

HOW DO I KNOW MY CAR WAS TOWED?

CALL THE SFPD AT 415-553-1239

The private property owner is required to notify the SFPD within 1 hour of authorizing a tow. CVC § 22658(f)

The towing company must notify the SFPD of the tow no later than 30 minutes after removing the vehicle, or 15 minutes after arriving at the storage facility, whichever is earlier. CVC § 22658(m)

HOW WAS I SUPPOSED TO KNOW NOT TO PARK THERE?

Before a car can be towed from private property, the property owner must post a visible sign (at least 17"x22" with 1" letters) saying that parking is prohibited and that vehicles will be towed at the owner's expense. CVC § 22658(a)(1)

No sign is required to tow from private property if:

- the vehicle was issued a notice of the parking violation at least 4 days (96 hours) before the tow; **OR**
- the vehicle is missing major parts, and the property owner notified local law enforcement of the parking violation at least 24 hours before, **OR**
- the property is a single family dwelling.

BUT I WAS PARKED IN A PUBLIC PARKING LOT!

YOU MAY BE TOWED FROM PRIVATE PROPERTY IF you are parked in a private parking lot that is open to the public without a fee (like a supermarket or mall) if you are parked in violation of parking restrictions that are posted on the property. However, you cannot be towed from a private lot that is free to the public until you have been illegally parked for at least one hour **UNLESS** you are parked in a disabled space, within 15 feet of a fire hydrant, or in a fire lane or blocking the entrance to or exit from the property. CVC § 22953

YOU CAN BE TOWED IMMEDIATELY if you are parked in the parking lot of a residential apartment complex or in a hotel parking lot if the space you are parked in is marked for a specific hotel room. CVC § 22953

I CAME BACK WHEN THEY WERE STILL HOOKING UP MY CAR AND THEY WOULDN'T LET IT GO!

CVC § 22658(g) and (h): If you return to your car after it is hooked up to a tow truck and before it leaves the property, **YOU HAVE THE RIGHT** to have the vehicle released from the tow truck, but you must pay half the normal towing fee.

IMMEDIATELY AND UNCONDITIONALLY

until the moment that the tow truck drives off the property. If your car was already hooked up when you arrived, the towing company has the right to charge you one half of normal towing charges for a released vehicle **BUT** they cannot require immediate payment as a condition of releasing the vehicle. You must immediately move the released vehicle to a legal parking spot.

WHO AUTHORIZED THEM TO TOW MY CAR?

CVC § 22658(l): You may only be towed from private property **IF:**

A PERSON WHO IS . . .

1. the property owner or their employee, **OR**
2. the commercial tenant or their employee, **OR**
3. a tenant of an apartment building of fewer than 15 units that does not have an on-site manager **[IF the tenant provides a written request to the property owner within 24 hours of the tow that the vehicle was parked in their assigned parking space AND IF the property owner provides a statement to the towing company within 48 hours of the tow that the tow is authorized.]**

. . . IS ON THE PROPERTY AT THE TIME OF THE TOW TO VERIFY THE VIOLATION, AND

. . . THAT PERSON SIGNS A WRITTEN AUTHORIZATION FOR EACH VEHICLE REMOVED.

The written authorization must include

1. make, model, VIN, license # of the vehicle;
2. name, signature, job title, residential or business address and working telephone number of the person authorizing the tow;
3. The reason for the tow;
4. time when the vehicle was first observed parked on the property; and
5. the time that the authorization to tow was given.

MY CAR WAS TOWED IN THE MIDDLE OF THE NIGHT, AND NO ONE SIGNED TO AUTHORIZE IT.

THERE IS AN EXCEPTION TO THE REQUIREMENT THAT A PERSON SIGN TO AUTHORIZE THE TOW: A vehicle may be towed from private property even if no person is present to authorize the tow **IF** the property owner has signed a "**GENERAL AUTHORIZATION**" with the towing company-- **BUT!**

Even with a GENERAL AUTHORIZATION a vehicle may only be removed 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 to interfere with the entrance to and exit from the property.

If a tow operator relies on a **GENERAL AUTHORIZATION** to tow your car, **YOU HAVE THE RIGHT** to get a free photocopy of a photo that clearly shows the violation at the time that you claim your vehicle, and a free copy of the General Authorization agreement with the property owner. The towing company is required to keep those records for three years. CVC §§ 22658(l)(1)(E), 22658(l)(3)

WHERE ARE THEY ALLOWED TO TAKE MY CAR?

The vehicle must be stored within 10 miles of the property from which it was removed. A towing company can only take a car farther than 10 miles if they have written permission from a local law enforcement agency. CVC § 22658(n)(1)(A)

HOW CAN I GET MY CAR BACK?

