

Assembly Bill No. 1566

CHAPTER 595

An act to amend Sections 19227, 19302, 19304, 19305.5, 19306, 19312, 19313.8, 19314, and 19315 of the Food and Agricultural Code, and to amend Sections 2460, 2462, 2464, 2466, 2468, 2470, 2472, 2476, and 40303.5 of, and to add Sections 2480 and 2482 to, the Vehicle Code, relating to inedible kitchen grease, and making an appropriation therefor.

[ Approved by Governor September 26, 2014. Filed with Secretary of State September 26, 2014. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 1566, Holden. Inedible kitchen grease.

(1) Existing law generally regulates persons engaged in certain businesses dealing with dead animals and pet food processing, including, among others, renderers, collection center operators, pet food processors, dead animal haulers, and transporters of inedible kitchen grease, as defined. These regulatory provisions are enforced by the Department of Food and Agriculture.

Existing law requires licensed renderers and collection centers to pay a specified license fee. Existing law operative until July 1, 2015, and repealed as of January 1, 2016, authorizes the department to assess an additional fee for purposes of administering the provisions regulating these renderers and collection centers. Existing law requires fees collected pursuant to these provisions to be deposited into the Department of Food and Agriculture Fund and continuously appropriates the collected funds for the purposes described above.

This bill would extend the operation of these provisions until July 1, 2020, and would repeal them as of January 1, 2021. By extending the operation of provisions that require the collection and deposit of funds that are continuously appropriated, this bill would make an appropriation.

(2) Existing law authorizes the department to issue licenses to renderers and collection centers and to issue registration certifications to persons engaged in the transportation of inedible kitchen grease. Existing law authorizes the department to refuse to issue a license to a renderer or collection center, after notice and hearing, unless the applicant satisfies specified requirements. The department is also authorized to suspend or revoke a transporter's registration upon making specified findings and to establish procedures for an appeal of that suspension or revocation.

This bill would impose additional requirements upon an applicant for a rendering license and collection center license, and for registration as a certificated transporter. The bill would delete the requirement for a notice and hearing before refusing to issue a license and would instead authorize a person to whom the department refuses to issue a rendering or collection center license to appeal to the department, pursuant to a specified procedure. The bill would authorize the department to suspend or revoke a renderer license or collection center license if the department makes specified findings and would establish a procedure for appealing the suspension or revocation of a license. The bill would require the department to adopt regulations that specify the maximum time period for which a refusal of registration as a certificated transporter, and a suspension or denial of that registration, may be imposed.

(3) Existing law requires registered transporters of inedible kitchen grease to pay a specified registration fee. Existing law operative until July 1, 2015, and repealed as of January 1, 2016, authorizes the department to assess an additional fee for purposes of administering the provisions regulating these transporters. Existing law exempts from 75% of the additional fee a registered transporter who transports inedible kitchen grease for his or her own personal, noncommercial use as an alternative fuel, subject to specified requirements. A violation of these provisions is a crime. Existing law requires fees collected pursuant to these provisions to be deposited into the Department of Food and Agriculture Fund and continuously appropriates the collected funds for the purposes described above.

This bill would extend the operation of these provisions until July 1, 2020, and would repeal them on January 1, 2021. By extending the operation of provisions that require the collection and deposit of funds that are continuously appropriated, this bill would make an appropriation. By extending the operation of an existing crime, this bill would impose a state-mandated local program.

(4) Existing law prohibits a registered transporter or any other person from taking possession of inedible kitchen grease from an unregistered transporter, or knowingly taking possession of stolen inedible kitchen grease. A violation of the provisions regulating renderers is a crime.

This bill would additionally prohibit taking possession of inedible kitchen grease from an unlicensed collection center or an unlicensed renderer. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(5) Existing law requires every licensed renderer to record and keep for 2 years records containing specified information, including the name, address, and registration number of every transporter of inedible kitchen grease who has delivered to the renderer, the total amount of inedible kitchen grease purchased in each transaction, and the date of each transaction. Existing law provides that any licensed renderer who fails to keep specified records, and any licensed renderer or registered transporter who refuses, upon demand of any peace officer, to exhibit any required records, is guilty of a misdemeanor punishable by: (1) for a first offense, a fine of \$500, imprisonment in a county jail, or both the fine and imprisonment; (2) for a 2nd offense within a period of one year, by a fine of not less than \$1,000, imprisonment in a county jail, or both the fine and imprisonment; (3) for a 3rd or any subsequent

offense within a period of 2 years, by a fine of not less than \$2,000, imprisonment in a county jail, or both the fine and imprisonment.

