10/7 Impounds and Towing

10/7.1 Community Caretaking Doctrine and Vehicle Impound Procedures

A. Community Caretaking Doctrine Overview

1. The totality of circumstances, including the factors listed below, should be considered when deciding whether impoundment is reasonable under the Community Caretaking Doctrine and the Fourth Amendment. The decision to impound any vehicle must be reasonable and in the furtherance of public safety. Any time a vehicle is impounded, Airport Police personnel shall document the Community Caretaking Doctrine justification in the Remarks Section of the Vehicle Report, California Highway Patrol (CHP) Form 180.

2. Officers shall be guided by the Community Caretaking Doctrine and the procedures when deciding whether to impound a vehicle driven by an unlicensed driver, or a driver with a suspended or revoked license. The courts have ruled that this doctrine allows officers to impound a vehicle when doing so serves a community caretaking function. An impoundment based on the Community Caretaking Doctrine is likely warranted:

a. When the vehicle is impeding traffic or jeopardizing public safety and convenience, such as when a vehicle is disabled following a traffic collision;

b. When the vehicle is blocking a driveway or crosswalk or otherwise preventing the efficient movement of traffic (e.g., vehicle, pedestrian, bicycle);

c. When the location of the stopped vehicle may create a public safety hazard (e.g., vehicle, pedestrian, bicyclist);

d. When the location of the vehicle, is left at the location, it may make it a target for vandalism or theft; or,

e. To prevent the immediate and continued unlawful operation of the vehicle (e.g., licensed driver not immediately available).

B. Unlicensed Driver and Driver with a Suspended/Revoked License Impound Authority.

1. California Vehicle Code (CVC) Section 22651(p) shall be used as the impound authority for all vehicles being impounded when it has been determined that the driver was involved in the following:

a. Driving without a valid California Driver License (unless the driver is a nonresident with a valid driver license or otherwise exempt under the CVC);

b. Driving with an expired, withheld, or out-of-class California Driver License;

c. Driving with a suspended or revoked license; or,

d. Driving with a restricted license pursuant to California Vehicle Code Sections 13352 or 23575, and the vehicle is not equipped with a functioning, certified interlock device.

(1) When the driver is driving on a restricted driver license pursuant to CVC Sections 13352 or 23575, and the vehicle is not equipped with a functioning; certified interlock device, officers shall impound the vehicle under CVC Section 22651(p) and shall either effect a custodial arrest of the driver or issue a Traffic Notice to Appear citation in the field.

2. The name and driver license number of the licensed driver that the vehicle is being released to shall be documented in the narrative portion of the Traffic Notice to Appear that is issued to the unlicensed driver. If it is determined that the registered owner knowingly allowed an unlicensed driver to operate the vehicle, he or she may be cited for CVC Section 14604(a), "Knowingly Allowing Unlicensed Driver to Drive."

3. Officers shall release the vehicle in lieu of impound provided all of the following conditions are met:

a. The registered owner or his or her designee has a valid California Driver License or is a nonresident with a valid driver license or otherwise exempt under the CVC;

b. The registered owner and licensed driver are immediately available;

c. The registered owner authorizes the licensed driver to drive the vehicle; and,

d. The vehicle's registration is not expired over six (6) months.

4. If the traffic stop is conducted in the registered owner's residential driveway or a legal parking space in the immediate vicinity of the owner's residence, impounding the vehicle would not be appropriate. However, if the traffic stop is conducted in the driver's residential driveway or in the immediate vicinity of the driver's residence but the driver is not the registered owner, officers must consider the totality of the circumstances to determine if impoundment is reasonable.

5. When the vehicle cannot be released to a licensed driver, the vehicle shall be impounded pursuant to CVC Section 22651 (p) or, if the vehicle's registration is expired over six (6) months, pursuant to eve Section 22651(o) , to prevent the immediate and continued unlawful operation as warranted under the Community Caretaking Doctrine. The Official Police Garage (OPG) tow should be requested when it is determined that the vehicle cannot be released.

a. The reason to impound the vehicle shall not be based on whether the vehicle is properly insured.

