

Date of Hearing: April 22, 2025  
Counsel: Kimberly Horiuchi

**ASSEMBLY COMMITTEE ON PUBLIC SAFETY**

Nick Schultz, Chair

AB 983 (Macedo) – As Amended April 10, 2025

**SUMMARY:** Authorizes vehicle impoundment for any violation of speeding in excess of 100 miles per hour, as specified.

**EXISTING LAW:**

- 1) States that any removal of a vehicle is a seizure under the Fourth Amendment of the Constitution of the United States and Section 13 of Article I of the California Constitution, and shall be reasonable and subject to the limits set forth in Fourth Amendment jurisprudence. (Veh. Code, § 22650, subd. (b).)
- 2) Mandates a magistrate presented with the affidavit of a peace officer establishing reasonable cause to believe that a vehicle, described by vehicle type and license number or vehicle identification number, was an instrumentality used in the peace officer's presence in violation of provision of law related to evading and speed contest shall issue a warrant or court order authorizing any peace officer to immediately seize and impound the vehicle. The warrant or court order may be entered into a computerized database. The vehicle may be impounded for a period not to exceed 30 days. (Veh. Code, § 14602.7, subd. (a)(1).)
- 3) Requires the impounding agency, within two working days of impoundment, excluding weekends and holidays, to send a notice by certified mail, return receipt requested, or electronic service, to the legal owner of the vehicle, at the address obtained from the department, informing the owner that the vehicle has been impounded and providing the owner with a copy of the warrant or court order. (Veh. Code, § 14602.7, subd. (a)(2).)
- 4) Mandates an impounding agency release a vehicle to the registered owner or their agent before the end of the impoundment period and without the permission of the magistrate authorizing the vehicle's seizure under any of the following circumstances:
  - a) When the vehicle is a stolen vehicle;
  - b) When the vehicle is subject to bailment and is driven by an unlicensed employee of the business establishment, including a parking service or repair garage; or
  - c) When the registered owner of the vehicle causes a peace officer to reasonably believe, based on the totality of the circumstances, that the registered owner was not the driver who evaded law enforcement, as specified. (Veh. Code, § 14602.7, subd. (b)(1)(A)-(C).)

- 5) Prohibits peace officers from removing a vehicle from a highway to any other place, except as provided in the Vehicle Code. (Veh. Code, § 22650, subd. (a).)
- 6) Allows a peace officer to impound a vehicle under specified circumstances, including, among others, if an officer arrests a person driving or in control of a vehicle for an alleged offense, and the officer is, by law, required or permitted to take, and does take, the person into custody. (Veh. Code, § 22651.)
- 7) Defines “speed contest” as a motor vehicle race against another vehicle, a clock, or other timing device. (Veh. Code, § 23109, subd. (a).)
- 8) Allows a peace officer to impound a vehicle used by a person who was engaged in a speed contest if the person was arrested and taken into custody for that offense by a peace officer. (Pen. Code, § 22651.6.)
- 9) Provides that a person shall not aid or abet in any speed contest on a highway or in an offstreet parking facility and shall not, for the purpose of facilitating or aiding or as an incident to any speed contest, in any manner, obstruct or place a barricade or obstruction or assist or participate in placing a barricade or obstruction on a highway or in an offstreet parking facility. (Veh. Code, §§ 23109 subds. (b) & (d).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "Speeding Kills. 1,509 people were killed in speeding-related traffic crashes according to the latest data. We must install safeguards to discourage reckless, dangerous speeding on our roads and highways. It will make California highways and roads safer as well as discouraging people from reckless speeding. By enforcing these stricter consequences, AB 983 will reduce dangerous driving and save lives on California highways and roadways."
- 2) **Vehicle Code section 22348:** This bill requires any person who is cited for speeding in excess of 100 miles per hour have their vehicle impounded for a period of 30 days. Vehicle Code section 22348 already contains fairly significant penalties – but it is only punishable as an infraction. For even a first offense, where the base fine is \$500, the total fine may be anywhere between \$859 and \$2,137 depending on the county and result in two points on a person's driving record.

