



## Consumer Alert

### San Diego City Attorney's Office

# Know Your Rights When Your Vehicle is Towed From Private Property

AUGUST 2024

This alert addresses relevant laws from the [California Vehicle Code](#) (CVC) that regulate the towing of vehicles from private property that is open to the public for parking.

**1) ONE-HOUR RULE:** A property owner or their agent is prohibited from permitting a vehicle to be towed within one hour of it being parked. [CVC § 22953\(a\)](#).

*Exceptions* include any vehicle parked in a fire lane, designated parking space for disabled persons, designated tenant parking space, within 15 feet of a fire hydrant, or in a manner interfering with the entrance or exit to a property. [CVC § 22953\(b\)-\(c\)](#).

- **What If the Tow Company Fails to Wait One Hour?** It is a misdemeanor for a tow company to tow a vehicle unless it makes a good faith inquiry to determine the property owner or agent has waited one hour before authorizing the tow. [CVC § 22658\(l\)\(1\)](#).
- **How Can I Verify One Hour Has Passed?** A towing company must provide owners of towed vehicles a copy of a written authorization with the following information:
  - The make, model, VIN, and license plate of the vehicle, [CVC § 22658\(l\)\(1\)\(B\)\(i\)](#),
  - The name, signature, job title, property address, and phone number of the person who authorized the vehicle's removal, [CVC § 22658\(l\)\(1\)\(B\)\(ii\)](#),
  - The grounds for the removal of the vehicle, [CVC § 22658\(l\)\(1\)\(B\)\(iii\)](#),
  - The time the vehicle was first observed parked, [CVC § 22658\(l\)\(1\)\(B\)\(iv\)](#), and
  - The time authorization to tow the vehicle was given, [CVC § 22658\(l\)\(1\)\(B\)\(v\)](#).

**2) PROPERTY OWNER AUTHORIZATION:** The property owner or their agent must authorize the tow of a vehicle by verifying the reason for the tow, being present at the time of the tow, and signing a written authorization for the tow. [CVC § 22658\(l\)\(1\)\(a\)](#).

**Exceptions** exist for a vehicle that is illegally parked and for tenants who live in a residential property with 15 or fewer units without an onsite manager to authorize the tow. [CVC § 22658\(l\)\(1\)\(a\)](#).

**3) TOWING SIGN:** The property owner must post a visible sign (at least 17 inches by 22 inches with 1-inch letters) indicating that parking is prohibited, vehicles will be towed at the owner's expense, and the phone number of local law enforcement. [CVC § 22658\(a\)\(1\)](#).

**Exceptions** exist for a vehicle that was issued a parking violation notice at least 4 days (96 hours) before the tow; a vehicle that is missing major parts (e.g., engine, wheels, transmission, doors) and the property owner notified law enforcement of the parking violation at least 24 hours in advance; or a property that is a single-family dwelling. [CVC § 22658\(a\)\(2\)-\(4\)](#).

**4) IMMEDIATE RELEASE OF VEHICLES:** If a vehicle owner returns to their vehicle before the tow truck has left the parking lot, the tow truck driver must immediately and unconditionally release the vehicle. [CVC § 22658\(g\)\(1\)\(B\)](#).

- **Do I Have to Pay on the Spot if I Arrive During the Tow?** No, the tow truck driver cannot demand payment to release your vehicle. Failure to release a vehicle despite an owner's request is a misdemeanor. [CVC § 22658\(g\)\(1\)\(C\)](#). But the tow company may impose a charge for up to one half the regular tow fee for having hoisted the vehicle released at a returning owner's request, [CVC § 22658\(h\)](#), and pursue action for nonpayment of the charge.

**5) TEN MILE LIMIT:** A tow company must tow the vehicle to a storage facility within 10 miles of the property where it was parked. It can only take a vehicle farther than 10 miles if local law enforcement provides written permission prior to the tow. [CVC § 22658\(n\)\(1\)\(A\)](#).

**6) HOURS TO PICK UP YOUR VEHICLE:** A storage facility must be open Monday-Friday, 8am-5pm, except on State holidays, and release vehicles after normal business hours. [CVC § 22658\(n\)\(2\)](#).

**7) TOWING & STORAGE RATES:** A storage facility must provide an itemized invoice of all towing and storage charges. [CVC § 22651.07\(b\)](#). It is unlawful for facilities to charge excessive rates for towing or storage, as they cannot charge more than the rates specified by law enforcement in the area. [CVC § 22658\(i\)\(1\)\(A\)](#).

**8) PAYMENT:** A storage facility must accept valid credit cards as payment and must have sufficient funds on the premises to provide correct change for cash payments. [CCV §§ 22658\(k\)](#) and [22651.07\(c\)\(5\)](#).

- **What if My Vehicle Was Damaged?** Towing companies are responsible for damage incurred to the vehicle during the tow and subsequent storage. [CVC § 22658\(f\)\(1\)](#).
- **Can a Storage Facility Charge Me on Behalf of the Property Owner?** No. It is illegal for a facility to collect money on behalf of the property owner to release the vehicle. [CVC § 22658\(i\)\(1\)\(A\)](#).

- **What if I Have Personal Property Inside My Towed Vehicle?** Towing companies must allow vehicle owners to retrieve their personal property from the vehicle where it is being stored [CVC § 22651.07\(c\)\(1\)](#), and inspect the vehicle [CVC § 22651.07\(c\)\(3\)\(A\)](#), during normal business hours, for no charge, and without having to pay any other charges owed for the tow, storage, or recovery of the vehicle. [CVC § 22651.07\(c\)](#).

**9) NOTIFICATION TO SAN DIEGO POLICE:** A towing company must notify San Diego Police of any tow no later than 30 minutes after removing the vehicle, or 15 minutes after arriving at a storage facility, whichever is earlier. [CVC § 22658\(m\)](#).

**10) REMEDIES:** Victims may pursue legal action to protect or enforce their rights by:

- Suing the property owner, tow company, and storage facility for damages, including up to **4 TIMES** the amount of the towing and storage fees. [CVC § 22658\(j\)\(1\)](#); or
- Filing an action without hiring an attorney in Small Claims Court for up to \$12,500.
  - Vehicle owners should reference the Department of Consumer Affairs' [Guide to Using the Small Claims Court](#) for assistance in bringing this action.

## REPORT VIOLATIONS

- **Who Do I Contact for Release Assistance?** A motorist who wants someone to intervene to get a tow company to release their vehicle should call the San Diego Police.
- **How Do I Report Towing Violations?** Submit a [Towing Complaint Form](#) with the **San Diego City Attorney Office's Affirmative Civil Enforcement Unit**.

Please note that this information is intended for informational purposes and should not replace legal advice from a qualified attorney.