C. Impounding Vehicles Driven by Habitual Driving Under the Influence Offenders

1. California Vehicle Code Section 14602.S(a)(l) authorizes an officer to impound a vehicle from a driver when it is determined that a person has been convicted of CVC Section 23140, Juvenile Driving Under the Influence of Alcohol; CVC Section 23152, Driving Under the Influence of Drugs or Alcohol; or CVC Section 23153, Causing Bodily Injury While Driving Under the Influence of Drugs or Alcohol, within the past 10 years and one or more of the following circumstances apply:

a. The person was driving a vehicle with a blood alcohol content of 0.08 percent or more; or,

b. The person driving the vehicle refused to submit to or complete a chemical test.

(1) The officer shall immediately cause the removal and seizure of the vehicle that such a person was driving.

2. A vehicle impounded pursuant to the aforementioned section shall be impounded for CVC Section 14602.8 based on the following time periods:

a. 5 Days -If the person has been convicted once for violating Sections 23140, 23152 or 23153 CVC, and the violation occurred within the preceding 10 years: or,

b. 15 Days -If the person has been convicted two or more times for violating eve Sections 23140, 23152 or 23153 or any combination thereof, and the violations occurred within the preceding 10 years. The vehicle shall be released to the registered owner or his or her designee prior to the end of the impoundment period only under conditions set forth in CVC Section 14602.8(d).

D. Citing or Arresting Unlicensed Drivers at Traffic Collision Scenes and Related Vehicle Impounds.

1. For an unlicensed driver or driver with a suspended/revoked license at traffic collision scenes, the appropriate impound authority or release-at-scene protocol shall be utilized in accordance with the "Unlicensed Driver and Driver with a Suspended/Revoked License Impound Authorities" section of this policy.

2. A driver involved in a traffic collision may be cited or placed under custodial arrest when the officer determines that the involved vehicle was operated by an unlicensed driver or a driver whose driving privilege was suspended or revoked.

a. The officer's determination shall be based upon witnesses' statements, a driver's admission and/or physical evidence. The related impound Vehicle Report shall contain the following:

(1) A full narrative listing all of the information/elements to establish the driver's offense; and,

(2) Names, addresses, telephone numbers and statements of witnesses that can establish the driver operating the vehicle.

3. If the traffic collision meets the Department's reporting criteria, officers shall complete the Traffic Collision Report, CHP 555. The officer shall ensure an exchange of information is completed between the involved parties. Officers shall issue a Traffic Notice to Appear citation to the unlicensed driver and document the name, address and telephone number of the witnessing party or parties on the back of the "Golden Rod" copy of the issuing officer's Traffic Notice to Appear citation.

4. If the violator challenges the citation during a subsequent court proceeding, the issuing officer shall be responsible for contacting the witnessing parties and requesting their attendance in court. When the unlicensed driver does not possess valid identification, officers shall advise the other involved party of the option to affect a private person's arrest. When a private person's arrest is made, officers shall indicate a charge of eve Section 12500(a) or CVC Section 14601 (a), or other appropriate CVC section(s) for driving when the privilege is suspended or revoked

E. Impounding Vehicles When the Driver is Arrested.

1. California Vehicle Code Section 22651(h)(l) authorizes an officer to impound a vehicle when a driver has been arrested and taken into physical custody. However, officers must also determine if the totality of the circumstances supports impoundment of the vehicle under the Community Caretaking Doctrine.

a. When a driver is arrested, the vehicle should not be impounded under the following circumstances:

(1). If the arrestee is the registered owner and the vehicle is parked in the arrestee's residential driveway or a legal parking space in the immediate vicinity of the arrestee's residence;

(2). If the vehicle is parked in a legal parking space where it is not posing a traffic hazard and is not likely to be a target of vandalism or theft; or,

(3) If a licensed passenger is present and not impaired or otherwise unable to lawfully operate the vehicle and is given permission by the registered owner.

2. In situations other than those above, when community caretaking warrants impoundment, CVC Section 22651(h)(l) shall be used as the impound authority. If the driver arrested has prior DUI convictions, officers shall be guided by CVC Section 14602.S(a)(l).

