

## WHY WAS MY CAR TOWED?

A property owner is allowed to have a car towed from his or her property if there is a sign posted on the property (at least 17"x22" with 1" letters) saying that public parking is prohibited, and that parked cars will be towed at the owner's expense. The sign must also contain the telephone number of the local traffic law enforcement agency as well as the name and telephone number of the tow company used. California Vehicle Code ("CVC") § 22658(a)(1).

If a sign is not posted, a car can only be towed if:

1. The car was issued a parking violation notice at least 4 days (96 hours) before the tow; **or**
2. The car is missing major parts necessary to operate safely, and the property owner notified RPD at least 24 hours before; **or**
3. The property is a single-family dwelling. CVC § 22658(a)(2-4).

## WHO AUTHORIZED THE TOW OF MY CAR?

The following people are authorized to tow a car on their private property:

1. The property owner or their employee; **or**
2. The property tenant or their employee; **or**
3. A tenant of an apartment building with 15 or less units that does not have an on-site manager (**IF** the tenant provides a signed request or email to the property owner within 24 hours of the tow that the car is parked in their assigned space, **AND IF** the property owner provides that signed request or email to the tow company within 48 hours of authorizing the tow.

However, these individuals must (1) be on the property at the time of the tow to verify the violation, and (2) sign a written authorization form for each car being towed. CVC § 22658(1)(1)(A).

A written authorization form must include:

1. Make, model, VIN, and license plate #;

2. Name, signature, job title, residential or business address, and working phone number of the person authorizing the tow;
3. Reason for the tow;
4. Time when the car was first observed parked on the private property; **and**
5. Time that authorization to tow was given. CVC § 22658(1)(1)(B).

## WHAT IF MY CAR WAS TOWED AND NO ONE SIGNED TO AUTHORIZE IT?

A car can be towed from private property, even if no one is present to authorize the tow, if the property owner has signed a general authorization form with the tow company. **However**, under a general authorization form, a car can only be towed if it is:

1. Parked within 15 feet of a fire hydrant; **or**
2. Parked in a fire lane; **or**
3. Parked in a way that interferes with the entrance to or exit from the private property. CVC § 22658(1)(1)(E).

If a tow company removes a vehicle under a general authorization form, the company must take a photo of the car (that clearly shows the parking violation) before towing it. CVC § 22658(1)(2).

## WHAT IF I RETURN WHILE THEY ARE STILL HOOKING UP MY CAR?

If you return to your car while or after it has been hooked up to a tow truck, but before it has left the property, you have the right to have your car released from the tow truck immediately and unconditionally. If the tow truck driver fails to comply, they may be found guilty of a misdemeanor. CVC § 22658(g)(1)(B-C).

However, the tow company has the right to charge you one half of the regular towing charge. But, they cannot require immediate payment of that charge as a condition of releasing your car back to you. Once the car is returned to you, you must immediately move it to a legal parking spot. CVC § 22658(h).

## WHAT IF I WAS PARKED IN A PUBLIC PARKING LOT?

You can be towed from a private parking lot free to the public if you are parked in violation of parking restrictions posted on the property. However, you cannot be towed from that private lot until you have been parked for at least one hour, unless you are parked (1) in a disabled space, (2) within 15 feet of a fire hydrant, (3) in a fire lane, or (4) in a way that blocks access to the property. CVC § 22953(a-b).

You can be immediately towed if you are parked in designated spaces at a residential property or hotel lot. CVC § 22953(c).

## IF MY CAR IS TOWED, HOW WILL I BE NOTIFIED?

The tow company is required to deliver a written notice of the tow to the registered owner of the car. This notice must include (1) why the car was towed, (2) the car's mileage before it was towed, and (3) when the car was towed and where it was towed to. However, if the tow company cannot find the registered owner's name and address in DMV records, then the company must report the vehicle to the Department of Justice as a potentially stolen vehicle. CVC § 22658(b), 22853(c).

**If you sell your car, send the DMV a "Notice of Release of Liability" so you are no longer on record as the registered owner.**

## WHERE CAN THEY TOW MY CAR?

The car must be towed to a storage facility that meets the following requirements:

1. Is located within 10 miles of the property from which it was towed;
2. Remains open during normal business hours and releases cars after business hours; **and**
3. Has a pay phone in the office that the public can use. CVC § 22658(n)(1-3).

## **HOW DO I GET MY CAR BACK?**

You have a right to contact the tow company and arrange for release of your car any day. However, a gate fee of no more than half the initial tow fee may be charged if the car is released after normal business hours, on weekends, or on state holidays. CVC § 22658(n)(2)(A-B).

When you claim your car, you have a right to a free copy of (1) the photo of your car (if one was taken), and (2) the written authorization form or general authorization agreement between the tow company and property owner. The tow company must keep these records for three years. CVC § 22658(l)(3).

You can request a notice from the tow company with RPD's phone number if you believe your car was wrongfully towed. CVC § 22658(l)(1)(C)(iii).

## **HOW WILL I BE CHARGED?**

You have the right to pay no more than the maximum legal towing and storage charges as currently listed in Riverside Municipal Code § 5.15.080.

The tow company may only charge one day of storage fees during the first 24 hours that the car is in storage. After 24 hours, the charge is by calendar day. CVC § 22658(i)(2)

You have the right to pay charges with cash or a bank credit card. The storage facility must have sufficient cash on hand to make change. CVC § 22658(k)(1), 22658(k)(5), California Civil Code § 1747.02.

## **WHAT ARE MY REMEDIES?**

A **property owner** who fails to notify RPD within 1 hour of the tow is guilty of an infraction. CVC § 22658(f), CVC § 40000.1.

The **property owner** of a private parking lot free to the public who has a car towed from the lot before it has been illegally parked for at least 1 hour may be liable to the car owner for twice the towing **and** storage charges. CVC § 22953(e).

A **property owner** who does not state the reason for the tow when requested by the registered owner, or who does not comply with CVC 22658(a), can be held liable for twice the towing **or** storage charges. CVC § 22658(e)(1).

A **tenant of an apartment building with 15 or less units** is guilty of an infraction if they had a car towed without complying with all the requirements of CVC § 22658(l). CVC 22658(e)(2).

A **towing company employee** who fails to notify RPD of the car's removal may be (1) guilty of a misdemeanor if notice is not provided within 1 hour after the car is removed or 15 minutes after arrival at the storage facility (whichever time is less), and (2) the **towing company** is civilly liable for three times the amount charged for towing **and** storage if notice is not provided within 30 minutes after the car is removed. CVC § 22658(m)(1-3).

A **towing company employee** may (1) be found guilty of a misdemeanor, and (2) the **towing company** may be civilly liable to the car owner for four times the amount charged for towing and storage, if they:

1. Overcharge for towing and/or storage (CVC § 22658(j)(1-2);
2. Fail to accept a valid credit card or post a note advising that valid credit cards and cash are acceptable (CVC § 22658(k)(3-4);
3. Tow a car without obtaining a signed written authorization (unless the car is blocking a fire hydrant, fire lane, or access to the property) (CVC § 22658(l));
4. Fail to give the car owner a copy of the written authorization or general authorization form, and photo showing the violation, prior to payment (CVC § 22658(l)); or
5. Fail to provide a notice to the car owner with RPD's phone number if the car owner believes an illegal tow occurred (CVC § 22658(l)).

# **THE RIVERSIDE CAR OWNER'S GUIDE For When Your Vehicle is Towed from Private Property**

## **Laws and Guidelines to Know Your Rights**

**By: The Riverside Police  
Department and City Attorney's  
Office**