This bill would increase the amount of these fines to \$1,000, \$5,000, and \$10,000, respectively. The bill would apply these provisions to licensed collection centers, as defined. The bill would additionally allow for the inspection of any required records by an authorized employee of the Department of the California Highway Patrol or the Department of Food and Agriculture. By expanding the scope of crimes, this bill would impose a state-mandated local program. This bill would make conforming and clarifying changes to other provisions of existing law to remove a conflict in those provisions.

(6) Existing law prohibits any person from engaging in the transportation of inedible kitchen grease without being registered with the Department of Food and Agriculture and without being in possession of a valid registration certificate issued by the department. Existing law prohibits a licensed renderer, registered transporter, or any other person from taking possession of inedible kitchen grease from an unregistered transporter, or knowingly taking possession of stolen inedible kitchen grease. Violation of these provisions is punishable by a fine, imprisonment in a county jail, or both the fine and imprisonment, as specified.

This bill would additionally require possession of a manifest, as defined, for the inedible kitchen grease being transported. The bill would additionally prohibit a renderer, registered transporter, or any other person from taking possession of inedible kitchen grease from an unlicensed renderer or collection center. By expanding the scope of existing crimes, this bill would impose state-mandated local programs.

This bill would authorize a peace officer to remove a vehicle, within the territorial limits in which the officer may act, if the vehicle is involved in the theft or movement of stolen inedible kitchen grease. The bill would authorize the peace officer to seize and impound the vehicle, after citing or arresting the responsible person, for up to 15 days, as specified.

This bill would require each vehicle transporting inedible kitchen grease to display both a specified decal and certain information on the front doors of the vehicle, as specified. By creating a new crime, this bill imposes a state-mandated local program. The bill would specify that a violation of these provisions is a correctable offense.

(7) 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.

Digest Key

Vote: MAJORITY Appropriation: YES Fiscal Committee: YES Local Program: YES

Bill Text

The people of the State of California do enact as follows:

SECTION 1. Section 19227 of the Food and Agricultural Code is amended to read:

19227. (a) In addition to the license fee required pursuant to Section 19225, the department may charge each licensed renderer and collection center an additional fee necessary to cover the reasonable costs of administering Article 6 (commencing with Section 19300) and Article 6.5 (commencing with Section 19310). The additional fees authorized to be imposed by this section may not exceed three thousand dollars (\$3,000) per year per each licensed rendering plant or collection center.

(b) The secretary shall fix the annual fee established pursuant to this section and may fix different fees for renderers and collection centers. The secretary shall also fix the date the fee is due and the method of collecting the fee. If an additional fee is imposed on licensed renderers pursuant to subdivision (a) and an additional fee is imposed on registered transporters pursuant to subdivision (a) of Section 19315, only one additional fee may be imposed on a person or firm that is both licensed as a renderer pursuant to Article 6 (commencing with Section 19300) and registered as a transporter of inedible kitchen grease pursuant to Article 6.5 (commencing with Section 19310), which fee shall be the higher of the two fees.

(c) If the fee established pursuant to this section is not paid within one calendar month of the date it is due, a penalty shall be imposed in the amount of 10 percent per annum on the amount of the unpaid fee.

(d) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 19302 of the Food and Agricultural Code is amended to read:

19302. (a) The department may refuse to issue a license if the department finds that the applicant does not meet one or more of the following requirements:

(1) The applicant is properly equipped to engage in the business of rendering or operating a collection center. For these purposes, the department shall consult with the rendering industry to determine the equipment that shall be required.

(2) The applicant has never been convicted of a felony involving adulterated or misbranded food.

(3) The applicant has not violated this article or Article 6.5 (commencing with Section 19310), or any regulations adopted to implement those provisions.

(b) A person to whom the department refuses to issue a license may appeal to the department within 20 days of the date of receiving notification of the refusal, in the following manner:

(1) The appeal shall be in writing and signed by the appellant or his or her authorized agent and shall state the grounds for the appeal.