YOU HAVE THE RIGHT to be able to contact the towing company and arrange for release of your vehicle 24 hours a day, 7 days a week, 365 days a year. CVC § 22658(n)(2)(A)

YOU HAVE THE RIGHT to receive a copy of the written authorization for the tow signed by a representative of the property owner (with personal information blocked out), or the General Authorization if no person was present to sign when the car was towed and a copy of a photo clearly showing the violation at the time the vehicle is released. CVC §§ 22658(l)(1)(C), 22658(l)(2)

YOU HAVE THE RIGHT to receive a separate notice from the towing company with the telephone number of the SFPD that you can call if you believe that you have been wrongfully towed. CVC § 22658(l)(1)(C)(iii)

HOW MUCH CAN THEY CHARGE ME?

YOU HAVE THE RIGHT to pay no more than the maximum legal towing and storage charges.

Until July 2009 the maximum rate is:

- **\$ 250** for the tow
(standard size car and no special handling)
- **\$ 80** for each day of storage
- No more than half of the initial tow charge as “gate fee” if your reclaim your car between the hours of 5pm and 8am. CVC § 22658(n)

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

YOU HAVE THE RIGHT to pay with cash or major credit card. (American Express, Discover, Visa or Mastercard) The towing company is required to have sufficient cash on hand to make change. CVC § 22658(k) and (m), Civil Code § 1747.02

ISN'T SOMEONE REQUIRED TO OFFICIALLY NOTIFY ME THAT MY CAR WAS TOWED?

CVC § 22658(B): the towing company is required to deliver a written notice of the tow to the registered owner, including grounds for removal, the mileage before the vehicle was towed, the time it was towed and the location of the vehicle. **BUT** if they cannot find the name and address of the registered owner in Department of Motor Vehicle records, the towing company must report the vehicle to the Department of Justice as a potentially stolen vehicle.

IN ORDER TO RECEIVE IMPORTANT OFFICIAL NOTICES ABOUT YOUR CAR, IT IS IMPORTANT TO KEEP YOUR NAME AND ADDRESS CURRENT WITH THE DEPARTMENT OF MOTOR VEHICLES.

SEND THE DEPARTMENT OF MOTOR VEHICLES A "NOTICE OF RELEASE OF LIABILITY" WHEN YOU SELL YOUR CAR SO THAT YOU ARE NO LONGER ON RECORD AS THE REGISTERED OWNER.

WHAT ARE THE PENALTIES FOR TOWING A VEHICLE IN VIOLATION OF PRIVATE PROPERTY TOWING LAWS?

- A towing company who fails to notify SFPD within 30 minutes of removing the vehicle may be liable for three times the towing and storage charges, CVC § 22658(m)(3), and a property owner who fails to notify the SFPD within one hour of the tow is guilty of an infraction. CVC § 40000.1

- An owner of a private parking lot that is open to the public without a fee who has a vehicle towed from the lot before it has been illegally parked for at least one hour may be liable to the vehicle owner for twice

the towing and storage charges, CVC § 22953(e), and the towing company may be liable for four times the towing and storage charges if they fail to make an effort to determine that the property owner has complied with the one-hour requirement. CVC § 22658(l)(5)

- A private property owner who has a car towed without posting tow-away signs, who fails to place a notice on the vehicle 96 hours before towing (or 24 hours if the vehicle is missing major parts), or who fails to state the reason for the tow when requested by the vehicle owner may be liable for twice the towing **OR** storage charges. CVC § 22658(e)(1)

- A tenant of an apartment building of 15 units or less who wrongfully has a car towed without complying with all requirements of CVC § 22658(l) is guilty of an infraction, CVC § 22658(e)(2), and if all required procedures of CVC § 22658(l) are not followed, the towing company may also be liable for four times the towing and storage charges.

- CVC §§ 22658(j), (k) and (l): A towing company may be liable to the vehicle owner for four times the towing and storage charges if they:

1. tow a car from private property without obtaining a signed authorization from the property owner or their representative (unless it is blocking fire hydrant, fire lane or access to the property);
2. overcharge for towing and/or storage;
3. fail to accept valid credit cards;
4. fail to give the vehicle owner a copy of the General Authorization contract with the property owner and a copy of a photo clearly showing the violation upon request; or
5. fail provide a notice to the vehicle owner with an SFPD telephone number to call if the owner believes the vehicle was illegally towed.

WHO CAN I CALL TO REPORT ILLEGAL TOWING?

District Attorney Consumer Protection 415-551-9575
SFPD Tow Car Permit Division: 415-553-9550
Small Claims Court (415) 551-5880
(Access Self-Help Center for the San Francisco Superior Court, 75 Polk Street, Room 001)

YOU CAN FIND a list of towing companys that are permitted to operate in San Francisco at www.xxxxxx

KNOW YOUR RIGHTS WHEN YOUR VEHICLE IS TOWED FROM PRIVATE PROPERTY

Laws about Towing Vehicles
from
Private Property in California