95-007 Policy Regarding Section 14607.6 of the Vehicle Code, Impounding of Vehicles for Forfeiture

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

POLICY REGARDING SECTION 14607.6 OF THE VEHICLE CODE,

IMPOUNDING OF VEHICLES FOR FORFEITURE

The purpose of this Field Operations Directive is to outline the specific policies and procedures required to impound and to dispose of vehicles pursuant to Section 14607.6 of the Vehicle Code (VC). Storage or impoundment of any vehicle for this section shall be accomplished in accordance with this Field Operations Directive and other applicable departmental policies.

Section 14607.6 VC provides for the forfeiture of a vehicle as a nuisance when:

- The driver is the registered owner (R/O), is unlicensed or has a suspended or revoked license, and has a prior **misdemeanor** conviction for 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5.

  NOTE: Section 19.8 of the Penal Code provides that Sections 12500(a) and 14601.1 VC may be reduced from a misdemeanor to an infraction. As of January 1, 1995, Sections 14601(a), 14601.1(a), and 14601.2(a) are no longer specified as misdemeanors, they are infractions. However, these sections still call for punishments that include time in the county jail. Per Penal Code Section 19.6, infractions cannot result in a punishment of imprisonment. There is proposed legislation to return these sections to misdemeanor violations. Currently the District Attorney's Office is filing misdemeanor charges, but it is unknown if this practice will withstand judicial scrutiny in the future. As a result of this inconsistency, any conviction(s) for these sections after January 1, 1995 will not qualify for a vehicle forfeiture.

- The driver is unlicensed or has a suspended or revoked license, and the R/O of the vehicle has a Stipulated Vehicle Release Agreement (SVRA) indicated on his or her driving record.

Section 14607.6 VC does not apply to a person whose driver's license has expired within the preceding 30 days when the driver would otherwise have been properly licensed.

Section 14607.6 VC also does not apply to a driver that has a valid license, but the license is for a class of vehicle other than the vehicle operated by the driver.

POLICY

Section 14607.6 VC shall be used when a deputy encounters a driver who is the R/O of the vehicle, who is unlicensed or has a suspended or revoked license, and only when there is an indication that other enforcement means have not or will not be effective in deterring the driver from continuing to operate the motor vehicle. Additionally, a deputy may impound a motor vehicle for forfeiture when the driver, not necessarily the R/O, is unlicensed or has a suspended or a revoked license, and the R/O of the vehicle has a SVRA indicated on his/her driving record.

Prior to impounding a vehicle pursuant to this section, the deputy should consider the totality of the circumstances surrounding the enforcement contact. Consideration should be given to previous actions, if ascertainable, which failed to deter the driver from driving (i.e. prior storage(s)/impound(s), prior/current suspension(s), license conviction(s), suspensions for dangerous driving acts, convictions for moving violations, driving under the influence, traffic collisions, attempts to evade arrest, etc).

Once the decision has been made to impound a vehicle for forfeiture as a nuisance, the impound authority shall be listed as 14607.6/14602.6/22651(p) VC on the CHP 180, Vehicle Report. Vehicles impounded for Section 14607.6/14602.6/22651(p) VC should be entered into the Stolen Vehicle System as a 14607.6 VC impound, as required.

> **NOTE**: Due to the complexity of Section 14607.6, and the inconsistencies between Sections 14607.6 and 14602.6, it is necessary to list all three storage authorities on the CHP 180. If the vehicle cannot be forfeited pursuant to Section 14607.6, impound authority Section 14607.6 shall be crossed out on the CHP 180 and the remaining most appropriate impound authority shall be circled by the station's traffic staff. This change in impound authority shall be immediately relayed to the Registered Owner (preferably by phone) and the tow company, entered into the Stolen Vehicle System, and documented on a supplemental report.