F. Impounding Vehicles Engaged in Street Racing and Reckless Driving.

1. California Vehicle Code Section 23109.2 authorizes officers to impound a vehicle engaged in street racing and reckless driving for up to 30 days. Officers seeking to impound the vehicle shall ensure that a custodial arrest of the driver is affected. Community Caretaking Doctrine considerations shall always be considered when making a determination to impound a vehicle engaged in street racing and/or reckless driving.

10/7.2 Vehicle Impound Procedures

A. When impounding a vehicle, it is imperative that the impounding officer establish probable cause to justify the impound and substantiate probable cause through proper documentation on the Vehicle Report Form (VRF) and Vehicle Impound Record (VIR). No vehicle should be impounded if probable cause does not exist.

1. Probable cause, for purposes of this policy, refers to the circumstances surrounding the impound that provide justification for the impound that the officer must consider prior to impounding any vehicle.

2. Failure to fully comply with all aspects of this policy may result in financial loss to LAWA.

3. Failure to comply with this policy may lead to progressive discipline.

B. CHP180 Vehicle Report Form

1. The CHP180 Vehicle Report Form shall be used to report the following when impounded:

a. Motor Vehicles

b. Motorcycles, Motor-driven cycles, Minibikes, Motor Scooters and Mopeds

c. Off-highway vehicles, including construction equipment, dune buggies, racing vehicles, and vehicles of husbandry

d. Trailers (All types)

e. Separate vehicle motors

f. Campers

C. Procedures

Whenever a vehicle is impounded, towed, and stored at a City of Los Angeles authorized Towing facility, the following procedures shall be followed.

1. Run the vehicle for wants.

a. If the vehicle returns as a stolen or wanted vehicle, officers shall complete the Vehicle Report, impound the vehicle to a City of Los Angeles O.P.G. facility and recover the vehicle. (Refer to Section - Recovery of Stolen Vehicle;

b. If a vehicle returns with no wants, officers shall physically verify the Vehicle Identification Number (VIN) number prior to impound. Do not copy the VIN number from the MDS screen or the DMV printout. Failure to physically verify the VIN or accurately reproduce the VIN in the VRF may result in progressive discipline;

c. If the impounding officer has probable cause to believe that the vehicle is itself evidence which tends to show that a crime has been committed, or that the vehicle contains evidence which tends to show that a crime has been committed but that evidence cannot be readily removed, the officer shall contact a supervisor, review the circumstances of the impound and with supervisory approval impound the vehicle to a City of Los Angeles O.P.G. facility under the authority of CVC § 22655.5(b);

d. If the vehicle returns with no wants, request the City of Los Angeles O.P.G. to respond for immediate impound to the City of Los Angeles O.P.G.;

e. Request Communications print the vehicle information to the Sergeants Office to attach to the Impound Report.

2. Inventory all property and note the contents on the CHP 180 Vehicle Report Form (VFR).

a. A vehicle inventory is not intended to be a search for items of evidence, but is intended to identify and list all property that is contained within the vehicle being taken into lawful police custody.

b. The inventory shall include property contained within the vehicle’s passenger compartment, glove compartment, console, trunk, and any other compartment or box that may contain property. All property located in these areas shall be listed in the “Remarks” section of the CHP Form 180.

c. All unlocked containers found in the vehicle shall be opened and their contents listed in the "Remarks" section on the CHP Form 180.

d. Exception: If the glove compartment, console, trunk, or container is locked, and there is no key or mechanical/electrical mechanism to open that area of the vehicle, officers shall not force entry into the locked area to inventory its contents. However, officers shall note that the particular area or item in the vehicle was locked, with no means to open it, in the "Remarks" section of the CHP Form 180.

e. Any contraband items observed in plain view shall be seized and booked as evidence. This shall be noted in the "Remarks" section of the Vehicle Report form.

3. Cite the Impound Authority under the California Vehicle Code (CVC) and enter it in the "Storage Authority/Reason" section of the CHP 180 VFR;

4. In the "Towing/Storage Concern" section, the impounding officer shall enter the name, address and phone number of the O.P.G. The truck number or driver's name shall not be used. Vehicle Report Forms without proper tow company notation shall be returned to the impounding officer's supervisor for completion.

5. The Vehicle Report Form (VRF) shall be filled out accurately and completely. A copy of the VRF will be given to the O.P.G. tow truck driver at the scene of the tow.

