
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 925 **Hearing Date:** June 13, 2023
Author: Ta
Version: February 14, 2023
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Vehicle removal: expired registration*

HISTORY

Source: Author

Prior Legislation: SB 1359 (Hueso, Ch. 306, Stats. of 2022)
AB 516 (Chiu, 2019), held in Assembly Appropriations

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

Opposition: None known

Assembly Floor Vote: 75 - 0

PURPOSE

The purpose of this bill is to require a peace officer or traffic enforcement official 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 6 months, and prohibits the vehicle from being towed if the officer or traffic enforcement official does not have immediate access to those records.

Existing law makes it unlawful to willfully fail or refuse to comply with a lawful order, signal or direction of a uniformed peace officer or to refuse to submit to a lawful inspection pursuant to the Vehicle Code. (Vehicle Code §2800(a).)

Existing law provides that a person shall not drive, move, or leave standing upon a highway, or in an off street public parking facility, any motor vehicle unless it is registered with the DMV and the appropriate fees have been paid, with specified exceptions. (Vehicle Code §4000)

Existing law provides that registration tabs, indicating the month and year of expiration, shall be attached to the rear license plate assigned to the vehicle for the last preceding registration year in which the plates were issued. (Vehicle Code §5204(a).)

Existing law provides that truck tractors and commercial motor vehicles having a gross weight of 10,001 pounds or more shall display their registration tabs on the front license plate assigned to that vehicle. (Vehicle Code §5204(a).)

Existing law specifies that vehicles that fail to display current or expired tabs are in violation of Vehicle Code §5204. (Vehicle Code §5204(a).)

Existing law provides that unless otherwise specified, violations of the Vehicle Code, including a violation of §5204, constitute an infraction. (Vehicle Code §40000.1)

Existing law exempts fleet vehicles and specified trailers from the registration tab display requirement in Vehicle Code §5204(a). (Vehicle Code §5204(b).)

Existing law specifies that the registration tab display requirement does not apply when proper application for renewal of registration has been made to the DMV and the indicia of current registration has not yet been received by the owner of the vehicle. (Vehicle Code §5204(c).)

Existing law provides that Vehicle Code §5204 is enforceable against any motor vehicle that is driven, moved, or left standing upon a highway, or in an off-street public parking facility. (Vehicle Code §5204(d).)

Existing law provides that prior to issuing a citation for a violation of VC § 5204, a law enforcement officer shall verify, using available DMV records, that no current registration exists for that vehicle, and that a citation shall not be issued for failure to comply with § 5204 against any vehicle that has a current registration on file. (Vehicle Code §5204(e).)

Existing law provides that if the person authorized to enforce parking law and regulations does not have immediate access to DMV records, a citation shall not be issued for failure to comply with §5204. (Vehicle Code §40225(b).)

Existing law provides that a peace officer, or regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations of a city, county, or jurisdiction of a state agency in which a vehicle is located may remove a vehicle located within the territorial limits in which the officer or employ may act, under specified circumstances. (Vehicle Code § 22651(a) – (w).)

Existing law provides that a vehicle may be removed per the above provision if a vehicle is found or operated upon a highway, public land, or an off-street parking facility with a registration expiration date in excess of six months before the date it is found or operated on the highway, public lands, or the off-street parking facility. (Vehicle Code §22651(o)(1)(A).)

This bill provides that prior to removing a vehicle with a registration expiration date in excess of six months per the above, the officer or traffic enforcement employee shall verify, using available DMV records, that no current registration exists for the vehicle.

This bill provides that a vehicle shall not be removed for a violation of the above provision (VC §22651(o)(1)(A)) if it has a current registration on file with the DMV, regardless of whether it is in compliance with the requirement that registration tabs be displayed (VC §5204(a).)

This bill provides that if the officer or employee does not have immediate access to the relevant DMV records, a vehicle shall not be removed pursuant to the above.

COMMENTS

1. Need for This Bill

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.

2. Registration Tab Theft and The Consequences of Towing

As referenced in the statement above, the Author asserts that this bill is intended to combat the widespread theft of registration tabs affixed to properly registered vehicles. Although existing law makes it a crime, punishable as a misdemeanor or felony, to fraudulently display stolen or counterfeit registration tabs, many communities still experience this problem.¹ Some attribute the increase in registration tab theft to the passage of SB 1 (Beall, Ch. 5, Stats. of 2017), which raised vehicle registration fees, although reports of registration tab theft date back decades.² In an attempt to protect their registration tabs from theft, many Californians have turned to transparent license plate covers, which are intended to prevent access to the registration sticker but ensure visibility of the license number.³ The Author argues that, even with the availability of these security devices, registration sticker theft remains pervasive. Presumably, as a result, officers may see a vehicle without current tabs and initiate a tow of the vehicle based simply on their observations and not on current DMV records, which may indicate that the vehicle's registration is current.