IMPOUND PROCEDURE

FORFEITURE, DRIVER IS THE REGISTERED OWNER

- Reasonable suspicion existed for the car stop.
- The vehicle was observed being operated on a public highway.
- The driver is unlicensed or their license is suspended/revoked.
- The deputy shall confirm the notice of suspension or revocation was delivered under a good service code (B, C, D, E, F, G, H, I, J, K, or M) (refer to attachment "DMV Codes - Proof of Service).
- The driver must be cited, at the time of impound, for a violation of Section 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5 V.C.
- The driver has a prior conviction(s) of 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5 V.C. listed on his/her driving record (When required, misdemeanor violations will be confirmed by the station at a later time).
- The deputy completes a CHP 180. The impound authority shall be listed as 14607.6/14602.6/22651(p) V.C.
- The deputy shall complete the top section of a CHP 180F, Vehicle Forfeiture Report.
- The R/O (driver) is served with a copy of the Personal Notice of Intended Vehicle Forfeiture (Page 3 of CHP 180F), complete with the name and address of the appropriate District/City Attorney and station

indicated on the form.

- The deputy shall provide for the safety and/or transportation of the driver and all passengers.
- The Deputy shall submit the completed 14607.6 VC, IMPOUND/FORFEITURE FIELD CHECK LIST, "DRIVER IS THE REGISTERED OWNER" form (see attachment under the same name) with the other required paperwork for the impound.

FORFEITURE, DRIVER IS "**NOT**" THE REGISTERED OWNER

- Reasonable suspicion existed for the car stop.
- The vehicle was observed operating on a **public highway**.
- The driver is unlicensed or their license is suspended/revoked.
- The deputy shall confirm the notice of suspension or revocation was delivered under a good service code (B, C, D, E, F, G, H, I, J, K, or M). (refer to attachment "DMV Codes - Proof of Service).
- The driver must be cited, at the time of impound, for a violation of Section 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5 V.C.
- An SVRA is indicated **on the driving record of the vehicles registered owner**.
- A SVRA is a document signed by the registered owner or a community property interest owner in consideration for the release and non-forfeiture of a vehicle. A SVRA provides for the automatic future forfeiture and transfer of title to the state of any vehicle registered to that person, if the vehicle is driven by any driver who is unlicensed or has a suspended or revoked license.
- The driver was operating the vehicle with the knowledge of the R/O.

  NOTE: If the driver is in possession of a temporary license, an application for a duplicate license, an expired or suspended hard copy license, or other official DMV documentation that could have been used to purport to the R/O the driver was properly licensed at the time permission was obtained to operate the vehicle, Section 14602.6 VC would most likely be the appropriate section for impound (Section 22651(p) should also be considered as Section 14602.6 has limitations on enforcement). Forfeiture of the vehicle would not be applicable. Absent the above documentation, it is presumptive the R/O had knowledge of the invalid license status of the driver.

  If the vehicle was stolen at the time of the traffic stop, or is a "rental" vehicle and the driver is not one of the drivers of record on the rental agreement, neither a 30 day impound nor a vehicle forfeiture would be applicable. Section 22651(p) would be the most appropriate impound authority.

- The deputy completes a CHP 180. The impound authority shall be listed as 14607.6/14602.6/22651(p) V.C.
- The deputy shall complete the top section of a CHP 180F, Vehicle Forfeiture Report.
- The deputy shall provide for the safety and/or transportation of the driver and all passengers.
- The Deputy shall submit the completed 14607.6 VC, IMPOUND/FORFEITURE FIELD CHECK LIST, "DRIVER IS NOT THE REGISTERED OWNER" form (see attachment under the same name) with the other required paperwork for the impound.

The DMV has the capability of maintaining SVRA information on a person's driving record. Deputies shall check the driver's driver's history file via MDT for SVRA identification. SVRA information can be found on the line below the license status entry. If there is a SVRA on file, it will be noted here. If there is no SVRA on file, then there will be no mention of a SVRA in the driver's history.