6. Officers shall refrain from all discussion with the public regarding impound fees. Any questions the public may have regarding fees shall be directed to the City of Los Angeles O.P.G.

7. Retrieve the Department of Motor Vehicle Information printout and compare it to the information on the CHP 180.

8. Submit the completed report with all attached documents to a field supervisor for approval.

9. Complete the R/O and L/O portion of the Vehicle Report and place the appropriate copy in an addressed envelope and place in the outgoing mail bin.

10. Impounds such as Arrest, 30 Day Holds, anything that requires a DR Number shall be turned into the LAPD Records Unit.

11. Impounds that do not require detective follow up shall be retained by the Front Desk Officer by doing the following:

a. Submit approved report with attached documents to the Front Desk Officer for entry into the Stored Vehicle System (SVS).

D. Front Desk Officer Responsibilities:

1. Receive the Vehicle Report;

2. Confirm information on CHP 180 is accurate, If the vehicle is registered in a state other than California, registration information must be retrieved for the state of registration. If the state is unknown, a 50-state DMV search must be conducted.

3. Enter the vehicle into the SVS system to obtain the FCN number;

4. Retain the copy of the printout, with the FCN and R/O information at the front desk. When the FCN number is obtained, the vehicle is entered in the SVS System and will show as "Towed and Stored";

5. Maintain a copy of the Vehicle Report, along with both copies of the Notice of Stored Vehicle (C.V.C. § 22852) form for the Impound Clerk.

10/7.3 No Registration Impounds

A. When an officer observes a vehicle that constitutes a hazard or is in violation of any parking Section and is unattended and does not have a "hard" plate displayed, and does not have the VIN number visible, the vehicle may be immediately impounded. Caution must be used when this section is invoked. The VIN number must be covered by books, papers, or other methods, or must be missing.

B. Procedure

The procedure to be used in compliance with this Section is as follows:

1. Impound vehicle under CVC Section 22651(j). Do not cite the vehicle prior to requesting an impound and the arrival of the Tow Service;

2. Write in Narrative "No hard plates displayed/VIN covered." It is important that you can state without reservation that the VIN number was not visible. The Narrative should contain what covered the VIN, or why the VIN was not visible;

3. When the Tow Service arrives, have the Tow Service driver open the vehicle and uncover the VIN number, then cite the vehicle for the original violation using the VIN number for the ID;

4. If the vehicle returns as a stolen or wanted vehicle, officers shall complete the Vehicle Report, impound the vehicle to an O.P.G. facility or the appropriate contract tow company facility, and recover the vehicle per Section - Recovery of Stolen Vehicle;

5. In the event the VIN number is missing from the vehicle do not cite the vehicle. Impound the vehicle only to OPG (Bruffy's) and place a "Hold" on the vehicle for follow-up investigation by the law enforcement agency with jurisdictional authority;

6. Ensure that you have checked the vehicle closely for VIN numbers. There is considerable liability for impounding the vehicle if the VIN number was available.

7. It is important to remember that regardless of the violation, no citation can be issued whenever there is no evidence of registration displayed (i.e., no plates, no VIN, no temporary permit). If a citation is issued it must be canceled or voided since there is no way to ascertain the owner.

10/7.4 Field Releases of Vehicles

A. Procedures

1. A Parking Citation shall be issued prior to any request for impound.

2. When an impound is requested, a CHP180 Vehicle Report Form shall be completed, and the number of the citation shall be entered in the narrative portion on the rear of the form.

3. Once the CHP 180 vehicle exchange is executed by the OPG Tow representative. The vehicle is under the authority of the Tow Company and a field release is at the discretion of the OPG. If Released by OPG, Officers shall:

a. Write "Field Release" across the top of the form and the exact amount that was charged for the field release by the tow company.

b. Check the “Released” box in the “Stored - Recovered - Released- Recovered Vehicle/Component” section;

c. Print name in the “Name of Person/Agency Authorizing Release” section;

d. Sign name in the “Signature of Person Authorizing Release” section;

e. Enter serial number in the “I.D. NO.” section;

f. Enter the name, address and phone number of the tow company in the “Towing/Storage Concern” section;

g. Non-sworn employees shall request an Airport Police officer to respond to the location;

h. Upon arriving at the location, the assigned Airport Police officer shall verify:

(1) If the driver is the registered/legal owner of the vehicle;

(2) If the driver has a valid operator's license in their possession.

i. Upon verification, the assigned Police officer shall have the person taking possession of the vehicle sign their name in the “Signature of Person Taking Possession” section. In the “Remarks” section, the Police officer shall enter the person’s name, Driver’s License number, and complete address.