(2) A party, at the time of filing the appeal, or within 10 days after filing the appeal, may present written evidence and a written argument to the department.

(3) The department may grant oral arguments upon application made at the time written arguments are made.

(4) If an application to present an oral argument is granted, the department shall give written notice of the time and place for the oral argument at least 10 days prior to the date set for the oral argument. This time requirement may be altered by an agreement between the department and the person appealing the refusal to issue the license.

(5) The department shall decide the appeal on any oral or written arguments, briefs, and evidence that the department receives.

(6) The department shall render a written decision within 45 days of the date of appeal, or within 15 days of the date of oral arguments. A copy of the department's decision shall be delivered or mailed to the appellant.

(7) The department may sustain the decision to refuse to issue a license or reverse that decision.

(8) The appellant may seek a review of the decision of the department pursuant to Section 1094.5 of the Code of Civil Procedure.

SEC. 3. Section 19304 of the Food and Agricultural Code is amended to read:

19304. All records required to be retained pursuant to this chapter shall be maintained for two years at the regular place of business of every renderer and collection center operator licensed pursuant to this article and every transporter registered pursuant to Article 6.5 (commencing with Section 19310). Those records shall be exhibited on demand to any peace officer or authorized employee of the Department of the California Highway Patrol and the Department of Food and Agriculture.

SEC. 4. Section 19305.5 of the Food and Agricultural Code is amended to read:

19305.5. (a) The department may suspend or revoke a renderer license or collection center license at any time, if it finds any of the following has occurred:

- (1) The licensee has sold or offered for sale to an unlicensed person, any inedible kitchen grease.
  - (2) The licensee has stolen, misappropriated, contaminated, or damaged inedible kitchen grease or containers of inedible kitchen grease.
  - (3) The licensee has violated any provision of this article or any regulations adopted to implement this article.
  - (4) The licensee has taken possession of inedible kitchen grease from an unregistered transporter or has knowingly taken possession of inedible kitchen grease that has been stolen.
- (b) The licensee may appeal any suspension or revocation decision to the department within 20 days of the date of receiving notification of the suspension or revocation, pursuant to the following procedure:
- (1) The appeal shall be in writing and signed by the appellant or his or her authorized agent and shall state the grounds for the appeal.
  - (2) A party, at the time of filing the appeal, or within 10 days after filing the appeal, may present written evidence and a written argument to the department.
  - (3) The department may grant oral arguments upon application made at the time written arguments are made.
  - (4) If an application to present an oral argument is granted, the department shall give written notice of the time and place for the oral argument at least 10 days prior to the date set for an oral argument. This time requirement may be altered by an agreement between the department and the person appealing the suspension or revocation of the license.
  - (5) The department shall decide the appeal on any oral or written arguments, briefs, and evidence that the department receives.
  - (6) The department shall render a written decision within 45 days of the date of appeal, or within 15 days of the date of oral arguments. A copy of the department's decision shall be delivered or mailed to the appellant.
  - (7) The department may sustain the suspension or revocation decision or reverse that decision.
  - (8) The appellant may seek a review of the decision of the department pursuant to Section 1094.5 of the Code of Civil Procedure.

SEC. 5. Section 19306 of the Food and Agricultural Code is amended to read:

19306. (a) Any renderer or collection center operator licensed pursuant to this article or transporter registered pursuant to Article 6.5 (commencing with Section 19310) who fails in any respect to keep the written records required by this article, or to set out in that written record any matter required by this article to be set out in the record, is guilty of a misdemeanor.

(b) Every renderer, collection center operator, or transporter who refuses, upon demand of any peace officer or authorized employee of the Department of the California Highway Patrol and the Department of Food and Agriculture, to exhibit any written record required by this article, or who destroys that record within two years after making the final entry of any information required by this article, is guilty of a misdemeanor.

(c) Any violation of subdivision (a) or (b) is punishable as follows:

(1) For a first offense, by a fine of not less than one thousand dollars (\$1,000) or by imprisonment in a county jail for not more than 30 days, or by both the fine and imprisonment.

