

UNFINISHED BUSINESS

Bill No: SB 692
Author: Arreguín (D), et al.
Amended: 8/10/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/22/25

AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25

AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab

NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 6/3/25

AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Hurtado, Reyes

ASSEMBLY FLOOR: 77-0, 8/19/26 - See last page for vote

SUBJECT: Vehicles: homelessness

SOURCE: City of Oakland

DIGEST: This bill facilitates the disposal of abandoned vehicles that have been declared a nuisance or hazard.

Assembly Amendments create a process for a public agency to dismantle an abandoned vehicle (declared a nuisance or hazard) in the place where it was abandoned if the vehicle cannot be towed or otherwise moved and define abandoned vehicle for purposes of the provisions of law created by this bill.

ANALYSIS:

Existing law:

- 1) Defines “vehicle” as a device used to propel, move, or draw people or property on a highway, excluding devices moved exclusively by human power or used on stationary rails or tracks. (Vehicle Code (VEH), § 670.)
- 2) Makes it unlawful for a peace officer or an unauthorized person to remove an unattended vehicle from a highway to a garage or to any other place except as provided for by California statute. (VEH § 22650, subd. (a).)
- 3) Clarifies that the removal of and storage of a vehicle, as authorized by California statute, is a seizure and must be reasonable under the Fourth Amendment and California Constitution. (VEH § 22650, subd. (b).)
- 4) Provides that vehicle removals authorized by any authority, including California statute, that are based on the community caretaking exception, are reasonable only if the removal was necessary to achieve the community caretaking need, such as ensuring the safe flow of traffic or protecting property from theft or vandalism. (VEH § 22650, subd. (b).)
- 5) Provides that law enforcement and other agencies having authority to remove vehicles shall also have the authority to provide hearings, as specified. (VEH § 22650, subd. (c).)
- 6) Places the burden of establishing the validity of the removal on the storing agency. (VEH § 22650, subd. (c).)
- 7) Specifies that this statute does not prevent review or other action as may be permitted by California law by a court of competent jurisdiction. (VEH § 22650, subd. (d).)
- 8) Authorizes an officer to remove a vehicle and imposes guidelines for storage and release, as specified. (VEH §§ 22651.05-22856.)
- 9) Authorizes a city, county, or city and count to adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned,

wrecked, dismantled, or inoperative vehicles or parts of an inoperative vehicle from private or public property. (VEH § 22660.)

- 10) Requires an ordinance establishing procedures for the removal of abandoned vehicles to contain certain provisions, including a provision exempting vehicles under certain circumstances. (VEH § 22661, subd. (b).)
- 11) States the aforementioned exceptions do not authorize the maintenance of a public or private nuisance, as defined by law. (VEH § 22661, subd. (b).)
- 12) States the ordinance must require that notice be given to the Department of Motor Vehicles within five days of removal, identifying the vehicle or part and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates. (VEH § 22661, subd. (a).)
- 13) Provides that the ordinance must require the issuance of a not less than 10-day notice of intention to abate and remove the vehicle or part as a public nuisance unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle. This applies only to inoperable vehicles located on a parcel zoned for agricultural use or not improved with a residential structure containing one or more dwelling units. (VEH § 22661, subd. (c).)
- 14) Allows abatement and removal of a vehicle or part without a notice of intention if the vehicle or part is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than \$200, and if:
 - a) It is determined by the local agency to be a public nuisance presenting an immediate threat to public health or safety; and,
 - b) The owner has signed a release authorizing removal and waiving further interest in the vehicle. (VEH § 22661, subd. (c).)
- 15) States that if evidence of registration is discovered for the abandoned vehicle, a local agency must provide notice of intent to dispose of the vehicle to the registered and legal owners; if it is not claimed within 12 days after the notice is mailed, final disposition may proceed. (VEH § 22661, subd. (c).)

- 16) Provides that vehicles or parts may be disposed of by removal to a scrapyard, automobile dismantler's yard, or any suitable site operated by a local authority for processing as scrap, or other final disposition, as specified. (VEH § 22662.)
- 17) Allows a local authority to operate a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate and make final disposition of vehicles or parts, or transfer the vehicle or parts to another if the disposal is only as scrap. (VEH § 22662.)
- 18) Authorizes the disposal of a removed vehicle if the estimated value is \$500 or less and if the public agency has followed certain procedures, including attached a removal notice to the vehicle at least 72 hours prior to it being removed and sent a notice of removal to all registered and legal owners no later than 48 hours after removal and advising of the right to a hearing. The vehicle may be scrapped or dismantled if after 15 days from the notice it remains unclaimed. (VEH § 22851.3, subd. (a)-(k).)