4. The tow truck driver shall be given the yellow copy of the completed Field Release by the impounding officer. The original Report shall be forwarded to the Impound Clerk, Records Unit.

5. The Impound Clerk shall chronologically file and retain all Field Release forms.

6. The CHP 180 Form shall be completed and turned into the APD front desk as soon as the field release has been completed.

10/7.5 Vehicle Relocations

A. Whenever exigent circumstances occur that call for the relocation of vehicles, the request shall be forwarded to the Watch Commander, who will assign a supervisor to oversee the relocation.

1. Except under exigent circumstances (i.e. - Earthquake causing structural damage to a parking structure, terrorist attack, etc.) Airport Police will not relocate vehicles.

2. Relocations involving Construction and Maintenance (C&M) projects will be done by C&M personnel using their own tow trucks.

B. The assigned supervisor shall:

1. Inspect the location;
2. Ascertain the number of vehicles to be relocated;
3. Assign an officer to complete the relocation;
4. Enter the request and details of the exigent circumstances into his/her supervisor's log.

C. The assigned officer shall:

1. Request the City of Los Angeles O.P.G. tow truck respond to the location.

a. Officers shall not use the Vehicle Report Form for vehicle relocations.

2. Complete a Vehicle Relocation Report, noting:

a. The relocated vehicle's license number and make of vehicle;

b. The row/section/location the vehicle was relocated from and moved to; and,

c. The condition of the vehicle, both before and after being relocated; and,

d. If there is any pre-existing damage to the vehicle prior to the relocation, the officer shall contact CSI to photographically document the damage before the vehicle is relocated.

3. Upon completion of the relocations, distribute the report copies as outlined in the distribution box.

10/7.6 Abandoned Vehicles

A. Any vehicle parked in a LAWA/LAX Airport Parking Structure for more than thirty (30) days shall be noted by Parking Services, who shall request that Airport Police impound the vehicle. A copy of this request is sent to the Airport Police Impound Clerk, who receives a complete printout of all abandoned vehicles, and runs each one. Vehicles indicated as stolen are recovered. An Airport Police Officer then places a 10-day Removal Notice on the vehicle, at the end of which time the vehicle is impounded.

B. The Officer conducting the impound upon completion shall mail out a notice to the Registered/Legal owner advising them of the Department's intent to tow the vehicle in ten days.

C. Upon completion of the impound, the documents shall be provided to the Front Desk Officer who shall:

1. Obtain a Vehicle Investigation Report (VIR) number and logs the vehicle in the V.I.R. Book;

2. Verify the information on the Vehicle Report with the DMV printout obtained by the impounding officer then inputs the information into the Department of Justice Stolen Vehicle System (SVS) to obtain an FCN;

3. Within 48 hours of the impound, send a Vehicle Impound Notice to those listed as Registered Owners and/or Legal Owners on the DMV printout.

a. After the Notice is sent, if the Registered/ Legal Owner claims the vehicle and pays all fees, the vehicle's release is noted on the VIR Log and the Impound Clerk's Impound Screen. If no ownership information exists, the vehicle is processed for lien-sale proceedings;

D. Fifteen (15) days from the date the Vehicle Impound Notice was mailed, if a post-storage hearing has been requested, no action is taken until a disposition from the hearing is received. When the disposition is in favor of the Los Angeles World Airports the vehicle is processed for lien-sale proceedings;

10/7.7 Official Police Garage

A. Bruffy's Marina Tow is the Official Police Garage (O.P.G.) for APD/LAX. All requests for tow shall be routed through the Communications Unit, who is responsible for contacting Bruffy's Marina Tow with all pertinent information.