POST IMPOUND PROCEDURE

FORFEITURE, STATION VERIFICATION AND REQUIRED NOTIFICATIONS

- On the first working day after a vehicle has been impounded and the driver/registered owner's prior conviction(s) is for 12500(A) or 14601.1VC, stations shall request from the appropriate court, documentation which indicates the conviction was a misdemeanor.
- Where the driver is not the R/O of the vehicle, but a SVRA was indicated on the R/O's driving record, stations shall, on the first working day after the impound, make a request to DMV for written verification of the SVRA.
- If a prior conviction(s) for a misdemeanor license violation cannot be verified (when the R/O is the driver), and no SVRA is on file (when the driver is NOT the R/O), the station shall notify the R/O and the tow company immediately that the vehicle is not subject to forfeiture and the vehicle impound will be conducted under authority of Section 14602.6 VC, (30 day impound), or Section 22651(p), whichever is appropriate. A supplemental report of the reason for non-forfeiture and R/O notification shall be completed.
- Within two (2) working days, stations shall complete a CHP 180G, Notice of Forfeiture, and mail a copy to all legal and registered owners of the vehicle that were not served a Personal Notice of Intended Vehicle Forfeiture (part of the CHP 180G) by the initial contact deputy. These notices shall be sent via certified mail, return receipt requested. If the notice is not sent to the legal owner within the two working day limit, the department cannot charge the legal owner for more than 15 days impoundment when the legal owner redeems the impounded vehicle.

  NOTE: There is the potential for the department to become liable for all storage fees over 15 days if the Notice of Forfeiture (CHP 180 G) is not sent out within two working days.

- Stations shall provide a Post Storage Hearing within two (2) working days if a request for such a hearing is received within the following time frames:
  - The R/O requests a hearing within three (3) working days from the date the Personal Notice of Intended Vehicle Forfeiture was issued.
  - The registered or legal owner (not personally served) requests a hearing within ten (10) working days from the date the CHP 180G is mailed.
- If there are no requests for a Post Storage Hearing within the specified time periods, stations will assemble a complete file documenting the impound/forfeiture proceedings. Stations shall make application to the appropriate District/City Attorney for a written Declaration of Forfeiture (see attachment 14607.6 VC, IMPOUND/FORFEITURE STATION CHECKLIST).

In addition to a Post Storage Hearing, the registered and/or legal owner has the right to file a claim with the District/City Attorney within the following time frames:

- Five (5) working days from the date the personal service was issued to the R/O.
- Fifteen (15) working days from the date the CHP 180G was mailed to a registered or legal owner(s) not personally served.

If no claims are filed within the specified times, the appropriate District/City Attorney is then required by law to

prepare and sign a written Declaration of Forfeiture which will provide title of the vehicle to the state

If a vehicle impounded pursuant to Section 14607.6 VC becomes non-eligible for forfeiture, an impound for 14602.6 VC would still be lawful if, at the time of impoundment, the driver:

- Was driving on a suspended or revoked license and was properly served notice of such suspension or revocation; or
- The driver was cited for being an unlicensed driver, but had NOT been previously licensed in this state (prior conviction MUST be for 12500(a) VC).

Modification of impound authority to 14602.6 would NOT be appropriate if the driver was cited for 12500(a) at the time of impound, but had been previously licensed (i.e., expired license or a prior conviction, infraction or misdemeanor, for any license suspension or revocation).

When Section 14602.6 is not appropriate, impound authority 22651(p) shall be used.

VEHICLE RELEASE PROCEDURE

NON-FORFEITURE

- A VEHICLE SHALL BE RELEASED TO THE R/O WHEN ALL OF THE FOLLOWING APPLY:
  - The R/O was the driver of the vehicle at the time of impoundment.
  - Within three (3) working days of impoundment, the R/O provides his/her valid driver's license, temporary license, or permit.
  - The R/O provides proof that the vehicle is properly registered.