This bill:

- 1) Provides that if an abandoned vehicle cannot be towed or otherwise moved and the abandoned vehicle has been declared a nuisance or hazard by the fire marshal, environmental health director, or public health officer of the city or county in which the public agency is located, the public agency may dismantle, or cause the dismantlement of, the vehicle in the place that it was abandoned, if all of the following requirements are met:
 - a) Except when performing emergency summary abatement pursuant to state law or local ordinance, as specified, at least 15 days prior to dismantlement of the abandoned vehicle, the peace officer or other authorized employee of a public agency securely attach a distinctive notice to the vehicle that states the vehicle will be dismantled by the public agency if the hazard is not abated.
 - b) Immediately after identifying the abandoned vehicle for dismantlement and posting the public notice on the vehicle, the public agency that seeks to dismantle, or cause the dismantlement of, the abandoned vehicle, must notify the Stolen Vehicle System of the Department of Justice in Sacramento of the intent to dismantle.
 - c) The public agency that seeks to dismantle, or cause the dismantlement of, the abandoned vehicle or, at the request of the public agency, the lienholder must obtain a copy of the names and addresses of all persons having an

interest in the vehicle, if any, from the Department of Motor Vehicles (DMV) either directly or by use of the California Law Enforcement Telecommunications System (CLETS), although the public agency or lienholder is not required to obtain a copy of the actual record on file at the DMV.

- d) Within 48 hours of the posting of the distinctive notice, excluding weekends and holidays, the public agency that seeks to dismantle, or cause the dismantlement of, the vehicle must send a notice to the registered and legal owners at their addresses of record with the DMV, and to any other person known to have an interest in the vehicle. Requires the notice sent by the public agency to be sent by certified or first-class mail, and a notice sent by the lienholder to be sent by certified mail, and include the following information:
 - i) The name, address, and phone number of the public agency providing the notice
 - ii) The location of the vehicle and description of the vehicle that includes, if available, the vehicle make, license plate number, vehicle identification number, and mileage
 - iii) The authority and purpose for the removal of the vehicle;
 - iv) A statement that the vehicle may be disposed of at least 15 days from the date of the notice;
 - v) A statement that the owners and interested persons, or their agents, have the opportunity for a hearing before the public agency that seeks to dismantle, or cause the dismantlement of, the vehicle to determine the validity of the determination if a request for a hearing is made in person, in writing, or by phone within 10 days from the date of notice.
 - vi) The statement must also advise that if the owner or interested person, or their agent, disagrees with the decision of the public agency, the decision may be reviewed, as specified, and the statement must further include that during the time of the initial hearing, or during the time the decision is being reviewed, as specified, the vehicle in question may not be disposed of.
- e) A requested hearing must be conducted within five business days of the request, excluding weekends and holidays, and the public agency that seeks to dismantle the vehicle may authorize its own officers to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle. Provides that a failure of either the registered or legal owner or interested person, or their agent, to request or to attend a scheduled hearing shall satisfy the hearing requirement of this bill.

- f) An authorization for disposal may not be issued by the public agency prior to the conclusion of a requested hearing or any judicial review of that hearing.
 - g) If, after at least 15 days from the notification, the vehicle remains unclaimed and if no request for a hearing was made or a hearing was not attended, the public agency that sought to dismantle, or sought to cause the dismantlement of, the vehicle must provide to the lienholder, on a form approved by the DMV, authorization to dismantle the vehicle, and the lienholder may request the public agency to provide the authorization to dismantle the vehicle.
 - h) If the names and addresses of the registered and legal owners of the vehicle are not available from the records of the DMV, either directly or by use of the CLETS, the public agency may dismantle or cause the dismantlement of the vehicle at any time after the 15th day from the date of the notice.
- 2) Prohibits a vehicle disposed of pursuant to the provisions of this bill from being reconstructed or made operable, except as specified.
 - 3) Provides that the provisions of this bill do not prevent a local government from performing emergency summary abatement of an abandoned vehicle that is creating imminent health and safety hazards pursuant to state law or local ordinance.
 - 4) Defines “abandoned vehicle” to mean a vehicle left on public or private property in such a neglected condition that the owner’s intention to relinquish all further rights or interests in the vehicle may be reasonably concluded, and either of the following is met:
 - a) The vehicle does not have signs of human habitation, and the city or county reasonably believes the vehicle is not being used for human habitation based on recently conducted outreach.
 - b) The vehicle is inoperable due to the absence of a motor, transmission, or wheels.

Background

Fourth Amendment and Warrantless Removal of Vehicles under the Community Caretaker Exception. The Fourth Amendment of the U.S. Constitution protects people from excessively intrusive government searches and seizures. The Supreme Court has emphasized that the Fourth Amendment requires adherence to judicial processes, and has stressed that searches and seizures occurring without a warrant

issued by a judge or magistrate are considered to be per se unreasonable under the Fourth Amendment. (*Katz v. U.S.* (1967) 389 U.S. 347, 357.) There are exceptions, however, such exceptions must comply with the touchstone of the Fourth Amendment—reasonableness. (*Florida v. Jimeno* (1991) 500 U.S. 248, 250.)

Generally speaking, officers may remove a vehicle without a warrant under certain conditions. Officers have the authority to remove vehicles that jeopardize public safety or impede the movement of vehicular traffic as part of their “community caretaking function.” (See *South Dakota v. Opperman* (1976) 428 U.S. 364, 368-369) [“The authority of police to seize and remove from the streets vehicles impeding traffic or threatening public safety and convenience is beyond challenge.”]; *Coal. on Homelessness v. City & Cnty. of San Francisco* (2023) 93 Cal.App.5th 928 [discussing the vehicular community caretaking exception as covering “cars that are illegally parked, create a hazard to other drivers or an obstacle to the flow of traffic, or are a target for vandalism or theft,” but concluding “tows of legally parked cars based on unpaid tickets are not within the vehicular community caretaking exception.”)].

The decision to remove the vehicle under the community caretaking doctrine depends on the location of the vehicle and the officer’s duty to prevent it from being an obstruction or hazard to traffic, or potentially being stolen. (*Miranda v. City of Cornelius* (9th Cir. 2005) 429 F.3d 858, 864.) Therefore, removing the car must be reasonable in relation to the officer’s community caretaking function. (*People v. Williams* (2006) 145 Cal.App.4th 756, 761-62.)

Current law outlines specific circumstances wherein an officer may remove a vehicle. (Veh. Code, § 22650 et seq.) Even in cases where a statute may authorize the removal of a vehicle, the removal must still be reasonable under the Fourth Amendment. (*People v. Williams, supra*, 145 Cal.App.4th at p. 762; see also Veh. Code, § 22650, subd. (b).)

AB 2876 (Jones-Sawyer, Chapter 592, Statutes of 2018), codified the case law holding that warrantless removal of vehicles must be reasonable, regardless of whether the removal was made pursuant to an authorizing statute. AB 2876 specified that a removal under any authority based on the community caretaker exception is only reasonable if it was necessary to achieve a community caretaking need, such as ensuring the safe flow of traffic or protecting property from theft or vandalism.

As noted above, government officials are allowed to remove vehicles that pose safety or other public health hazards under the “community caretaking exception” to the Fourth Amendment’s warrant requirement. But the vehicle removal must be reasonable, and reasonableness is determined by the circumstances, including the need to address a specific threat or hazard

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee:

Minor costs to the Department of Motor Vehicles (Motor Vehicle Account) to approve the form authorizing dismantlement and to process requests for vehicle ownership records, likely absorbable within existing resources.

Cost pressures (Trial Court Trust Fund) of an unknown, but likely minor amount, to the extent owners or interested persons seek judicial review of local dismantlement decisions pursuant to Government Code Section 11523.

SUPPORT: (Verified 8/19/26)

City of Oakland (source)
Bay Area Council
City of Berkeley
City of Concord
City of Santa Rosa
City of Stockton
City of Upland
League of California Cities
Sacramento County District Attorney’s Office

OPPOSITION: (Verified 8/19/26)

ACLU California Action
California Civil Liberties Advocacy
Western Center on Law & Poverty

ASSEMBLY FLOOR: 77-0, 8/19/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick,

Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell,
Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega,
Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos,
Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Sanchez, Schiavo,
Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis,
Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Caloza, Blanca Rubio

Prepared by: Stephanie Jordan / PUB. S. /
8/19/26 14:35:10

**** **END** ****