B. No other tow companies may be contacted with requests to tow.

10/7.8 Impound Charges - Arrested Driver

All vehicles that have been impounded as a result of parking violations after their owner or operators have been arrested for solicitation (LAMC 171.02 (b)), will not be released unless the impound and storage fees are paid.

10/7.9 Thirty (30) Day Impound Hold Procedures

A. California Vehicle Code Section 14602.6(a) states, in part:

"Whenever a peace officer determines that a person was driving a vehicle while his or her driving privilege was suspended or revoked or without ever having been issued a license, the peace officer may either immediately arrest that person and cause the removal and seizure of that vehicle… " (Refer to Section – Community Caretaking Doctrine)

B. Section 14602.6 applies only to unlicensed drivers who have never been issued a driver's license or persons with a suspended or revoked driver's license which come under the CVC, Division 6, Chapter 2, Articles 2 and 3. CVC Section 14602.6 does not apply to a person with an expired driver's license or with no license in possession (violation of CVC Section 12951a) nor if the person's license was suspended under the authority of Section 11350.6 of the Welfare and Institution Code (Refer to Section - Suspended or Revoked Driver's License). However, vehicles operated by a driver with an expired driver's license are still subject to impound under CVC Section 22651(p).

C. Recent legislative changes have made CVC Section 14602.6 inapplicable to some driver's license suspensions.

D. Vehicles with thirty-day hold shall be impounded to Pacific Division’s Official Police Garage or the appropriate contract tow company facility. Employees shall direct owners to contact Pacific Area Auto Detectives for vehicle release.

10/7.10 Public Utilities Code (PUC) Hold Procedures

A. Section 5411.5 of the California PUC states, in part:

1. "Whenever a peace officer arrests a person for violation of Section 5411 involving the operation of a charter-party carrier of passengers without a valid certificate or permit at a public airport…the peace officer may impound and retain possession of the vehicle used in violation of Section 5411.

a. If the infraction or violation is not prosecuted or is dismissed, the vehicle shall immediately be returned to the owner without cost to the owner.

b. Otherwise, the vehicle shall be returned to the owner upon payment of any fine ordered by the court."

B. Procedures

1. Impound Procedures

a. Whenever an Airport Police officer arrests a person for violation of California PUC Sections 5371 (Operating Without PUC Authority), 5379 (Operating while on Suspension or Revocation), or 5411 (Failure to Comply with PUC), the officer, at their discretion, may impound and place a PUC hold on the vehicle pursuant to Section 5411.5 PUC

b. An Airport Police officer may impound a vehicle for 14602.9(b) CVC and place a PUC hold on the vehicle.

2. Release Procedures

Desk officers shall adhere to the following procedures when releasing a vehicle with a PUC hold on it:

a. Whenever satisfactory evidence is presented establishing that the violation was not prosecuted, that the case was dismissed, or that the vehicle's owner was found not guilty of the offense, the vehicle shall be immediately released to the owner without charge pursuant to PUC Section 5411.5.

b. Whenever satisfactory evidence is presented that all fines have been paid and proof of compliance with PUC Permit/Licensing requirements has been presented to a Ground Transportation Enforcement Unit supervisor or officer, the vehicle shall be released to the owner upon payment of storage, towing, and any parking fees in accordance with Section – Impound Hearings.

c. Whenever a court order to release the vehicle is presented, unless otherwise specified in the court order, the vehicle shall be released to the owner upon payment of storage, towing, and any parking fees in accordance with Section – Impound Hearings.

10/7.11 Vehicle Impound Hearings

A. Purpose

1. California Vehicle Code Section 14602.9 CVC provides Airport Police Officers authority to impound a vehicle, bus or limousine of a charter-party carrier for 30 days if the officer determines that any of the following violations occurred while the driver was operating the vehicle, bus or limousine of the charter-party carrier:

a. The driver was operating the vehicle, bus or limousine of a charter-party carrier when the charter-party carrier did not have a permit or certificate issued by the Public Utilities

Commission, pursuant to Section 5375 of the Public Utilities Code.

b. The driver was operating the vehicle, bus or limousine of a charter-party carrier when the charter-party carrier was operating with a suspended permit or certificate from the Public Utilities Commission.

c. The driver was operating the vehicle, bus or limousine of a charter-party carrier without having a current and valid driver's license of the proper class, a passenger vehicle endorsement, or the required certificate.