When court records indicate that the R/O was convicted of an infraction for a violation of section 12500(a) or 14601.1 VC, rather than a misdemeanor, and the R/O was cited for one of the license suspension or revocation sections, the station shall notify the R/O that the vehicle will not be forfeited, but instead held until the 30 day impound period is fulfilled, **IF** 14607.6/14602.6/22651(p) VC is indicated on the CHP 180. If the R/O was cited for 12500(a), but has had a licensed issued to him/her in the past, section 22651(p) would be the most appropriate impound section. Additionally, a supplemental report shall be attached to the CHP 180 indicating the reason for non-forfeiture and the revised impound section used. Accordingly, should Section 14607.6 VC be used as the **SOLE** impound authority, and it is determined that the driver does not have a misdemeanor conviction, the vehicle shall be released **IMMEDIATELY**.

- A VEHICLE SHALL BE RELEASED WHEN A COMMUNITY PROPERTY INTEREST OWNER REQUESTS THE VEHICLE'S RELEASE AND THE FOLLOWING CONDITIONS ARE MET:
  - Page 2 of the CHP 180F has been completed.
  - No SVRA is indicated on the R/O's driver's record.
  - Proof of community interest ownership (husband/wife relationship) is supplied.
  - Proof that the vehicle is actually community property; i.e. not purchased with only one party's funds, is necessary.
    - Acceptable forms of proof would include:
    - A canceled check from a joint bank account used to purchase the vehicle, a loan statement

from a bank or credit union in both names, or a marriage certificate when the vehicle is registered to both the husband and wife.

- Non-acceptable forms of proof would include:
  - Insurance documents in both names, marriage certificate when the vehicle is only registered in the driver's name.
- The driver or community property interest owner (spouse) signs a certification, Page 2 of the CHP 180, that the vehicle is the only class "C" vehicle available to the driver's immediate family and the DMV records substantiate the claim.
- The R/O, community property interest owner, or authorized driver presents a valid license and submits proof that the vehicle is properly registered.
- The driver/registered owner or community property interest owner must sign a SVRA form (see attachment STIPULATED VEHICLE RELEASE AGREEMENT FORM). A copy of the SVRA shall be sent to the DMV within 10 days.

*This requirement only applies when the **DRIVER** requests the release of the vehicle (14607.6(d)(2)(D) - last sentence). If the **DRIVER** does not request the vehicle's release, the driver or community property interest owner shall not be required to sign the SVRA **and the vehicle shall be released**.

When all community property interest ownership requirements are met, t**he vehicle shall be released immediately**. The R/O, community property interest owner, or their agent is responsible for all towing and storage fees.

- OTHER MANDATORY REASONS TO RELEASE VEHICLES IMPOUNDED FOR SECTION 14607.6 ARE:
  - An employee was driving an employer's vehicle or an employee was driving a customer's vehicle for the purposes of parking, service or similar reason shall be released to the employer or R/O.
  - The driver was not the R/O of the vehicle at the time of impoundment and the R/O does not have a SVRA on file. The vehicle shall be released as required by the impound authority cited (either 14602.6 or 22651(p)).
  - If the driver at the time of impoundment was the R/O of the vehicle and does not have a previous misdemeanor conviction(s) for a violation of Section 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4 or 14601.5 VC, the vehicle shall be released to the R/O after 30 days and not subject to forfeiture.

    Note: If the driver's previous conviction was for anything other than 12500(a), AND they were cited at the time of impound for 12500(a), the 30 day impound would not apply. Use section 22651(p) as the impound authority and release the vehicle as required.

  - The vehicle involved was a rental vehicle and the provisions of sections 14608 and 14609 were complied with (these sections basically refer to the verification of license status of renter).
  - The driver was not unlicensed at the time of the impound, only driving out of classification for the vehicle driven (the appropriate section for this violation is 12500(d), however, some field personnel may mistakenly cite the driver for 12500(a) for this violation).
  - The driver's license had expired within the preceding 30 days and the driver would have otherwise been properly licensed at the time of impound.