(2) For a second offense within a period of one year, by a fine of not less than five thousand dollars (\$5,000) or by imprisonment in a county jail for not more than 30 days, or by both the fine and imprisonment. In addition to any other punishment imposed pursuant to this paragraph, the court may order the defendant to stop engaging in the business as a renderer, collection center operator, or transporter for a period not to exceed 30 days.

(3) For a third or any subsequent offense within a period of two years, by a fine of not less than ten thousand dollars (\$10,000) or by imprisonment in a county jail for not more than six months, or by both the fine and imprisonment. In addition to any other sentence imposed pursuant to this paragraph, the court shall order the defendant to stop engaging in the business as a renderer, collection center operator, or transporter for a period of 30 days.

SEC. 6. Section 19312 of the Food and Agricultural Code is amended to read:

19312. (a) Registration shall be made with the department and shall include all of the following:

(1) The applicant's name and address.

(2) A description of the operations to be performed by the applicant.

(3) The vehicles to be used in the transportation.

(4) A registration fee of one hundred dollars (\$100).

(5) A list of the names of the drivers employed by the transporter who transport inedible kitchen grease subject to this article and their drivers' license numbers.

(6) Any other information that may be required by the department.

(b) Any renderer or collection center that registers pursuant to this article is not required to pay the fee prescribed in this section.

(c) The department may refuse to issue an original or renewal registration certificate to an applicant for either of the following reasons:

(1) The existence of the grounds specified in subdivisions (a) to (e), inclusive, of Section 19314.

(2) A failure to pay, in full by the established due date, any penalty levied by the department for a previous violation of this article or Article 6 (commencing with Section 19300).

(d) (1) The applicant may appeal the decision of the department to refuse to register the applicant.

(2) The department shall establish procedures for the appeals process, to include a noticed hearing.

(3) The department may reverse a decision to refuse to register the applicant, upon a finding of good cause to do so.

(e) The department shall adopt regulations that specify the maximum time period for which a refusal of registrations may be imposed, based on the severity or the number of violations that are the basis of the department's action. The time period for the refusal of registration shall not exceed three years from the date the refusal of registration is imposed.

SEC. 7. Section 19313.8 of the Food and Agricultural Code is amended to read:

19313.8. A registered transporter or any other person shall not take possession of inedible kitchen grease from an unregistered transporter, an unlicensed collection center, or an unlicensed renderer, or knowingly take possession of stolen inedible kitchen grease.

SEC. 8. Section 19314 of the Food and Agricultural Code is amended to read:

19314. The department may suspend or revoke a registration certificate, at any time, if it finds any of the following has occurred:

(a) The registrant has sold or offered for sale to an unlicensed person, any inedible kitchen grease.

(b) The registrant has stolen, misappropriated, contaminated, or damaged inedible kitchen grease or containers of inedible kitchen grease.

(c) The registrant has violated this article or any regulations adopted to implement this article.

(d) The registrant has taken possession of inedible kitchen grease from an unregistered transporter or has knowingly taken possession of inedible kitchen grease that has been stolen.

(e) The registrant has been found to have engaged in, or aided and abetted another person or entity in the commission of, any violation of a statute, regulation, or order relating to the transportation or disposal of inedible kitchen grease, including a violation of the federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.), the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code), Section 5650 of the Fish and Game Code, commercial vehicle weight limits, or commercial vehicle hours of service.

(f) For purposes of this section, "registrant" includes any business entity, trustee, officer, director, partner, person, or other entity holding more than 5 percent equity, ownership, or debt liability in the registered entity engaged in the transportation of inedible kitchen grease.

(g) (1) The registrant may appeal the suspension or revocation decision of the department.

(2) The department shall establish procedures for the appeals process, to include a noticed hearing.

(3) The department may reverse a suspension or revocation upon a finding of good cause to do so.

(h) The department shall adopt regulations that specify the maximum time period during which a suspension or revocation of a registration certificate may be imposed, based on the severity or the number of violations that are the basis of the department's action. The time period for the suspension or revocation of the registration certificate shall not exceed three years from the date the suspension or revocation of the registration certificate is imposed.

SEC. 9. Section 19315 of the Food and Agricultural Code is amended to read:

19315. (a) Except as provided in subdivision (b), in addition to the registration fee required by Section 19312, the department may charge a fee necessary to cover the costs of administering this article. Any additional fee charged pursuant to this section shall not exceed three hundred dollars (\$300) per year per vehicle that is operated to transport kitchen grease, and shall not exceed three thousand dollars (\$3,000) per year per registered transporter.

