

**RESOLUTION 03-06-04**

**DIGEST**

Motor Vehicles: Prohibition of Audible Alarms

Amends Vehicle Code section 28085 to prohibit motor vehicles from being equipped with audible car alarms.

**RESOLUTIONS COMMITTEE RECOMMENDATION  
DISAPPROVE**

History:

No similar resolutions found.

Reasons:

This resolution amends Vehicle Code section 28085 to prohibit motor vehicles from being equipped with audible car alarms. This resolution should be disapproved because it would adversely impact the legislative intent to permit vehicles to be equipped with such audible car alarms to prevent theft, and there is no evidence that such alarms are not effective.

Since 1977, vehicles in this state have been permitted to be equipped with theft alarm systems which flash any of the lights required or permitted on the motor vehicle and which sound an audible alarm. (Veh. Code, §§ 25251.4 and 28085.) Vehicle Code section 22651.5 permits peace officers to remove vehicles parked within 500 feet of any occupied school, community college or university during normal business hours, or vehicles parked within a residence or business district, from a highway or public or private property, if an alarm has been activated and the peace officer is unable to locate the vehicle's owner within 20 minutes from his or her arrival at the vehicle's location and the alarm has not been silenced prior to removal. The officer must then report any removal to the Stolen Vehicle System of the Department of Justice. (Veh. Code § 22651.5.)

Existing law adequately controls the use of audible vehicle alarms. Furthermore, this resolution fails to address the costs to the motor vehicle industry to change the type of alarms cars are equipped with, and the cost to consumers to disable the alarms in their vehicles.

**TEXT OF RESOLUTION**

RESOLVED, that the Conference of Delegates of California Bar Associations recommends that legislation be sponsored to amend Vehicle Code section 28085 to read as follows:

- 1     § 28085
- 2             Any motor vehicle may be equipped with ~~a theft alarm~~ an antitheft system which
- 3     flashes the lights of the vehicle, or ~~sounds an audible signal~~ mechanically or electronically
- 4     prevents the vehicle from being operated, or both, and which operates as follows:
- 5             (a) The system may flash any of the lights required or permitted on the vehicle.

6 (b) The system may not sound an audible signal, except the system may emit a  
7 short beep or other short audible signal when the system is activated or deactivated to  
8 signal to the user that the system has been activated or deactivated.

9 (c) ~~No vehicle shall be equipped with a theft alarm system which emits the sound~~  
10 ~~of a siren.~~ This section does not prohibit the installation or use of a “panic button” or other  
11 such system that causes the system to sound an audible signal when activated at the  
12 command of the user in order to signal a serious and imminent danger to personal safety.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Bar Association of San Francisco

#### STATEMENT OF REASONS

Existing Law: Permits vehicles to be equipped with audible alarm systems.

This Resolution: Would reduce noise and annoyances by outlawing audible car alarms.

The Problem: Nowadays, no one hears a car alarm and thinks that a car is being stolen and that they should call the police. Instead, the first thought is that someone or something has accidentally set the alarm off. Car alarms have been reduced to a form of noise pollution, rather than a deterrent against theft or a crime detection device. In fact, at the end of 2003, the city council of New York City was considering a proposal to ban the sale and installation of audible car alarms. (Editorial, *In City Streets, an Unwelcome Sentry*, New York Times (Dec. 15, 2003).)

The resolution would give everyone some peace and quiet from these constant annoyances. It would also prevent car owners from having to pay heavy towing fees and fines for prolonged and unnecessary alarms. (*See* Vehicle Code section 22651.1 (authorizing removal of vehicles whose alarms sound for more than 20 minutes).) The resolution would allow for alarm systems that flash lights or prevent a vehicle from being operated, and would also allow for a car to be equipped with a “panic button” to attract attention in case of an attack. However, the most unnecessary and ineffective aspect of an alarm – the noise – would be eliminated.

#### IMPACT STATEMENT

This resolution would not affect any other law, statute, or rule.

AUTHOR AND/OR PERMANENT CONTACT: Jim Weixel, Trevor & Weixel LLP, 300 Tamal Plaza, Suite 180, Corte Madera, California 94925, telephone (415) 924-7147, e-mail [jweixel@trevorweixel.com](mailto:jweixel@trevorweixel.com).

RESPONSIBLE FLOOR DELEGATE: Jim Weixel

#### COUNTERARGUMENT

## **SAN DIEGO COUNTY BAR ASSOCIATION**

The San Diego County Bar disapproves resolution 3-06-2004. Individuals should be able to protect their in their chosen manner. The proponents of this resolution failed to provide empirical evidence on the ineffectiveness of audible car alarms. While the sound of car alarms may be a frequent occurrence in major metropolitan areas, such is not the case in more rural areas. Regardless of the frequency, an audible car alarm still captures the attention of nearby persons and, as such, is a deterrent to vehicle theft.