Note: See attachment 14607.6 VC / RELEASE DIAGRAM for further information.

The R/O or agent is responsible for all towing and storage costs for vehicles released pursuant to the above conditions. Section 14607.6 VC provides that all actions which invoke this authority be based upon the R/O of record at the time of impoundment.

FORFEITED VEHICLE

A vehicle impounded pursuant to Section 14607.6 VC shall be released to a legal owner, who in the regular course of business conducts sales of repossessed or surrendered vehicles, if it notifies the station within fifteen (15) days of the mailing of the CHP 180G of its intent to conduct the sale of the impounded vehicle.

- Any legal owner who conducts the sale of a vehicle forfeited under this section must disburse the funds from the sale of the vehicle in accordance with Section 14607.6 VC.
- The legal owner is required to provide a written account regarding the disposition of the funds to the station. This shall be accomplished through the use of the Vehicle Forfeiture Fund Disbursement Form (see attachment under same name).

DISTRICT ATTORNEY'S OFFICE

JURISDICTION

- It is the policy of the District Attorney's Office that the appropriate agency to effectuate a forfeiture is the prosecutorial office which has jurisdiction over the offense for which the driver was detained. If the offense for which the driver was stopped results in a felony filing, the District Attorney's Office will be responsible for any forfeiture procedures regardless of the jurisdiction in which the stop occurred.
- Any impounding agency requesting a forfeiture as the result of an impoundment arising from a traffic offense which would be prosecuted by another prosecutorial office should be referred to that office. (i.e., Los Angeles City, Long Beach City Prosecutor, etc.)

DRIVER ELIGIBILITY FOR FORFEITURE

- It is the policy of the District Attorney's Office that the age of the prior conviction has no bearing on the forfeitability of a vehicle.
- A license which remains suspended or revoked for failure to pay a reinstatement fee and to give proof of financial responsibility under the provisions of Section 13353.4(b) of the Vehicle Code satisfies the requirements of the statute.
- There must be proof that the driver had legal knowledge, actual or constructive, of the suspension or revocation (i.e., admission by the driver or a good service indication, see attachment "DMV CODES - PROOF OF SERVICE" for good service codes)

ADMINISTRATIVE FORFEITURE PROCEDURES

- If no claim is "filed and served" on the District Attorney within five days of personal service or fifteen days of the date of mailing notice, the District
- Attorney shall issue a Declaration of Forfeiture (§ 14607.6(e)(3), V.C.). Days are court days, not

calendar days (§ 14607.6(0), V.C.).

- The Asset Forfeiture Section of the Major Narcotics Division has the sole responsibility to initiate an administrative forfeiture for the District Attorney's Office.
- An impounding agency wishing to effect an administrative forfeiture must present to the Asset Forfeiture Section the following documentation:
    - Completed "Vehicle Forfeiture Report" prescribed by the California Highway Patrol (CHP-180F).
    - Certified copy of the court documentation of the necessary prior misdemeanor conviction.
    - Department of Motor Vehicle computer printout of the driver's record.
    - Department of Motor Vehicle computer printout of the vehicle's history.
    - If mailed notice was required, copies of the notice sent, the certified mailing document, **and the signed returned receipt from each person required to be served**.
    - If the notice was given personally, a declaration under penalty of perjury of personal service of notice on the "Vehicle Forfeiture Report" will be sufficient.

VEHICLE DISPOSAL - PROCEDURE

Vehicles impounded and subsequently forfeited to the state are required to be sold at public auction, and the proceeds disbursed as specified in Section 14607.6 VC. Initially, contract tow companies shall be utilized for the towing, storage, and sale of vehicles impounded pursuant to Section 14607.6 VC. The long term goal of the Department is to contract with commercial auction companies for the purpose of selling vehicles and making disbursements.