(b) An individual registered pursuant to this article who transports inedible kitchen grease for his or her own personal, noncommercial use as an alternative fuel is exempt from 75 percent of the fee charged pursuant to subdivision (a), and shall meet all of the following requirements:

- (1) The individual shall meet all other requirements of this article.
  - (2) The individual shall not transport more than 55 gallons of inedible kitchen grease per load for that purpose, and shall have no more than 165 gallons of inedible kitchen grease in his or her possession or control at any time.
  - (3) The individual shall not take any inedible kitchen grease from a container owned by another registered transporter of inedible kitchen grease or from an inedible kitchen grease provider under contract with a registered transporter of inedible kitchen grease or from a container owned by a renderer or collection center.
  - (4) The individual shall have a document in his or her possession while transporting inedible kitchen grease signed by the responsible party providing the inedible kitchen grease to the individual at the source of the inedible kitchen grease that provides permission for the inedible kitchen grease to be removed from that site.
  - (5) The individual shall specify where the inedible kitchen grease is stored and processed as an alternative fuel, if that address is different from the address included on the registration form for that individual pursuant to Section 19312.
  - (6) The individual shall not sell, barter, or trade any inedible kitchen grease.
- (c) The secretary shall fix the annual fee established pursuant to this section and may fix different fees for transporters of inedible kitchen grease and collection centers, and for transporters of interceptor grease. The secretary shall also fix the date the fee is due and the method of collecting the fee. If an additional fee is imposed on licensed renderers pursuant to subdivision (a) of Section 19227 and an additional fee is imposed on registered transporters pursuant to subdivision (a), only one additional fee may be imposed on a person or firm that is both licensed as a renderer pursuant to Article 6 (commencing with Section 19300) and registered as a transporter of inedible kitchen grease pursuant to this article, which fee shall be the higher of the two fees.
- (d) If the fee established pursuant to this section is not paid within one calendar month of the date it is due, a penalty shall be imposed in the amount of 10 percent per annum on the amount of the unpaid fee.
- (e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.
- (f) For the purposes of this section, "interceptor grease" means inedible kitchen grease that is principally derived from food preparation, processing, or waste, and that is removed from a grease trap or grease interceptor.

SEC. 10. Section 2460 of the Vehicle Code is amended to read:

2460. (a) The definitions set forth in Article 1 (commencing with Section 19200) of Chapter 5 of Part 3 of Division 9 of the Food and Agricultural Code apply for purposes of interpreting this article. The definitions set forth elsewhere in this section also apply for purposes of interpreting this article.

(b) A "licensed renderer" is a renderer licensed under Article 6 (commencing with Section 19300) of Chapter 5 of Part 3 of Division 9 of the Food and Agricultural Code.

(c) A "registered transporter" is a transporter of inedible kitchen grease registered under Article 6.5 (commencing with Section 19310) of Chapter 5 of Part 3 of Division 9 of the Food and Agricultural Code.

(d) A "peace officer" is any peace officer defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(e) A "container" is a receptacle, including, but not limited to, a box, barrel, tank, or jar, for holding meat or meat products, poultry meat or poultry meat products, animal carcasses or parts, inedible kitchen grease, packinghouse waste, or other such items.

(f) A "manifest" is a written or electronic record that contains information required by Section 1180.24 of Article 42 of Subchapter 2 of Chapter 4 of Division 2 of Title 3 of the California Code of Regulations.

(g) "Transportation" means the movement of inedible kitchen grease and the loading, unloading, or storage incidental to that movement.

(h) "Inedible kitchen grease" means any fat or used cooking grease or oils from any source.

(i) "Rendering" means all recycling, processing, and conversion of animal and fish materials and carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the animal, poultry, and pet food industries and other industries.

(j) "Collection center" means a receiving area for the temporary storage of animal carcasses, packinghouse waste, or other products before transportation to a licensed rendering plant or pet food processor.

(k) "Licensed collection center" means a collection center licensed pursuant to Section 19300.5 of the Food and Agricultural Code.

