

Date of Hearing: March 27, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 925 (Ta) – As Introduced February 14, 2023

SUBJECT: Vehicle removal: expired registration

SUMMARY: Requires a peace officer or employee to verify with the Department of Motor Vehicles (DMV) that no current vehicle registration exists before towing a vehicle for having expired registration longer than six months and prohibits the vehicle from being towed if the officer or employee does not have immediate access to those records.

EXISTING LAW:

- 1) Authorizes a peace officer or a regularly employed and salaried employee who is engaged in direct traffic or enforcing parking laws and regulations of a city, county, or jurisdiction of a state agency in which a vehicle is located to remove a vehicle located within the territorial limits in which they are authorized to act if a vehicle's registration has been expired for six or more months. (Vehicle Code Section (VEH) 22651)
- 2) Prohibits a person from driving, moving, or leaving a vehicle or trailer on a highway or in an off-street parking facility unless it is registered with DMV. (VEH 4000)
- 3) Requires a peace officer to verify using available DMV records that no current vehicle registration exists before issuing a ticket for failure to have an up to date registration sticker and prohibits a peace officer from issuing a violation ticket if the registration is paid for.

FISCAL EFFECT: Unknown

COMMENTS: Last year the Legislature passed SB 1359 (Hueso), Chapter 306, Statutes of 2022 which required law enforcement to verify that an individual's registration is in fact unpaid before they can issue a ticket for failure to have an updated registration sticker. The bill was meant to prevent someone who had their registration tag stolen from being victimized twice by then receiving a citation. While that law prevents law enforcement from issuing a \$25 fix it ticket, it did not require law enforcement to check to see if the vehicle is currently registered before towing the vehicle.

According to the author, "Sticker theft from vehicles is a problem statewide. Vehicle owners often pay for their registration but are still cited if their plates do not display the sticker. AB 925 would prevent cities & local governments (and those they employ, i.e., parking enforcement) from being able to tow a vehicle based solely on if a vehicle has expired registration tags. This bill would prevent extreme hardship for people who may not have the funds to retrieve their vehicle from an impound lot. Currently, drivers are subject to a fine, penalties, and replacement fees of over \$500. AB 925 will require a parking enforcer to check DMV records before towing the vehicle. This is the right thing to do for responsible drivers and avoids unnecessary fines and citations."

Towed into Debt: How Towing Practices in California Punish Poor People: A report published in 2019 by the sponsors of this bill, highlights how California's cities attempts to regulate downtown parking have resulted in disproportionate punishments for low income individuals. Based on an analysis of eight California cities, the sponsors estimate that one fourth of all tows conducted are because the owner had unpaid parking or traffic tickets, lapsed registration, or for being parked in one place for 72 hours. Vehicles towed for these reasons are 2 to 6 times more likely to be sold at a lien sale than the average towed cars. 50% of the vehicles towed in San Francisco for unpaid parking tickets and 57% of the vehicles towed for lapsed registration were sold by the tow companies, compared to only 9% of other vehicles that were towed for other reasons. In 2016 the City of San Francisco ordered more than 42,000 tows and sold more than 5,300 vehicles in lien sales. In total, it is estimated that public agencies in California towed nearly one million vehicles in 2016.

Recovering a vehicle after it has been towed is expensive. *Towed into Debt* notes that the average tow fee in California at the time the report was published was \$189, with a \$53 storage fee per day and a \$150 administrative fee. After three days of storage a towing fee could come out to \$499. If a vehicle was towed for having five or more unpaid parking violations or for vehicle registration purposes, the individual most also pay the unpaid parking debt and vehicle registration before they can retrieve their vehicle.

The Lawyers Committee for Civil Rights of the San Francisco Bay Area, writing in support of this bill, argues "Sticker theft from vehicles is a problem statewide. Often, vehicle owners pay for their registration but are still cited if their plates do not display the sticker. AB 925 would prevent cities and local governments (and those they employ, i.e., parking enforcement) from being able to tow a vehicle based solely on the fact that a vehicle has expired registration tags. This bill would prevent extreme hardship for people who may not have the funds to retrieve their vehicle from an impound lot. Drivers are subject to a fine, penalties, and replacement fees of over \$500. AB 925 will require parking enforcement to check DMV records before towing the vehicle. This is the right thing to do for responsible drivers and avoids unnecessary fines and citations."

Related Legislation:

AB 1082 (Kalra of 2023) as introduced had a provision extending the length of time necessary for the registration to be expired from six months to one year before the vehicle could be towed. That provision was removed from the bill and is being heard in Assembly Transportation Committee.

Previous Legislation:

SB 1359 (Hueso), Chapter 306, Statutes of 2022 which required law enforcement to verify that an individual's registration is in fact unpaid before they can issue a ticket for failure to have an updated registration sticker.

AB 516 (Chiu of 2019) would have removed the authority to impound a vehicle for having expired registration. That bill was held on suspense in Senate Appropriations Committee.

Committee comments: Verifying vehicle registration is actually paid is rather simple. All law enforcement officers have access to the California Law Enforcement Telecommunications Systems (CLETS) in their vehicles. CLETS is connected to DMV computer systems and allows law enforcement to easily verify that a vehicle registration is up to date. It is unclear if impoundment of a vehicle lacking registration based solely on the lack of a registration sticker is legal. The towing authority currently authorized in statute is for someone's failure to pay registration within six months, not for lacking the sticker indicating an individual has paid for the vehicle's registration.

REGISTERED SUPPORT / OPPOSITION:**Support**

Lawyers' Committee for Civil Rights of the San Francisco Bay Area

Opposition

None on file

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