SHORT TERM - CONTRACT TOW COMPANIES

Unit Commanders, or their designee, shall immediately contact their tow companies and explain the Department's short and long term plans. Any company interested in towing, storing and selling vehicles may participate in the short term program. Any tow company not wishing to participate shall not be used to impound vehicles for Section 14607.6 P.C. If necessary, separate temporary tow lists shall be established. Vehicles impounded for Section 14607.6 VC shall be towed and stored only by a participating tow company.

- Upon obtaining a Declaration of Forfeiture, the impounding station shall, as soon as possible, provide this document, along with a partially completed Vehicle Forfeiture Notification and Fund Disbursement Form (see attachment under the same name) to the tow company in possession of the vehicle and request that the vehicle be immediately offered for sale at a public auction unless the legal owner has requested to sell the vehicle.
    - Stations shall maintain copies of all documents sent to tow companies.
- The forfeited vehicle must be offered for sale within 60 days following the declaration
- If the vehicle is of little or no resale value, as determined by the tow company, or is not of the type that can readily be sold to the public generally, it may be conveyed to a licensed dismantler after removing the license plates. The license plates shall be forwarded to the affected station for proper disposal.
- After furnishing the above documents to the tow company, the station shall complete and forward a copy of the Fiscal Administration's Vehicle Forfeiture Notification and Fund Disbursement form to Fiscal Administration.
- Tow Companies shall provide the following information to the station within 15 days of the sale:

- Copies of all sale documentation with complete buyer information, including name and address.
- Total sales price.
- Itemized towing, storage and sales cost break down in accordance with the established contract with the Department and the rates agreed upon therein.
- Copy of the Vehicle Forfeiture Notification and Fund Disbursement Form

- Tow Companies shall provide Fiscal Administration with a copy of the Vehicle Forfeiture Notification and Fund Disbursement Form and a SINGLE check for the Department's incurred costs and the County's General Fund disbursement.

LONG TERM

The long term plan of the Department is to contract with the County's commercial auction company for the purpose of selling vehicles and disbursing funds.

- Vehicles will initially be towed and stored by identified tow operators for the Department.
- Upon the forfeiture of a vehicle to the state, the affected station shall, as soon as possible, notify the County's contract auction company.
- Stations shall maintain copies of all documents sent to tow companies, auction companies, and legal owners.
- Stations shall forward to the auction company or legal owner, prior to the sale of the vehicle, the following items:
  - The Declaration of Forfeiture, Vehicle Forfeiture Notification and Fund Disbursement Form, and any other information required to complete the impending sale and disbursement process as required by Section 14607.6 VC.
- After furnishing the above documents to the auction company or legal owner, the station shall complete and forward a copy of the Fiscal Administration's Vehicle Forfeiture Notification and Fund Disbursement Form to Fiscal Administration.
- The contract auction company, or legal owner (i.e., bank, finance company, etc.) if they request to sell their own vehicle, will then be required to:
  - Arrange for the transportation of the vehicle to the auction site, pay for the towing and storage of the forfeited vehicle at the time of pick-up,
  - Auction the vehicle,
  - Disburse the proceeds from the sale of the vehicle, and
  - Provide the affected station with:
    - Copies of all sale documentation with complete buyer information, including name and address.
    - Total sales price
    - Itemized towing, storage and sales cost break down in accordance with the established contract with the Department and the rates agreed upon therein.
    - Copy of the Vehicle Forfeiture Notification and Fund Disbursement Form
  - Provide Fiscal Administration with a copy of the Vehicle Forfeiture Notification and Fund Disbursement Form and a SINGLE check for the Department's incurred costs and the County's

General Fund disbursement.