Additionally, the court may suspend a person's license for up to 30 days. Fines increase for subsequent offenses and mandate a court suspend a person's license. Presumably, carrying insurance becomes increasingly more expensive if a person suffers a conviction for driving in excess of 100 miles per hour.

Furthermore, Vehicle Code section 14602.7 requires a court to issue a warrant for towing and impoundment for misdemeanor evading a peace officer, reckless driving demonstrating a willful or wanton disregard for the safety of persons or property, and the most serious types of speed contest. (See Veh. Code, §§ 2800.1, 2800.2, 2800.3, 23103, and 23109, subd. (a) and (c).) Any act of speeding is dangerous depending on the circumstances – regardless of

the driver's speed, but other instances where impoundment is possible expressly involve willful disregard of law enforcement authority and safety (i.e., evading, drag racing, reckless driving). Vehicle Code sections 40000.7 and 40000.15 specify that evading a peace officer, reckless driving, and speed contest are all misdemeanors – not infractions. Vehicle Code section 22348 is an infraction only.

Allowing for impoundment for speeding over 100 miles per hour would substantially increase deprivation of personal property without due process because a person is not entitled to counsel when cited for an infraction. (Pen. Code, § 19.6; *People v. Disandro* (2010) 186 Cal.App.4th 593.) An officer may cite a person for speeding over 100 miles an hour thereby exposing a person to impoundment where a person would be left to fend for themselves if they are not able to hire counsel and where there is no meaningful opportunity to test the accuracy of the allegation.

Given the hundreds of thousands of citations for speeding, examining citations after the fact, locating the citations of speeding in excess of 100 miles per hour, preparing an affidavit for impoundment, presenting it to a judge, and taking action to impound a vehicle would likely overwhelm the courts and law enforcement. It is not as if an officer may impound the vehicle at the side of the freeway and leave the driver stranded. Any warrant requires a detailed description of the vehicle, including a license number. Unless law enforcement engages in a high speed chase, it seems unlikely they would get the license plate number as a vehicle passes a parked cruiser in excess of 100 miles per hour. It is unknown how an officer will sufficiently describe the vehicle and driver in order to issue the warrant. This bill seems to presume the officer is able to chase down the speeder and cite them, presumably getting their information. Radioing ahead likely also will not work since the driver may slow down enough to avoid a citation all together, but certainly avoid a citation for driving in excess of 100 miles per hour. Therefore, the actual solvency of this bill seems tenuous.

Finally, the absence of meaningful legal assistance means people may suffer impoundment when they are not speeding in excess of 100 miles per hour. In many instances where an officer is not able to verify exactly how fast a person was travelling, the citation may be for speeding more than 25 miles over the speed limit – not necessarily, speeding in excess of 100 miles per hour. (See Veh. Code, § 22426, subd. (b)(3).) It seems possible that people will suffer impoundment unjustly, for just speeding, if they cannot afford counsel to challenge a citation.

- 3) **Constitutional Issues:** While this bill amends Vehicle Code section 14602.7, which directs a court to issue a warrant for impoundment based on the officer's statements, a warrant may not be issued for an infraction. Presumably, then, this bill contemplates a warrantless impoundment. The Fourth Amendment guarantees the right against unreasonable searches and seizures, which applies to the states through the Fourteenth Amendment. (*Soldal v. Cook County, Illinois* (1992) 506 U.S. 56, 61; *Verdun v. City of San Diego* (9th Cir. 2022) 51 F.4th 1033, 1036.) It is undisputed that seizures occur when cars are impounded. (*Miranda v. City of Cornelius* (9th Cir. 2005) 429 F.3d 858, 862.) Hence, the seizure of a vehicle, even when authorized by state law, must be reasonable under the Fourth Amendment. (*Ibid.*) A seizure conducted without a warrant is per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well delineated exceptions. (*Ibid.*; see also *City of Los Angeles v. Patel* (2015) 576 U.S. 409, 419.)

