

TRAINING



BULLETIN

Effective Date:
1 Sep 08

Index Number: III-E.4
Alpha Index: Towing Unregistered Vehicles

Evaluation Coordinator: Support Operations Division Commander
Automatic Revision Cycle: 3 Years

"Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy."

Towing Unregistered and PNO (Planned Non-Operation) Vehicles

Current law allows Department personnel to tow a vehicle that has an expired registration of over six (6) months. [(22651(o) California Vehicle Code (CVC)]

Related Vehicle Code Sections

4604 (a) CVC – Nonoperated Vehicles

Except as otherwise provided in subdivision (d), prior to the expiration of the registration of a vehicle, if that registration is not to be renewed prior to its expiration, the owner of the vehicle shall file, under penalty of perjury, a certification that the vehicle will not be operated, moved, or left standing upon a highway without first making an application for registration of the vehicle, including full payment of all fees. The certification is valid until the vehicle's registration is renewed pursuant to subdivision (c).

4000 (a) (1) CVC – Registration Required

(a)(1) No person shall drive, move, or leave standing upon a highway, or in an offstreet public parking facility, any motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly, unless it is registered and the appropriate fees have been paid under this code or registered under the permanent trailer identification program, except that an off-highway motor vehicle which displays an identification plate or device issued by the department pursuant to Section 38010 may be driven, moved, or left standing in an offstreet public parking facility without being registered or paying registration fees.

(3) This subdivision does not apply to any motor vehicle stored in a privately owned offstreet parking facility by, or with the express permission of, the owner of the privately owned offstreet parking facility.

22651 CVC – Circumstances Permitting Removal

Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under any of the following circumstances:



22651 (o) (1) CVC

When any vehicle is found or operated upon a highway, any public lands, or an offstreet parking facility with a registration expiration date in excess of six months before the date it is found or operated on the highway, public lands, or the offstreet parking facility. However, whenever the vehicle is occupied, only a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove the vehicle. For the purposes of this subdivision, the vehicle shall be released to the owner or person in control of the vehicle only after the owner or person furnishes the storing law enforcement agency with proof of current registration and a currently valid driver's license to operate the vehicle.

Recent case law (Clement v. City of Glendale (9th Cir. 2008) 518 Fed.3d 1090) has restricted this authority if the vehicle has a Planned Non-Operation (PNO) on file with DMV. The courts have held that the member/ employee must attempt to notify the owner of the vehicle that it is parked in violation of the valid PNO certificate, when there is no other parking violation being committed, before it is towed.

22651(o) CVC Violators May Be Towed Immediately If Found on a Public Street

If the DMV registration does not show PNO registration status, the vehicle may be removed immediately¹ if found on a public street.

PNO Violators Procedures

1. Checking PNO Status

A registration check on a vehicle will reveal if a PNO certificate is on file (Appendix A). Officers will find a line that states a PNO is on file and the date the PNO was filed above where the expiration date is normally listed on the registration on the MDT display or CLETS terminal. The information may also be obtained from the Communications Division.

2. When Non-Registration Parking Offense is Being Committed

If the PNO vehicle is violating other Vehicle Code sections which allow for immediate removal, (red zone/blocking a driveway, etc) then the vehicle can be removed immediately. The towing member/employee shall include the PNO offense on the citation, but will list the non-registration violation as the towing authority.

¹ Scofield v. City of Hillsborough (1988 9th Cir.) 862 Fed.2d 759



3. **Issue Citation With Notification of PNO Violation before Removal**

- a. If a vehicle is in violation of 4000(a) VC and has a PNO on file, cite the vehicle for 4000(a) CVC (Unregistered) and document the PNO violation on the citation in the Comments/VIN Number box advising the owner to move or register the vehicle within 72 hours (Appendix B).
- b. If the owner does not move or register the vehicle with 72-hours, the vehicle may be towed. The towing member/employee shall document the tow on the Stored/Towed Vehicle Report (536-928) what type of warning, the date of the warning and that the situation was not corrected.
- c. Provide the owner, if present, with a Tow Resource Guide (TF-3202).

