



CUSTOMERS' RIGHTS AND OBLIGATIONS PURSUANT TO CALIFORNIA VEHICLE CODE 22852

Notice to Owner: Poststorage Hearing

22852. (a) Whenever an authorized member of a public agency directs the storage of ⁽¹⁾ a vehicle as permitted ⁽²⁾ under this section, or upon the storage of any vehicle as permitted herein (except as provided in subdivision (f) or (g)), the agency or person directing the storage shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a poststorage hearing to determine the validity of the storage.

(b) A notice of the storage shall be mailed or personally delivered to the registered and legal owners within 48 hours, excluding weekends and holidays, and shall include all of the following information:

- (1) The name, address, and telephone number of the agency providing the notice.
- (2) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (3) The authority and purpose for the removal of the vehicle.
- (4) A statement that, in order to receive their poststorage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

(c) The poststorage hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle.

(d) Failure of either the registered or legal owner, or his or her agent, to request or to attend a scheduled hearing shall satisfy the poststorage hearing requirement.

(e) The agency employing the person who directed the storage shall be responsible for the costs incurred for towing and storage if it is determined in the poststorage hearing that reasonable grounds for the storage are not established.

(f) This section does not apply to vehicles abated under the Abandoned Vehicle Abatement Program pursuant to Sections 22660 to 22668, inclusive, and Section 22710, or to vehicles impounded for investigation pursuant to Section 22655, or to vehicles removed from private property pursuant to Section 22658.

(g) This section does not apply to abandoned vehicles removed pursuant to Section 22669 ⁽³⁾ that are determined by the public agency to have an estimated value of ⁽⁴⁾ five hundred dollars (\$500) or less.

Amended Sec. 17, Ch. 650, Stats. 2004. Effective January 1, 2005.

The 2004 amendment added the italicized material, and at the point(s) indicated, deleted the following:

1. "any"
2. "herein"
3. "which"
4. "three hundred dollars (\$300)"