Here, the pertinent exception to the warrant requirement for vehicle impoundments is the Vehicular Community Caretaker Doctrine. The United States Supreme Court in *Cady v. Dombrowski* (1973) 413 U.S. 433, 441, first articulated the vehicular community caretaking exception, which allows police to seize and remove from the streets “vehicles impeding traffic or threatening public safety and convenience.” (*Ibid.*) The exception allows for the impoundment of cars **actively** posing a problem to the community’s welfare due to their location. The exception does not justify impoundments that do not address a present need under the vehicular community caretaking exception. (*Miranda, supra*, 429 F.3d at p. 863.) Thus, the impoundment under the community caretaking function does not depend on whether the officer had probable cause to believe that there was a violation, but on whether the impoundment fits within the authority of police to seize and remove from the streets vehicles presently impeding traffic or threatening public safety and convenience. (*Miranda, supra*, at p. 864.)

Ultimately, the decision to impound a vehicle must be reasonable and in furtherance of public benefit and public safety. This rule has been codified in California law; Vehicle Code section 22650 provides: “A removal [...] is only reasonable if the removal is necessary to achieve the community caretaking need, such as ensuring the safe flow of traffic or protecting property from theft or vandalism.” (Veh. Code, § 22650, subd. (b); see also *S. Dakota v. Opperman* (1976) 428 U.S. 364, 369, [noting police will impound automobiles that jeopardize both the public safety and the efficient movement of vehicular traffic]; see also *People v. Williams* (2006) 145 Cal.App.4th 756, 762–763 [tow served no community caretaking function where the car was legally parked, there was no particular possibility that the vehicle would be stolen, broken into, or vandalized, and the car did not pose hazard or impediment to other traffic]; *Miranda, supra*, at p. 866 [an officer cannot reasonably order an impoundment in situations where the location of the vehicle does not create any need for the police to protect the vehicle or to avoid a hazard to other drivers].)

As explained above, the citing officer would have to prepare an affidavit for impoundment presumably after the driver was cited for speeding in excess of 100 miles per hour. If approved, the tow agency would be contacted, the car would be located, towed away, and impounded for 30 days no matter where it was – even if it was parked at someone’s house. All the while, the defendant has no opportunity for the appointment of legal counsel to dispute they were driving more than 100 miles per hour. If a person was driving 99 miles per hour, they would be ineligible for impoundment. This appears to be more akin to mass impoundment with no due process – which is unconstitutional. As noted above, evading, reckless driving, and speed contest are all misdemeanors wherein an indigent defendant is entitled to counsel to test the veracity of the alleged violation.

Finally, Vehicle Code section 22651 expressly lists the circumstances wherein an officer may impound a vehicle. The bases for impoundment involve either an active obstruction where the vehicle is stopped or parked in a manner that blocks lawful traffic or where the defendant is charged with misdemeanors like driving on a suspended license, reckless driving, and evading, and even then, when the officer takes the person into custody. (See Veh. Code, § 22651, subd. (h)(1-2).) As explained above, speeding in excess of 100 miles per hour is an infraction and an officer does not have authority to arrest a person for a simple infraction. Therefore, it is possible this bill simply amounts to an unconstitutional taking of personal property.

- 4) **Tow and Impoundment Costs Uniquely Impact Poorest Californians:** While speeding is certainly dangerous, mandating impoundment will uniquely harm the most vulnerable Californians particularly where they cannot afford counsel to fight impoundment at a hearing. First, impoundment does not just punish the speeder, but also an entire family if that is the only car available. For instance, young people are more likely to speed, but may be driving a parent or relative's car. Even if a person is able to demonstrate pursuant to Vehicle Code section 14602.7, subdivision (b) that they were not the person driving, the cost of towing and impoundment for a short period of time will likely still have to be paid.

