
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1338 (Jones) - Vehicles: repossession

Version: April 23, 2026

Urgency: No

Hearing Date: May 11, 2026

Policy Vote: PUB. S. 5 - 1

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: SB 1338 would make it a misdemeanor for a person to interfere with the transport of a vehicle to a storage facility, auction, or deal by a reposessor once repossession is complete.

Fiscal Impact: Unknown cost pressure for increased local incarceration (General Fund).

Unknown court cost pressure. To the extent there are prosecutions for misdemeanor violations, there will be cost pressures related to the courts to adjudicate the criminal charges and costs to the counties to incarcerate people who are convicted. These actual cost pressures and costs will depend on the number of prosecutions and convictions. Costs will depend on the number of actions and the amount of court time required by each action (Trial Court Trust Fund, General Fund).

Background: Existing law prohibits a person from interfering with the transport of a vehicle to a storage facility, auction, or dealer by an individual who is employed by a repossession agency or who is licensed as a reposessor, as specified, once repossession is complete, as specified. This prohibition does not apply to a peace officer while acting in an official capacity. This offense is punishable as an infraction (Vehicle Code 10856 (a)).

Existing law requires that a person convicted of an infraction for a violation of the Vehicle Code is to be punished as follows:

- By a fine not exceeding \$100.
- For a second infraction occurring within one year of a prior infraction that resulted in a conviction, a fine not exceeding \$200.
- For a third or subsequent infraction occurring within one year of two or more prior infractions that resulted in convictions, a fine not exceeding \$250. (Vehicle Code 42001 (a))

Proposed Law: This offense would be punishable by up to sixty days in jail, a fine of up to \$400, or both.

If a prosecutor files the offense as a misdemeanor, Vehicle Code 42001 would not apply. If the prosecutor files the offense as an infraction, it would be punishable pursuant to Vehicle Code 42001. In that case, the first infraction would be a fine up to \$100, and so forth.

Staff Comments: This bill creates a wobblette, which means the offense can be punished as an infraction or a misdemeanor. Therefore, whether the offense is an infraction or misdemeanor depends on how the prosecutor charges it.

If the person interfering with the repossession is charged with an infraction, that charge is usually handled in a lower court, such as traffic court. If the person is charged with a misdemeanor, that charge will be in criminal court, with the rights and due process afforded criminal defendants, including a defense attorney, and a jury trial.