2. A peace officer may impound a bus or limousine belonging to a passenger stage corporation for 30 days if the officer determines any of the following violations occurred while the driver was operating the bus or limousine:

a. The driver was operating the bus or limousine when the passenger stage corporation did not have a certificate of public convenience and necessity issued by the Public Utilities Commission as required pursuant to Article 2 (commencing with Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

b. The driver was operating the bus or limousine when the operating rights or certificate of public convenience and necessity of a passenger stage corporation was suspended, canceled, or revoked pursuant to Section 1033.5, 1033.7, or 1045 of the Public Utilities Code.

c. The driver was operating the bus or limousine without having a current and valid driver's license of the proper class.

B. Definitions

1. Bailment

Providing property to an entity (Bailee) for a particular purpose (e.g., Repair, Parking Service, etc.), without transfer of ownership.

2. Charter Bus Carrier

Passenger carriers that perform charter service, (e.g., Contract to a business, government agency, private school, round-trip sightseeing service, Transportation of agricultural workers to and from farms, Transportation incidental to another business).

3. Passenger Stage Corporation

Carriers that transport passengers between points on an individual fare basis.

C. Policy

The Airport Police shall:

1. Establish a Vehicle Impound Hearing Process to determine if a vehicle was lawfully removed (Stored or impounded).

2. Maintain a published telephone number and email address that provides information 24 hours a day regarding the impoundment of vehicles and the rights of a registered owner to request a hearing.

D. Officer's Responsibilities

1. Whenever a vehicle is impounded by an officer under 14602.9 CVC, the impounding officer shall:

a. Within 48-hours of impoundment, contact the owner of the vehicle, send a notice via certified mail, using the address obtained through the California Department of Motor Vehicles database, informing the owner that their vehicle has been impounded;

b. Provide the owner with information regarding where their vehicle is located, the reason it was impounded and their rights to request an impound hearing.

E. Supervisor's Responsibilities

1. Supervisor shall:

a. Ensure that all certified notifications are sent to legal owners;

b. Be notified of results/determination of all impound hearings.

c. Forward a copy of results/determination to the records unit.

D. Detective Supervisor Responsibilities

1. The Airport Police Detective Supervisor shall:

a. Be the Airport Police designee responsible for scheduling and conducting hearings in accordance with Vehicle Code Section 14602.9 CVC;

b. Adhere to and during the hearing process determine if one of the four stipulations or provisions of law that authorize the release of vehicles at the owner's expense in cases where the vehicle was lawfully impounded has been met:

(1) When the vehicle was stolen;

(2) When the vehicle was subject to bailment and was driven by an unlicensed employee of a business establishment, including a parking service or repair garage;

(3) When, for a charter-party carrier of passengers, the driver of the vehicle was not the sole registered owner of the vehicle and the vehicle is being released to another registered owner of the vehicle who agrees not to allow the driver to use the vehicle until after the end of the impoundment period and the charter-party carrier has been issued a valid permit from the Public Utilities Commission, pursuant to Section 5375 of the Public Utilities Code; or,

(4) When, for a passenger stage corporation, the driver of the vehicle was not the sole registered owner of the vehicle and the vehicle is being released to another registered owner of the vehicle who agrees not to allow the driver to use the vehicle until after the end of the impoundment period and the passenger stage corporation has been issued a valid certificate of public convenience and necessity by the Public Utilities Commission, pursuant to Article 2 (Commencing with Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

c. Provide a ruling based on the established criteria and note that ruling on an Impound Hearing Checklist.

d. Process vehicle release paperwork if determined by said decision.

e. Forward ruling/decision Impound Hearing Checklist to Motor Unit Supervisor.

10/7.12 OPG Impound Report Processing

A. Whenever a vehicle is impounded to an OPG facility, the impounding officer shall:

1. Complete a CHP 180 Vehicle Report;

2. Have the report reviewed and approved by a supervisor;

3. Make two copies of the report. One will be given to the Front Desk Officer for filing, the other given to Records Unit for processing;

4. Transport the original CHP 180 Vehicle Report to the law enforcement agency with jurisdictional authority for processing as soon as possible.

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