A 2016 survey found that 63% of Americans don't have enough money in savings to cover a \$500 emergency. For people who cannot afford to pay a citation, the consequences can be significant, including loss of driver license, job loss, wage garnishment, arrest, incarceration, and loss of vehicle to towing and impoundment.<sup>1</sup> California's fines and fees are actually the highest, or among the highest, in the country. Although the base fines for common infractions are often comparable to those in other states, California's court costs and penalty fees are significantly higher than average.<sup>2</sup> Wealthier people are just as likely to speed but are much more likely to have multiple vehicles and ability to pay costly fines, as well as rely on legal counsel to represent them at any impoundment hearing.<sup>3</sup>

Additionally, a person may not be able to afford the tow and impound fees to retrieve the car – forcing the impounding agency to sell the car to recover the costs of the impoundment.<sup>4</sup> According to a report prepared by a wide range of civil rights organizations published in 2019:

Cities and counties across California typically require vehicle owners to pay about \$500 to retrieve a car from a tow yard. If the car was impounded because of unpaid parking tickets or expired registration, the vehicle owner must pay the tickets or registration fees before retrieving the car, which can substantially increase the total cost. All these fees and fines along with the daily storage fees from the tow company can easily balloon the cost of retrieving a car to \$2,500 or more. According to a recent federal report, 46% of American adults lack the savings necessary to cover an unanticipated expense of \$400 or more. An unexpected impound can be one of those unanticipated expenses. Thus, for many vehicle owners, a single impound may put their car out of reach for good: they will not be able to pay to retrieve their car from the tow lot, and the car will be sold.<sup>5</sup>

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<sup>1</sup> Lawyers Committee for Civil Rights, *"Paying More for Being Poor,"* (2017), p. 5 “

<sup>2</sup> *Ibid*, at pp. 6-7.

<sup>3</sup> 1 Board of Governors of the Fed. Reserve Sys., Report on the Economic Well-Being of U.S. Households in 2017, at 21 (2018), available at <https://www.federalreserve.gov/publications/files/2017-report-economic-well-being-us-households-201805.pdf>.

<sup>4</sup> ACLU of Northern California & Western Center on Law & Poverty, *"Towed into Debt: However Towing Practices in California Punish Poor People,"* 2019, p. 16.

<sup>5</sup> *Ibid.*, at p. 7

Research shows that fees paid to retrieve an impounded vehicle generally fall within three categories: (1) fees associated with the tow; (2) storage fees (which increase daily); and (3) administrative fees associated with the release of the vehicle. These fees are in addition to [any outstanding traffic fines] that must be paid before retrieving the car. If a vehicle owner does not have the money to pay these ever-increasing fees within 30 days of the tow, as noted above, the car can then be sold at a lien sale, often for a fraction of its value.

ACLU of Northern California, et al., notes for the City of Los Angeles, towing fees may be assessed as follows: “A person working full time at minimum wage in California makes approximately \$96 per day, before taxes. This means the average cost of one tow in California is more than a week’s worth of pay for many Californians.”<sup>6</sup>

#### LOS ANGELES TOWING FEES<sup>7</sup>

TYPE OF FEE	FEE
Towing Fee	\$133
City Release Fee	\$115
Storage Fee <sup>8</sup>	\$45.65/day
Mileage Rate	\$7.50/mile
MINIMUM COST AFTER THREE DAYS	\$384.95
MINIMUM COST AFTER ONE WEEK	\$567.55
MINIMUM COST AFTER TWO WEEKS	\$887.10

These figures are just to cover transporting a vehicle to the impound lot. Generally, law enforcement does not tell a person to turn their cars into a lot when issued a citation for speeding over 100 miles per hour. The vehicle is usually towed either at the time of the citation or from another location. Given the devastating consequences of impoundment, at a time of considerable economic uncertainty, is this the best way to curb excessive speeding?

- 5) **Argument in Support:** According to *Streets for All*, “AB 983 will authorize law enforcement to impound vehicles exceeding 100 miles per hour without needing to obtain a warrant. Cars caught speeding over 100 miles per hour on a speed camera will also be impounded. Additionally, AB 983 will include provisions to protect rental car agencies and stolen vehicles.

“Excessive speeding poses a significant danger to pedestrians and other drivers. According to the World Health Organization, driving over 100 miles per hour greatly increases the likelihood of getting into an accident due to decreased field of vision and increased chances of losing control of the vehicle

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<sup>6</sup> *Id.*, at p. 7.

