

Affidavit of Non-Liability - Leased or Rented Vehicles

Bona fide rental and leasing agencies can avoid responsibility for non-equipment violation related citations issued while the vehicle is rented or leased to another party. Rental/leasing agencies are responsible for equipment related “fix-it” violations and violations that occur while the vehicle is not rented or leased to another party. If the rental/leasing agency submits the required information within the time allowed, responsibility for the citation is transferred to the renter/lessee. If the required information is not submitted within the time allowed, then the rental/leasing agency remains responsible for the citation.

VERIFICATION FROM CONTESTEE (Bona fide rental or leasing agencies only)

1. Copy of a lease/rental agreement which includes the following:
 - a. Vehicle Plate Number and or VIN
 - b. Rental/lease period beginning and ending dates and times
 - c. Renter/lessee name, address, and driver’s license number
2. Completed and signed Affidavit of Non-Liability

VERIFICATION BY INVESTIGATION

1. Determine if citation is an equipment related or SDMC 86.23(d) violation
2. Confirm vehicle identification information on the contract matches citation
3. Confirm rental/lease period shown on contract is consistent with citation issue date and time
4. Confirm Affidavit of Non-Liability is complete and signed

DECISION

The responsible party on the citation should be changed to the renter/lessee if all of the following are true:

- Citation is not issued for an equipment or SDMC 86.23(d) violation
- Vehicle identification information on contract matches citation information
- Citation issue date and time is within the rental/lease period shown on the contract
- Affidavit of Non-liability is completed and signed

The citation should be dismissed if all of the following are true:

- Violation is SDMC 86.23(d)
- Violation was issued for parking a rental or lease vehicle on the street
- Vehicle identification information on contract matches citation information
- Citation issue date and time is within the rental/lease period shown on the contract
- Affidavit of Non-liability is completed and signed

All other citations should be upheld.

DISMISSAL AUTHORITY: None - per California Vehicle Code 40209.

Comments: