

person to engage in a motor vehicle speed contest or a motor vehicle exhibition of speed on a highway.

The Bill would expand the crime of engaging in a motor vehicle speed contest or a motor vehicle exhibition of speed to apply to a parking facility. Because the Bill would expand the scope of an existing crime, it would impose a state-mandated local program. The Bill would include this crime in the list of crimes for which a peace officer may impound a vehicle pursuant to a warrant or order issued by a magistrate. The Bill would change the affidavit requirement described above by removing the requirement that a peace officer establish reasonable cause that the violation occurred in his or her presence. The Bill would instead require the peace officer to submit an affidavit establishing reasonable cause that the violation occurred based on evidence witnessed by, delivered to, or developed by the officer within 364 days of the violation.

ANALYSIS AND POLICY ALTERNATIVES

The Bill aims to enhance existing legislation to allow for the impounding of vehicles involved in the above-listed vehicular crimes (including sideshow activity) based on evidence (e.g., video evidence) instead of requiring an officer to personally observe the crime. An officer with reasonable cause to believe that a particular vehicle was used in commission of the criminal act can present evidence to a magistrate via affidavit to obtain a seizure warrant for the vehicle.

The focus of the Bill is to impound the car which is used in the nuisance activity, and not to make an arrest of the driver or increase jail sentences. The use of video evidence should result in the temporary impoundment of additional vehicles, thereby providing law enforcement with an added deterrent that does not focus on individual arrests.

The Bill does not change any of the existing protections for innocent owners, who were not driving the vehicle and should not be held responsible. Those protections include a requirement that vehicles must be immediately released to the registered owner if the vehicle was stolen or the officer reasonably believes that the owner was not the driver of the vehicle.

FISCAL IMPACT

There is no Fiscal Impact.

PUBLIC OUTREACH / INTEREST

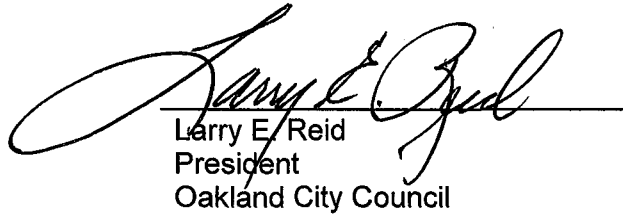
The Office of Council President Reid has reached out to several Neighborhood Crime Prevention Council's (NCPC's), Homeowners Associations, merchants associations and churches in City Council District 5 (including the Las Palmas Homeowner's Association, The Toler Heights Homeowners Association and The MacArthur Neighborhood Crime Prevention Council).

Oakland neighborhoods have long experienced the adverse effects of unlawful activities related to sideshows and reckless driving. The Bill would ultimately afford Law Enforcement Agencies additional enforcement measures to deter Sideshow Activities in the neighborhoods of Oakland and surrounding cities.

ACTION REQUESTED OF THE CITY COUNCIL

**TO ADOPT A RESOLUTION FOR THE CITY OF OAKLAND TO CO-SPONSOR SENATE
BILL 699 (GALGANI) VEHICLES: REMOVAL AND IMPOUNDMENT**

Respectfully submitted,



Larry E. Reid
President
Oakland City Council

March 20, 2017

The Honorable Cathleen Galgiani
California State Senate
State Capitol, Room 5097
Sacramento, CA 95814

Re: SB 699 (Galgiani) Vehicles: removal and impoundment

Dear Senator Galgiani:

On behalf of The City of Oakland we are proud to co-sponsor SB 699 (Galgiani) Vehicles: removal and impoundment. The purpose of SB 699 is to address a vehicular nuisance by using alternative penalties that limit the criminalization of the individual while providing for peace and safety in our neighborhoods.

The sideshows vary in degrees in terms of frequency and magnitude. Normally, about 200 vehicles are associated with sideshow activity on a given night. Sideshows are spreading through numerous cities in our State and are a great public safety concern that endangers the lives of all citizens and law enforcement officers tasked with stopping the unlawful behaviors associated with them.

One of the most effective tools used by law enforcement to address this problem has been the towing of cars used by participants. Increased towing of vehicles has resulted in decreased Sideshow activity. These "30-day holds" have been determined to be effective in reducing the sideshows. However due to the growth of the issue, more enforcement is needed.

SB 699 enhances existing legislation to impound vehicles by providing video evidence as a means to secure an 'Affidavit in Support of Seizure Warrant'. The type of video evidence that I am referring to is videos that are posted on YouTube, Instagram and other types of social media. The point of doing it this way is twofold:

1. The focus is to impound the car which is used in the nuisance activity, NOT make an arrest of the driver or increase jail sentences.
2. By using the video evidence, it makes it easier for law enforcement to address the issue by creating additional deterrents without making individual arrests. Furthermore, this does not change any of the existing protections for innocent owners, who were not driving the vehicle and should not be held responsible.

I would like to thank you for your hard work and leadership on this issue.

Sincerely,

CC: Senator Nancy Skinner
Assembly Member Rob Bonta
Assembly Member Tony Thurmond

SB 699 (Galgiani) – Vehicles: removal and impoundment

(As Introduced)

Summary

The purpose of SB 699 is to address a vehicular nuisance by using alternative penalties that limit the criminalization of the individual while providing for peace and safety in our neighborhoods.

Background

Sideshows first emerged in Oakland in the late 1980's. For nearly 30 years, sideshows have grown in magnitude and now include participants from around the State. It started originally on city streets and now have dangerously morphed onto the freeway.

The sideshows vary in degrees in terms of frequency and magnitude. Normally, about 200 vehicles are associated with sideshow activity on a given night. Sideshows are spreading through numerous cities in our State and are a great public safety concern that endangers the lives of all citizens and law enforcement officers tasked with stopping the unlawful behaviors associated with them.

One of the most effective tools used by law enforcement to address this problem has been the towing of cars used by participants. Increased towing of vehicles has resulted in decreased Sideshow activity. These "30-day holds" have been determined to be effective in reducing the sideshows. SB 67 was signed into law in 2009 giving this authority. However due to the growth of the issue, more enforcement is needed.

Solution

Enhance existing legislation to impound vehicles by providing video evidence as a means to secure an 'Affidavit in Support of Seizure Warrant' which would provide more target vehicles. The point of doing it this way is twofold:

1. The focus is to impound the car which is used in the nuisance activity, NOT make an arrest of the driver or increase jail sentences.
2. By using the video evidence, it makes it easier for law enforcement to address the issue by creating additional deterrents without making individual arrests. Furthermore, this does not change any of the existing protections for innocent owners, who were not driving the vehicle and should not be held responsible.

Sponsors and Support

- CA Police Chief's Association (Co-Sponsor)
- City of Oakland (Co-Sponsor)

Opposition

- None on File

Contact

Taylor Woolfork
Office of Senator Galgiani



California

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SB-699 Vehicles: removal and impoundment. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

SENATE BILL**No. 699****Introduced by Senator Galgiani****February 17, 2017**

An act to amend Sections 14602.7 and 23109 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 699, as introduced, Galgiani. Vehicles: removal and impoundment.

Existing law makes it a crime for any person, while operating a motor vehicle with the intent to evade, to willfully flee or otherwise attempt to evade a pursuing peace officer's motor vehicle or bicycle if specified conditions exist. Existing law makes it a crime to drive a vehicle upon a highway in willful or wanton disregard for the safety of persons or property. Existing law authorizes a magistrate to issue a warrant or order authorizing a peace officer to immediately seize and cause the removal of a vehicle if presented with a peace officer's affidavit establishing reasonable cause to believe that the vehicle was an instrumentality used in the peace officer's presence in violation of an offense described above.

Existing law also makes it a crime for a person to engage in a motor vehicle speed contest or a motor vehicle exhibition of speed on a highway.

This bill would expand the crime of engaging in a motor vehicle speed contest or a motor vehicle exhibition of speed to apply to a parking facility. Because this bill would expand the scope of an existing crime, it would impose a state-mandated local program. The bill would include this crime in the list of crimes for which a peace officer may impound a vehicle pursuant to a warrant or order issued by a magistrate. The bill would change the affidavit requirement described above by removing the requirement that a peace officer establish reasonable cause that the violation occurred in his or her presence. The bill would instead require the peace officer to submit an affidavit establishing reasonable cause that the violation occurred based on evidence witnessed by, delivered to, or developed by the officer within 364 days of the violation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14602.7 of the Vehicle Code is amended to read:

14602.7. (a) 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, was an instrumentality used ~~in the peace officer's presence~~ in violation of Section 2800.1, 2800.2, 2800.3, or 23103, or subdivision (a) or (c) of Section 23109, based on evidence witnessed by, delivered to, or developed by a peace officer within 364 days of the violation, shall issue a warrant or order authorizing any peace officer to immediately seize and cause the removal of the vehicle. The warrant or court order may be entered into a computerized database. ~~A vehicle so impounded~~ The vehicle may be impounded for a period not to exceed 30 days.

~~The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return receipt requested, 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. Failure to notify the legal owner within two working days shall prohibit the impounding agency from charging for more than 15 days impoundment when a legal owner redeems the impounded vehicle. The law enforcement agency shall be open to issue a release to the registered owner or legal owner, or the agent of either, whenever the agency is open to serve the public for regular, nonemergency business.~~

(b) (1) An impounding agency shall release a vehicle to the registered owner or his or her agent ~~prior to~~ 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.

(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 violated Section 2800.1, 2800.2, or 2800.3, or subdivision (a) or (c) of Section 23109, the agency shall immediately release the vehicle to the registered owner or his or her agent.

(2) ~~No~~ A vehicle shall *not* be released pursuant to this subdivision, except upon presentation of the registered owner's or agent's currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of the court.

(c) (1) Whenever a vehicle is impounded under this section, the magistrate ordering the storage shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a poststorage hearing to determine the validity of the storage.

(2) A notice of the storage shall be mailed or personally delivered to the registered and legal owners within 48 hours after issuance of the warrant or court order, excluding weekends and holidays, by the person or agency executing the warrant or court order, and shall include all of the following information:

(A) The name, address, and telephone number of the agency providing the notice.

(B) The location of the place of storage and a description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage of the vehicle.

(C) A copy of the warrant or court order and the peace officer's affidavit, as described in subdivision (a).

(D) A statement that, in order to receive their poststorage hearing, the owners, or their agents, are required to request the hearing from the magistrate issuing the warrant or court order in person, in writing, or by telephone, within 10 days of the date of the notice.

(3) The poststorage hearing shall be conducted within two court days after receipt of the request for the hearing.

(4) At the hearing, the magistrate may order the vehicle released if he or she finds any of the circumstances described in subdivision (b) or (e) that allow release of a vehicle by the impounding agency. The magistrate may also consider releasing the vehicle when the continued impoundment will cause undue hardship to persons dependent upon the vehicle for employment or to a person with a community property interest in the vehicle.

(5) Failure of either the registered or legal owner, or his or her agent, to request, or to attend, a scheduled hearing satisfies the poststorage hearing requirement.

(6) The agency employing the peace officer who caused the magistrate to issue the warrant or court order shall be responsible for the costs incurred for towing and storage if it is determined in the poststorage hearing that reasonable grounds for the storage are not established.

(d) The registered owner or his or her agent is responsible for all towing and storage charges related to the impoundment, and any administrative charges authorized under Section 22850.5.

(e) A vehicle removed and seized under subdivision (a) shall be released to the legal owner of the vehicle or the legal owner's agent ~~prior to~~ before the end of the impoundment period and without the permission of the magistrate authorizing the seizure of the vehicle if all of the following conditions are met:

(1) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person, not the registered owner, holding a financial interest in the vehicle.

(2) (A) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle. No lien sale processing fees shall be charged to the legal owner who redeems the vehicle prior to the 15th day of impoundment. Neither the impounding authority nor any person having possession of the vehicle shall collect from the legal owner of the type specified in paragraph (1), or the legal owner's agent any administrative charges imposed pursuant to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

(B) A person operating or in charge of a storage facility where vehicles are stored pursuant to this section shall accept a valid bank credit card or cash for payment of towing, storage, and related fees by a legal or registered owner or the owner's agent claiming the vehicle. A credit card shall be in the name of the person presenting the card. "Credit card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, except, for the purposes of this section, credit card does not include a credit card issued by a retail seller.

(C) A person operating or in charge of a storage facility described in subparagraph (B) who violates subparagraph (B) shall be civilly liable to the owner of the vehicle or to the person who tendered the fees for four times the amount of the towing, storage and related fees, but not to exceed five hundred dollars (\$500).

(D) A person operating or in charge of a storage facility described in subparagraph (B) shall have sufficient funds on the premises of the primary storage facility during normal business hours to accommodate, and make change in, a reasonable monetary transaction.

(E) Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies on rates.

(3) The legal owner or the legal owner's agent presents, to the law enforcement agency, impounding agency, person in possession of the vehicle, or any person acting on behalf of those agencies, a copy of the assignment, as defined in subdivision (b) of Section 7500.1 of the Business and Professions Code; a release from the one responsible governmental agency, only if required by the agency; a government-issued photographic identification card; and any one of the following, as determined by the legal owner or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title, whether paper or electronic, showing proof of legal ownership for the vehicle. Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The law enforcement agency, impounding agency, or any other governmental agency, or any person acting on behalf of those agencies, shall not require any documents to be notarized. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies, may require the agent of the legal owner to produce a photocopy or facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the law enforcement agency, impounding agency, or any person acting on behalf of those agencies that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

~~No administrative~~ Administrative costs authorized under subdivision (a) of Section 22850.5 shall *not* be charged to the legal owner of the type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage hearing. ~~No~~ A city, county, city and county, or state agency shall *not* require a legal owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The law enforcement agency, impounding agency, or other governmental agency, or any person acting on behalf of those agencies, shall not require any documents other than those specified in this paragraph. The law enforcement agency, impounding agency, or other governmental agency, or any person acting on behalf of those agencies, shall not require any documents to be notarized. The

legal owner or the legal owner's agent shall be given a copy of any documents he or she is required to sign, except for a vehicle evidentiary hold logbook. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies, or any person in possession of the vehicle, may photocopy and retain the copies of any documents presented by the legal owner or legal owner's agent.

(4) A failure by a storage facility to comply with any applicable conditions set forth in this subdivision shall not affect the right of the legal owner or the legal owner's agent to retrieve the vehicle, provided all conditions required of the legal owner or legal owner's agent under this subdivision are satisfied.

(f) (1) A legal owner or the legal owner's agent that obtains release of the vehicle pursuant to subdivision (e) shall not release the vehicle to the registered owner or the person who was listed as the registered owner when the vehicle was impounded of the vehicle or any agents of the registered owner, unless a registered owner is a rental car agency, until the termination of the impoundment period.

(2) The legal owner or the legal owner's agent shall not relinquish the vehicle to the registered owner or the person who was listed as the registered owner when the vehicle was impounded until the registered owner or that owner's agent presents his or her valid driver's license or valid temporary driver's license to the legal owner or the legal owner's agent. The legal owner or the legal owner's agent shall make every reasonable effort to ensure that the license presented is valid and possession of the vehicle will not be given to the driver who was involved in the original impoundment proceeding until the expiration of the impoundment period.

(3) ~~Prior to~~ *Before* relinquishing the vehicle, the legal owner may require the registered owner to pay all towing and storage charges related to the impoundment and the administrative charges authorized under Section 22850.5 that were incurred by the legal owner in connection with obtaining the custody of the vehicle.

(4) Any legal owner who knowingly releases or causes the release of a vehicle to a registered owner or the person in possession of the vehicle at the time of the impoundment or any agent of the registered owner in violation of this subdivision shall be guilty of a misdemeanor and subject to a fine in the amount of two thousand dollars (\$2,000) in addition to any other penalties established by law.

(5) The legal owner, registered owner, or person in possession of the vehicle shall not change or attempt to change the name of the legal owner or the registered owner on the records of the department until the vehicle is released from the impoundment.

(g) (1) A vehicle impounded and seized under subdivision (a) shall be released to a rental car agency ~~prior to~~ *before* the end of the impoundment period if the agency is either the legal owner or registered owner of the vehicle and the agency pays all towing and storage fees related to the seizure of the vehicle.

(2) The owner of a rental vehicle that was seized under this section may continue to rent the vehicle upon recovery of the vehicle. However, the rental car agency shall not rent another vehicle to the driver who used the vehicle that was seized to evade a police officer until 30 days after the date that the vehicle was seized.

(3) The rental car agency may require the person to whom the vehicle was rented and who evaded the peace officer to pay all towing and storage charges related to the impoundment and any administrative charges authorized under Section 22850.5 that were incurred by the rental car agency in connection with obtaining custody of the vehicle.

(h) Notwithstanding any other provision of this section, the registered owner and not the legal owner shall remain responsible for any towing and storage charges related to the impoundment and the administrative charges authorized under Section 22850.5 and any parking fines, penalties, and administrative fees incurred by the registered owner.

(i) (1) This section does not apply to vehicles abated under the Abandoned Vehicle Abatement Program pursuant to Sections 22660 to 22668, inclusive, and Section 22710, or to vehicles impounded for investigation pursuant to Section 22655, or to vehicles removed from private property pursuant to Section 22658.

(2) This section does not apply to abandoned vehicles removed pursuant to Section 22669 that are determined by the public agency to have an estimated value of three hundred dollars (\$300) or less.

(j) The law enforcement agency and the impounding agency, including any storage facility acting on behalf of the law enforcement agency or impounding agency, shall comply with this section and shall not be liable to the registered owner for the improper release of the vehicle to the legal owner or the legal owner's agent provided the release complies with the provisions of this section. The legal owner shall indemnify and hold harmless a storage facility from any claims arising out of the release of the vehicle to the legal owner or the legal owner's agent and from any damage to the vehicle after its release, including the reasonable costs associated with

more than six months. The court shall order the person's privilege to operate a motor vehicle to be suspended for a period of six months, as provided in paragraph (9) of subdivision (a) of Section 13352 or restricted pursuant to subdivision (f).

(h) If a person is convicted of a violation of subdivision (a) and the vehicle used in the violation is registered to that person, the vehicle may be impounded at the registered owner's expense for not less than one day nor more than 30 days.

(i) A person who violates subdivision (b), (c), or (d) shall upon conviction of that violation be punished by imprisonment in a county jail for not more than 90 days, by a fine of not more than five hundred dollars (\$500), or by both that fine and imprisonment.

(j) If a person's privilege to operate a motor vehicle is restricted by a court pursuant to this section, the court shall clearly mark the restriction and the dates of the restriction on that person's driver's license and promptly notify the Department of Motor Vehicles of the terms of the restriction in a manner prescribed by the department. The Department of Motor Vehicles shall place that restriction in the person's records in the Department of Motor Vehicles and enter the restriction on a license subsequently issued by the Department of Motor Vehicles to that person during the period of the restriction.