The Author also cites a report published in 2019 by the bill's sponsor, the Lawyers' Committee for Civil Rights, which highlights how efforts by California cities to regulate downtown parking have resulted in disproportionate punishment for low-income individuals.⁴ According to the report, 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. 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

¹ Vehicle Code §4463;

² "Here's how to thwart thieves who steal vehicle-registration tags." *The Press Enterprise*. 12 May 2019. <https://www.pe.com/2019/05/12/heres-how-to-thwart-thieves-who-steal-vehicle-registration-tags/>; "License Plate Tag Theft, Fraud on the Rise." *Los Angeles Times*. 5 April 1999. <https://www.latimes.com/archives/la-xpm-1999-apr-05-me-24377-story.html>

³ Vehicle Code §5201(c)(2) permits license plate security covers as long as they only cover the registration tabs and do not cover or obstruct the license plate number.

⁴ "Towed Into Debt." Lawyers' Committee for Civil Rights of the San Francisco Bay Area. Published 17 June 2019. [WES459_TowReport_A9_Endnotes-1.pdf](https://www.lccrsf.org/WES459_TowReport_A9_Endnotes-1.pdf) (lccrsf.org)

California towed nearly one million vehicles in 2016. The report also 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 must also pay the unpaid parking debt and vehicle registration before they can retrieve their vehicle.⁵

3. Citation and Towing for Registration Violations

Existing law requires most vehicles to clearly display proof of current registration by affixing a registration sticker, or “tab,” to the rear license plate.⁶ In addition to other various markings, these tabs include the last preceding year that the vehicle was lawfully registered. For instance, for registration fees paid in early 2022 for that registration year, a motorist will receive a tab with the year “2022” clearly displayed on it. Failure to display registration tabs on a vehicle is punishable as an infraction, but is also considered a “correctable” violation, or “fix-it ticket.”⁷ This means that if a cited motorist shows proof of correction and pays a minor dismissal fee, the court will dismiss the charge.

Existing law authorizes peace officers to enforce traffic and vehicle-related violations, and requires motorists to submit to lawful orders and inspections in furtherance of this enforcement.⁸ Under existing case law, a peace officer may initiate a vehicle stop if the officer reasonably believes that a traffic-related violation has occurred.⁹ Prior to January 1, 2023, an officer could issue a citation against any vehicle that failed to display current registration tabs pursuant to existing requirement (essentially an observed violation). However, in 2022, the Legislature passed SB 1359 (Hueso, Ch. 306, Stats. of 2022), which required law enforcement to verify, using current DMV records, that an individual’s registration is in fact expired and unpaid prior to issuing a citation for failure to display registration tabs. This essentially codified what was already common practice, as officers will regularly check a motorist’s license plate against DMV records using the computer in their police vehicle to confirm the validity of any perceived violations prior to issuing a citation.

Existing law also authorizes peace officers and other traffic enforcement employees to remove (or have towed) a vehicle located within that official’s jurisdiction under certain circumstances, including when a vehicle is found or operated on a highway, public land or an offstreet parking facility with a registration expiration date in excess of 6 months before the date it is found or operated.¹⁰ While SB 1359 prevented law enforcement from issuing a citation for a mere observed violation, it did not require law enforcement to confirm current registration before towing the vehicle. This bill makes precisely that change to existing law. That is, it requires an officer or traffic enforcement official, prior to removing a vehicle with registration expiration exceeding six months, to confirm that the vehicle’s registration is not current via the DMV database. Under the bill, if the vehicle has a current registration on file, it cannot be towed, even if it is not displaying current registration tabs. Additionally, if the officer or traffic enforcement official does not have immediate access the DMV’s records, the vehicle may not be towed.

⁵ *Ibid.*

⁶ Vehicle Code §5204

⁷ Vehicle Code §40000.1, §§40610-40618; <https://www.courts.ca.gov/9529.htm>

⁸ Vehicle Code §2800 et. seq., and §40000.1 et. seq.

⁹ *Terry v. Ohio* 392 U.S. 1 (1968); *Brendlin v. California* 551 U.S. 249 (2007)

¹⁰ Vehicle Code §22651(o)(1)(A)

4. Argument in Support

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

Integral to LCCRSF's mission is our work to abolish debt tows, improve parking ticket payment plans, and change the myriad ways in which low-income Californians are further impoverished and marginalized because their vehicles, despite being safely and legally parked, are towed. 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.

Recovering a vehicle after it has been towed is expensive. Towed into Debt notes that the average tow fee in California is \$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. AB 925 does not remove a city's ability to regulate their curbs. Cars will still be allowed to be towed for the following: obstructing traffic, being reported as stolen, blocking a driveway, blocking a fire hydrant, lacking a license plate, parking in a spot where notice was given for cleaning, repair or construction purposes; in spots where all vehicles are prohibited from parking, this bill simply just adds cities and local governments to the same standards as law enforcement from last year's SB 1359 (Hueso) by having the parking enforcement for a city or local government check with DMV that the vehicle's registration is actually expired before towing.

-- END --