SEC. 11. Section 2462 of the Vehicle Code is amended to read:

2462. (a) In addition to any other records required to be maintained and retained pursuant to Chapter 5 (commencing with Section 19200) of Part 3 of Division 9 of the Food and Agricultural Code, each licensed renderer and collection center shall record and maintain for two years, in connection with the receipt of kitchen grease that is not intended for human food, all of the information required by Section 1180.24 of Article 42 of Subchapter 2 of Chapter 4 of Division 2 of Title 3 of the California Code of Regulations, including, but not limited to, the following:

(1) The name of each registered transporter of inedible kitchen grease who has delivered that material to the licensed renderer or collection center.

(2) The total amount of inedible kitchen grease purchased in each transaction.

(3) The date of delivery for each transaction.

(b) Each registered transporter shall record and maintain for two years a manifest that includes, but is not limited to, all of the following:

(1) The name and address of each location from which the registered transporter obtained the inedible kitchen grease.

(2) The quantity of inedible kitchen grease received from each location.

(3) The date on which the inedible kitchen grease was obtained from each location.

SEC. 12. Section 2464 of the Vehicle Code is amended to read:

2464. All records required to be retained pursuant to this article shall be maintained and retained at the regular place of business of each licensed renderer, collection center, and registered transporter for two years. Those records shall be exhibited on demand to any peace officer or authorized employee of the Department of the California Highway Patrol or the Department of Food and Agriculture.

SEC. 13. Section 2466 of the Vehicle Code is amended to read:

2466. A peace officer or an authorized employee of the Department of the California Highway Patrol or the Department of Food and Agriculture may, during normal business hours, inspect any premises maintained by a licensed renderer, collection center, or registered transporter, and any inedible kitchen grease located on the premises, for the purpose of determining whether that renderer, collection center, or transporter is complying with the record maintenance requirements of this article.

SEC. 14. Section 2468 of the Vehicle Code is amended to read:

2468. (a) A licensed renderer, collection center, or registered transporter who fails in any respect to keep the records required by this article, or to set out in that record any matter required by this article to be set out in the record, is guilty of a misdemeanor.

(b) Each licensed renderer or collection center, or registered transporter, who refuses, upon demand of any peace officer or authorized employee of the Department of the California Highway Patrol or the Department of Food and Agriculture, to exhibit any record required by this article, or who destroys that record within two years after making the final entry of any information required by this article, is guilty of a misdemeanor.

(c) A violation of subdivision (a) or (b) is punishable as follows:

(1) For a first offense, by a fine of not less than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than 30 days, or by both that fine and imprisonment.

(2) For a second offense within a period of one year, by a fine of not less than five thousand dollars (\$5,000), or by imprisonment in the county jail for not more than 30 days, or by both that fine and imprisonment. In addition to any other punishment imposed pursuant to this paragraph, the court may enjoin the defendant from engaging in the business as a transporter, collection center, or renderer for a period not to exceed 30 days.

(3) For a third or any subsequent offense within a period of two years, by a fine of not less than ten thousand dollars (\$10,000), or by imprisonment in the county jail for not more than six months, or by both that fine and imprisonment. In addition to any other sentence imposed pursuant to this paragraph, the court shall enjoin the defendant from engaging in the business as a transporter, collection center, or renderer for a period of 30 days.

SEC. 15. Section 2470 of the Vehicle Code is amended to read:

2470. It is unlawful for a person to engage in the transportation of inedible kitchen grease without being registered with the Department of Food and Agriculture and without being in possession of a valid registration certificate issued by that department, or a copy of the certificate, and a manifest for the inedible kitchen grease being transported.

SEC. 16. Section 2472 of the Vehicle Code is amended to read:

2472. (a) It is unlawful for any person who is not a licensed renderer or collection center or registered transporter of inedible kitchen grease to transport that product from any place within this state to any place outside the borders of this state.

(b) It is unlawful for any person who is not a licensed renderer or collection center or registered transporter of inedible kitchen grease to transport that product from any place outside this state to any place inside the borders of this state.

SEC. 17. Section 2476 of the Vehicle Code is amended to read:

2476. A licensed renderer or collection center, registered transporter, or any other person shall not take possession of inedible kitchen grease from an unregistered transporter, unlicensed renderer or collection center, or any other person, or knowingly take possession of stolen inedible kitchen grease.