(k) The court may order that a person convicted under this section, who is to be punished by imprisonment in a county jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(l) This section shall be known and may be cited as the Louis Friend Memorial Act.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

2017 MAR 29 PM 12:02

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney's Office

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT REID

~~RESOLUTION TO CO-SPONSOR SENATE BILL 699~~
~~(GALGIANI) VEHICLES: REMOVAL AND IMPOUNDMENT~~

WHEREAS, sideshows are gatherings, processions or assemblages where persons in vehicles engage in reckless stunts and maneuvers on city streets, sidewalks and other public places in the presence of spectators; and

WHEREAS, the history of sideshows in Oakland indicate that these activities place residents, other drivers and spectators in danger of injury or death; promote and cause disorderly conduct, vandalism and unruly behavior; incite violence; and create an imminent threat to public safety and order; and

WHEREAS, since 1988, Oakland has been the location of numerous sideshows where a pattern of violence and threats of imminent violence has been established in connection with these activities, including numerous shootings, robberies, sexual assaults and even some incidents involving fatalities; and

WHEREAS, sideshows and the spectators who are attracted to them cause chaos and confusion in the neighborhoods by interfering with pedestrian and vehicular traffic and by creating a situation where residents and members of the public feel threatened and intimidated; and

WHEREAS, sideshow activity creates serious traffic problems; interferes with the safe use of streets and sidewalks; and has resulted in gridlock conditions on arterial roadways leading to the Oakland International Airport, road closures impacting emergency vehicles and freeway off-ramps, and instances where legitimate vehicles and pedestrians are trapped in the middle of these activities; and

WHEREAS, sideshow activities are injurious to health and offensive to the senses; interfere with the peace and quiet of Oakland residents and with their right to enjoy their homes; interfere with the right of business owners to enjoy their property; and interfere with the comfortable enjoyment of life and property of entire communities and neighborhoods in Oakland, and therefore constitute a public nuisance; and

WHEREAS, over the past five years the City has spent over millions of dollars in an effort to abate sideshows and the attendant public safety and nuisance problems associated with them, and to prohibit sideshows on City highways and the gathering of spectators at these events; and

WHEREAS, existing law makes it a crime for any person, while operating a motor vehicle with the intent to evade, to willfully flee or otherwise attempt to evade a pursuing peace officer's motor vehicle or bicycle under certain specified conditions (California Vehicle Code section 2800.1); and

WHEREAS, existing law also makes it a crime to drive a vehicle upon a highway in willful or wanton disregard for the safety of persons or property (California Vehicle Code section 23103); and

WHEREAS, existing law makes it a crime for a person to engage in a motor vehicle speed contest or a motor vehicle exhibition of speed on a highway (California Vehicle Code section 23109); and

WHEREAS, existing law authorizes a magistrate to issue a warrant or order authorizing a peace officer to immediately seize and cause the removal of a vehicle if presented with a peace officer's affidavit establishing reasonable cause to believe that the vehicle was an instrumentality used in the peace officer's presence in violation of the vehicular offenses described above (California Vehicle Code section 14602.7); and

WHEREAS, Senate Bill 699 would amend California Vehicle Code section 14602.7 to remove the requirement that a peace officer establish reasonable cause that the violation occurred in his or her presence, and instead require a peace officer to submit an affidavit establishing reasonable cause that the violation occurred based on evidence witnessed by, delivered to, or developed by the officer within 364 days of the violation; and

WHEREAS, Senate Bill 699 would amend California Vehicle Code section 23109 to expand the crime of engaging in a motor vehicle speed contest or a motor vehicle exhibition of speed to apply to a parking facility; now, therefore, be it

RESOLVED: That the Oakland City Council hereby Co-Sponsors Senate Bill 699 (Galgiani) (Vehicles: removal and impoundment).

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2017.

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -
ABSENT -
ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California