentional, and for clarification of any problems or confusion with the text it is recommended that the user refer to an original document.



RECEIVED
NOV 14 2005

BY:.....

San José Police Department

November 9, 2005

TO: ALL CITY OF SAN JOSE CONTRACTED PRIVATE PROPERTY TOW COMPANIES

On November 7, 2005, the San Jose Police Department issued a General Order to all sworn officers regarding private property vehicle tows and related issues. This notification is being provided to you to ensure tow companies understand the laws, as well as SJPD policies and procedures related to private property tows.

California Vehicle Code (CVC) Subsection 22658(g) states:

"Possession of any vehicle under this section shall be deemed to arise when a vehicle is removed from private property and is in transit."

CVC Subsection 22658(h) states:

"A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of a vehicle at the request of the owner of private property or that owner's agent, if the owner returns to the vehicle or the owner's agent returns to the vehicle before it is removed from the private property. The regular towing charge may only be imposed after the vehicle has been removed from the property and is in transit."

Under these two provisions of the Vehicle Code, "possession" of a motor vehicle by a tow truck driver does not arise until the tow driver **has removed the vehicle from the private property and is in transit on a public street**. Once the tow truck driver has left the private property and is on a public street, the tow driver has possession of the vehicle and the tow driver is not obligated to stop and drop the vehicle prior to reaching the storage yard.

A tow driver can charge a lawful drop fee **only when the vehicle requested to be towed is attached to the tow truck and lifted**. For clarification, the word "drop" as used in the term "drop fee" implies that the fee can be charged only if the vehicle being towed has to be "dropped" from the tow truck, i.e., the front of the vehicle or the entire vehicle was in fact lifted off the ground.

An officer may lawfully order the tow driver to return the vehicle to the registered owner only if: (1) the registered owner demands the return of the vehicle before it is removed from the private property and (2) the registered owner pays a lawful drop fee charged by the tow truck company. These procedures do not apply to vehicle repossessions.

Please ensure that all tow company personnel review this document and understand its content. Any questions should be directed to Officer Barry Barner, San Jose Police Department, Private Property Tow Liaison at (408) 277-4452, or email: barry_barner@sanjoseca.gov.

Sincerely,

ROBERT L. DAVIS
Chief of Police

Officer Barry Barner, #3444



201 W Mission St. San José, CA 95110 tel (408) 277-4212 fax (408) 277-5771 www.sjpd.org

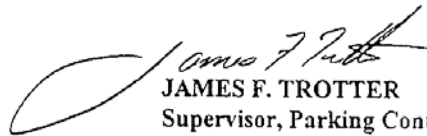
CITY OF SAN JOSE - MEMORANDUM

TO: INSPECTOR A. NICOLSON SAN JOSE FIRE DEPT	FROM: JAMES F. TROTTER STREETS AND TRAFFIC
SUBJECT: FIRE LANE DESIGNATION ON PRIVATE PROPERTY	DATE: JANUARY 16, 1996
APPROVED	DATE

As you requested, I have reviewed the California Vehicle Code in reference to designating "FIRE LANES" on private property. CVC Section 22500.1, paragraph 2 reads as follows:

The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting in red and, in contrasting color, marking the place with the words "FIRE LANE" which is clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE".

Their use of the word "or" would indicate in my opinion, that any one or combination of these signs/markings would constitute a legally marked and enforceable Fire Lane.


JAMES F. TROTTER
Supervisor, Parking Control
Streets and Traffic