

Date of Hearing: April 18, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2167 (Achadjian) – As Amended April 12, 2016

SUBJECT: Vehicles: towed vehicles

SUMMARY: Clarifies that businesses taking possession of a towed vehicle must obtain specific information regarding the vehicle and the tow by the next business day, rather than the next day, and provides that the business has the option of obtaining alternative forms of a tow truck driver's identification in addition to a driver's license number, to include the driver's identification number issued by an auto club or other government authorized-unique identifier.

EXISTING LAW: Requires a business taking possession of a vehicle from a tow truck to document:

- 1) The name, address, and telephone number of the tow company;
- 2) The name and driver's license of the tow truck operator;
- 3) The make, model, and license plate or vehicle identification number; and,
- 4) The date and time that possession was taken of the vehicle.

If the vehicle was dropped off after hours, the business is required to obtain the information from the towing company the next day.

FISCAL EFFECT: Unknown, this bill was keyed non-fiscal by the Legislative Counsel.

COMMENTS: The author introduced AB 2167 to address implementation issues regarding requirements imposed upon businesses when taking possession of a vehicle from a tow truck driver. Specifically, existing law, as enacted by AB 1222 (Bloom), Chapter 309, Statutes of 2015, requires a business to obtain the specified information from the towing company the next day after the vehicle was dropped off after hours. However, not all businesses accepting tows are open seven days a week, thus making a business out of compliance for not contacting the towing company the next day. AB 2167 addresses this problem by allowing the business to obtain the information the next *business* day.

Furthermore, AB 2167 provides for businesses receiving tows to collect alternative forms of a tow truck driver's identification, in response to privacy concerns that have arisen with having to provide personal information associated with a driver's license. Alternative forms provided for in this bill include identification numbers issued, for example, by local government and auto clubs.

AB 1222 was introduced and signed into law last year in response to concerns involving bandit tow truck operators. Among other provisions, AB 1222 requires a business taking possession of a vehicle from a tow truck to make written information available to law enforcement or the Bureau of Automotive Repair within 48 hours of a request, and to maintain this information for three years. A business that willfully violates this provision

is guilty of a misdemeanor, punishable by a maximum fine of \$2,500, a maximum of three months in county jail, or both.

AB 2167 is sponsored by the California New Car Dealer Association (CNCDA). Apparently, new car dealers are concerned about willfully violating provisions of AB 1222 when they close their service departments on Sundays and do not check for overnight tows until the following business day. For this reason, CNCDA is seeking an amendment to modify the requirement to obtain the information to the next business day, not the next day. Furthermore, enabling a tow truck operator to offer alternative forms of identification will address concerns for privacy without jeopardizing the integrity of the paper trail established in AB 1222.

Previous legislation: AB 1222 (Bloom), Chapter 309, Statutes of 2015, added provisions to curb illegal towing, including the provision that a business obtain specific information regarding the vehicle and the tow by the next business day.

REGISTERED SUPPORT / OPPOSITION:**Support**

California New Car Dealers Association (Sponsor)
Automotive Service Councils of California
California Autobody Association
California Automotive Business Coalition
California Tow Truck Association
The United Coalition for Motor Club Safety

Opposition

None on file

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