- The contract auction company shall provide the buyer of a forfeited vehicle with the Declaration of Forfeiture at the time of sale. The Department of Motor Vehicles has indicated that the Declaration of Forfeiture will serve as title for purposes of registration when accompanied by the appropriate supporting documents (i.e., bill of sale, odometer, disclosure, etc.).
- In situations where the auction company determines that the cost associated with the sale of a forfeited vehicle (i.e., towing, storage, transportation, etc.) would exceed the value of the vehicle, the tow company would be requested to sell the vehicle in order to recover its cost of towing and storage. The tow company will be required to comply with the requirements outlined in "Short Term - Tow Companies" section. Disbursements shall be made as outlined in "Short Term - Tow Companies" section.

Note: See attachment 14607.6 VC IMPOUND/FORFEITURE VEHICLE DISPOSAL CHECK LIST.

TRAFFIC SERVICES DETAIL RESPONSIBILITIES

The Traffic Services Detail (TSD) shall develop procedures for the implementation of this section using the guidelines contained within this Field Operations Directive. These procedures shall include policy for conducting annual station audits to ensure compliance with this directive.

UNIT COMMANDERS' RESPONSIBILITIES

Unit Commanders, or their designees, shall communicate with the appropriate District/City Attorney and develop procedures for processing vehicles impounded pursuant to Section 14607.6 VC. Unit Commanders should emphasize the need for expediency regarding the signing of the Declaration of Forfeiture.

Stations shall ensure that a history file is maintained for all vehicles forfeited pursuant to Section 14607.6 VC. Each forfeited vehicle shall be assigned a Nuisance Vehicle Forfeiture Number. The number shall have the following format: VF Forfeiture #-station #-Year. Example: The first vehicle forfeited in the Santa Clarita Station area (060) for 1995 would be assigned the number:

VF001-060-95.

A master file of all Nuisance Vehicle Forfeiture Numbers shall be maintained at each station for six years.

All disbursements shall be indicated on the Vehicle Forfeiture Notification and Fund Disbursement Form by the selling agent (tow company, auction company, or legal owner). The selling agent shall supply written documentation to substantiate all disbursements and any claims for disbursement that have been filed against the vehicle in question. Funds shall be disbursed in accordance with Vehicle Code Section 14607.6 (l)(1 through 6) (see attachment DISBURSEMENT PRIORITY LIST).

Stations shall develop procedures to resolve complaints associated with the sale of these vehicles. If the station is unable to resolve a complaint, Fiscal Administration shall be notified and will provide assistance to the station as required.

The Department is only responsible for the disbursement of funds generated by the sale of a forfeited vehicle. Any deficiencies are not the responsibility of the Department.

FISCAL ADMINISTRATION'S RESPONSIBILITIES

Fiscal Administration shall develop procedures for the implementation of this section. These procedures shall include policy for:

- Tracking the sales of all forfeited vehicles.
- Assist stations in resolving complaints associated with the sale of vehicles.
- Follow-up with tow/auction companies and legal owners to ensure all sales and disbursements are being performed in accordance with Section 14607.6 VC and the provisions of this Directive.

MISCELLANEOUS

All forms and documents (history file) related to the forfeiture shall be retained at the station level for six years. Items to be retained include:

- CHP 180F and CHP 180G.
- Copy of the Declaration of Forfeiture.
- Copy of the Bill of Sale.
- Copy of the Vehicle Forfeiture Notification and Fund Disbursement Form.
- Copy of Contract Tow/Auction/legal owner fee documentation (i.e., sales documentation with complete buyers information, vehicle's sale price, itemized towing and storage, sales cost breakdown, etc.).
- Copies of any additional local forms

The CHP 180F and the CHP 180G may be obtained from Central Supply through the normal requisition process.

All time frames established by Section 14607.6(o) VC refer to workdays, not including weekends and holidays.

Attached are two flow charts and a copy of the Department of Justice's Stipulated Vehicle Release Agreement (SVRA) to assist divisions and stations regarding the use of Section 14607.6 VC.

Although the law allows for the disposal of vehicles to charitable organizations, vehicles shall not normally be disposed of in this manner because of the associated cost to the Department (i.e., the cost of towing and storage).