“As a street safety organization, Streets for All is profoundly aware of the danger of our roadway, with the number one cause of crashes being speed. We are also aware of a societal conversation that does not take these issues seriously. People speeding on the roadway are culturally and within media seen as cool and desirable rather than reckless and brazen. We believe that AB 983 is part of the solution to stigmatizing careless behavior that has dire impacts on our roadway and will contribute to preventing the continued erosion of well-ordered public right of way.

- 6) **Argument in Opposition:** According to the *ACLU California Action*, “Instead of doubling down on an already-faulty speed camera system, the Legislature should improve public safety by investing in speed-calming infrastructure.

“The behavior at issue in AB 983 is already sufficiently punished by current law. A first-time offense for speeding on a highway is an infraction punishable by a fine of \$500 and a license suspension up to 30 days. Repeat offenses are punished more harshly, up to a fine of \$1000 and a license suspension up to a year. Adding tow costs and the loss of a vehicle based on information gathered by a speed camera is unnecessary.

“Moreover, while the current punishments are aimed at the individual who caused the violation, AB 983’s vehicle impoundment would punish the owner of the vehicle even if they were not the driver at the time of the violation. For example, AB 983 would allow a mother’s car to be impounded because her child caused a violation while driving the car. We should not punish families in this way, especially when vehicles are often key to a family’s ability to get to work, go grocery shopping, pick children up from school, or get to the hospital in an emergency.

“For low income and working households, the towing of a vehicle is often catastrophic. Retrieving a car after it has been towed is time-consuming and costly, and for many people a tow means total loss of their car. The tow and storage fees are often more than people can afford, and when an individual cannot pay the fees associated with the tow, the vehicle is sold at auction, resulting in the person permanently losing their car. According to a 2018 federal report, 46% of American adults lack the savings necessary to cover an unanticipated expense of \$400 or more. But a report from the following year found that the average towing and storage fees in California for a vehicle that is held for just 3 days is nearly \$500. When people lose their cars, they often lose their biggest personal asset and their ability to meet their basic needs.

“The Legislature should not continue to rely on problematic speed camera systems. A coalition of civil rights and racial justice groups opposed AB 645 (Friedman, 2023), the law that set up speed camera pilot programs, based on racial and economic justice, due process, and privacy concerns. As noted then, surveillance systems like these speed camera systems often disproportionately impact marginalized communities. Those concerns are only exacerbated here as AB 983 ratchets up the punishment for violations from fines, which already disrupt a person’s financial stability, to vehicle impoundment, which stops an individual and their family from meeting basic needs.

“While the Legislature’s desire to address speeding is understandable, the proper approach is effective speed-calming infrastructure, such as roundabouts, speed bumps, and traffic circles. For example, roundabouts have been found to lead to 90% fewer accident-related fatalities

and 75% fewer accident-related injuries, reduced traffic delays by up to 50%, decreased pollution, and taxpayer savings due to roundabouts needing less maintenance than traffic lights or surveillance systems.

**7) Prior Legislation:**

- a) AB 1978 (V. Fong), Chapter 501, Statutes of 2024 authorizes a peace officer to impound a vehicle without taking the driver into custody for obstructing or placing a barricade upon a highway, or an offstreet parking facility for the purpose of facilitating or aiding a speed contest or exhibition of speed.
- b) AB 2186 (Wallis), Chapter 502, Statutes of 2024, authorizes a peace officer to remove and seize a motor vehicle used in an exhibition of speed in an offstreet parking facility for no more than 30 days and provides that a peace officer may not remove and seize a vehicle of a person who aided and abetted a person engaged in an exhibition of speed.
- c) AB 822 (Alanis), of the 2023-2024 Legislative Session, would include engaging in a motor vehicle speed contest or an exhibition of speed as offenses for which a peace officer may impound a vehicle pursuant to a court warrant. The hearing was cancelled at the request of the author in this committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

AAA Northern California, Nevada & Utah  
Automobile Club of Southern California  
California Police Chiefs Association  
California State Sheriffs' Association  
Streets for All

**Oppose**

ACLU California Action  
California Attorneys for Criminal Justice  
Initiate Justice  
Initiate Justice Action  
Justice2jobs Coalition  
LA Defensa  
San Francisco Public Defender  
Silicon Valley De-bug  
Streets are for Everyone  
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