SEC. 18. Section 2480 is added to the Vehicle Code, to read:

2480. (a) A peace officer may remove a vehicle, within the territorial limits in which the officer may act, if the vehicle is involved in the theft or movement of stolen inedible kitchen grease. If a peace officer removes a vehicle pursuant to this subdivision, the officer may, after citing or arresting the responsible person, seize the vehicle, which may be impounded for up to 15 days.

(b) The registered and legal owner of a vehicle removed and seized pursuant to subdivision (a) or their agents shall be provided the opportunity for a storage hearing to determine the validity of the storage in accordance with Section 22852.

(c) (1) Notwithstanding Chapter 10 (commencing with Section 22650) or any other law, an impounding agency shall release a motor vehicle to the registered owner or his or her agent prior to the conclusion of the impoundment period described in subdivision (a) under any of the following circumstances:

(A) If the vehicle is a stolen vehicle and reported as stolen in accordance with then existing state and local law.

(B) If the legal owner or registered owner of the vehicle is a rental car agency.

(C) If, prior to the conclusion of the impoundment period, a citation or notice is dismissed under Section 40500, criminal charges are not filed by the district attorney because of a lack of evidence, or the charges are otherwise dismissed by the court.

(2) A vehicle shall be released pursuant to this subdivision only if the registered owner or his or her agent presents a currently valid driver's license to operate the vehicle and proof of current vehicle registration, or if ordered by a court.

(d) A vehicle seized and removed pursuant to subdivision (a) shall be released to the legal owner of the vehicle, or the legal owner's agent, on or before the 15th day of impoundment 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 security interest in the vehicle.

(2) The legal owner or the legal owner's agent pays all towing and storage fees related to the impoundment of the vehicle. No lien sale processing fees shall be charged to a legal owner who redeems the vehicle on or before the seventh day of impoundment.

(3) The legal owner or the legal owner's agent presents foreclosure documents or an affidavit of repossession for the vehicle.

(e) (1) 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.

(2) If the vehicle is a rental vehicle, the rental car agency may require the person to whom the vehicle was rented to pay all towing and storage charges related to the impoundment and any administrative charges authorized under Section 22850.5 incurred by the rental car agency in connection with obtaining possession of the vehicle.

(3) The owner is not liable for any towing and storage charges related to the impoundment if acquittal or dismissal occurs.

(4) The vehicle may not be sold prior to the defendant's conviction.

SEC. 19. Section 2482 is added to the Vehicle Code, to read:

2482. (a) To assist law enforcement personnel in enforcing this article, each vehicle transporting inedible kitchen grease shall have a current registration decal issued by the Department of Food and Agriculture permanently affixed and prominently displayed on the upper right corner of the vehicle windshield or in a conspicuous location on the right side of the trailer being towed.

(b) Each vehicle used in the transportation of inedible kitchen grease shall conspicuously display the following information on both front doors of the vehicle in letters not less than two inches high:

- (1) The name of the business or person registered as a transporter with the Department of Food and Agriculture.
- (2) The address of the company or owner, or the carrier identification number issued by the California Highway Patrol.
- (c) Removable signs shall also display the information specified in subdivision (b).
- (d) A violation of this section shall be a correctable offense pursuant to Section 40303.5.

SEC. 20. Section 40303.5 of the Vehicle Code is amended to read:

40303.5. Whenever any person is arrested for any of the following offenses, the arresting officer shall permit the arrested person to execute a notice containing a promise to correct the violation in accordance with the provisions of Section 40610 unless the arresting officer finds that any of the disqualifying conditions specified in subdivision (b) of Section 40610 exist:

- (a) Any registration infraction set forth in Division 3 (commencing with Section 4000).
- (b) Any driver's license infraction set forth in Division 6 (commencing with Section 12500), and subdivision (a) of Section 12951, relating to possession of driver's license.
- (c) Section 21201, relating to bicycle equipment.
- (d) Any infraction involving equipment set forth in Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14.8 (commencing with Section 34500), Division 16 (commencing with Section 36000), Division 16.5 (commencing with Section 38000), and Division 16.7 (commencing with Section 39000).
- (e) Section 2482, relating to registration decals for vehicles transporting inedible kitchen grease.

SEC. 21. 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.