4. **Repeat Offenders**

If a member/employee has reason to believe that the vehicle has previously been issued a citation for 4000(a) CVC and has not been registered since then, the vehicle may be removed immediately.



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APPENDIX A

The following is an exemplar of a DMV printout denoting the PNO status.

DATE: 05/06/08 TIME: 12:17
PENDING RECORD INSURANCE STATUS NOT CHECKED
PNO VALID FROM: 03/26/07
REG VALID FROM: 03/31/06 TO 03/31/07
LIC#:4F51239 YRMD:83 MAKE:FORD BTM :PK VIN :1FTR10A8DUB06062
R/O : [REDACTED] CITY:ANTIOCH C.C.:07
ZIP#:94531
SOLD:00/00/83 RCID:10/22/07 OCID:11/01/07 LOCD:K
TYPE:31 POWR:G AXLE:2 WGHT:02600 VEH :32 BODY:P CLAS:AC *-YR:99
REC STATUS:
01/12/2004 RENEWAL NOTICE EXTRACTED
04/30/03 SMOG DUE 03/31/05
PNO-REGISTRATION DEFERRED
11/04/04 SMOG INSPECTION AT TEST ONLY CENTER REQD
RIP OFC:523 D:02/22/08 ID/S:170073 T:F00
V:0013100 R:1Z RT:
01/28/91 PREV LIC BRUPNDR
CLEARANCE INFORMATION RECORDS:
OFFICE WORK DATE TECH/ID SEQ # VALUE FICHE DATE TTC



APPENDIX B

PARKING CITATION CITY OF OAKLAND																			
824777019																			
ISSUE DATE (MM DD YY)						RPT. DIST.				TIME ISSUED									
STATE LICENSE NUMBER						STATE				EXP (MM YY)									
MAKE						BODY TYPE				COLOR				2 TONE					
VIN LAST 4 DIGITS						STREET/METER #													
STREET NAME / LOCATION																			
BADGE #						OFFICER													
COMPLAINANT																			
<div style="display: flex; justify-content: space-between;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> * 8 2 4 7 7 7 0 1 9 * </div> <div style="flex-grow: 1;"> </div> </div>																			
CALIFORNIA VEHICLE CODE VIOLATION																			
<input checked="" type="checkbox"/> 5204 () Current Tags Not Attached										<input checked="" type="checkbox"/> 22500 Improper Parking									
OAKLAND MUNICIPAL CODE VIOLATION																			
<input checked="" type="checkbox"/> 10.16.070 Vehicles on Private Property										<input checked="" type="checkbox"/> 10.16.110 Obedience to Barriers & Signs									
<input checked="" type="checkbox"/> 10.28.190 Two Hour Zone										<input checked="" type="checkbox"/> 10.28.240 No Parking Certain Hours									
<input checked="" type="checkbox"/> 10.28.250 No Parking Anytime										<input checked="" type="checkbox"/> 10.36.050 Meter Expired (On Street)									
<input checked="" type="checkbox"/> 10.36.100 Meter Expired (Off Street)										<input checked="" type="checkbox"/> 10.40.020 No Parking Red Zone									
<input checked="" type="checkbox"/> 10.40.060 No Parking Yellow Zone										<input checked="" type="checkbox"/> 10.40.070 No Parking White Zone									
<div style="display: flex; justify-content: space-between;"> <div> OTHER <input checked="" type="checkbox"/> OMC <input checked="" type="checkbox"/> VC </div> <div> COMMENTS/VIN NUMBER </div> </div>																			
PNO Violation – 72 Hours to register or remove vehicle from public highway.																			
OFFICERS COPY - RETAIN IN BOOK																			

Document PNO violation warning in this box.