

THIS PRINT COVERS CALENDAR ITEM NO. : 10.6

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Amending Transportation Code, Division II, Section 303 to reduce the penalty for various disabled parking violations.

SUMMARY:

- AB 144, which took effect on January 2, 2010, authorizes a civil penalty of not less than \$250 and not more than \$1,000 for various disabled parking violations. AB 144 permits local jurisdictions to establish fine amounts for disabled parking violations, and permits SFMTA parking enforcement officers to cite disabled parking violations by issuing a parking citation.
- Misuse of disabled parking placards causes hardship for persons with disabilities and degrades San Francisco's transportation system.
- Currently, base fine amounts for the above violations in San Francisco are set at \$966, and are scheduled to rise to \$989 effective July 1, 2013. If violators do not pay their citations within certain time limits, additional penalties added to the base fine amounts will result in a total amount due of over \$1,000.
- If the SFMTA reports an unpaid citation to the California Department of Motor Vehicles ("DMV"), the DMV will not permit the violator to register his or her vehicle until the fine amount is paid.
- The DMV's logging system for unpaid fines permits the entry of only three-digit numbers. As a result, persons who wish to register their vehicles with the DMV and have an outstanding citation totaling in excess of \$1,000 are able to register their vehicles after paying only the amount in excess of \$1,000. For example, a person with an unpaid citation totaling \$1,030 would be able to register his or her vehicle after paying \$30 to the DMV.
- Because the bar to registering vehicles is one of the most persuasive tools available to the SFMTA to encourage payment of outstanding citations, the DMV's logging system costs the SFMTA thousands of dollars in citation revenue each year.
- Since the DMV has no immediate plans to update its logging system, the SFMTA proposes to reduce the base fine amounts for disabled parking violations so that the total fine amount will not exceed \$999, including any additional penalties.

ENCLOSURES:

1. SFMTAB Resolution
2. Transportation Code, Division II Resolution

APPROVALS:

DATE

DIRECTOR _____

_ [begin addition]

5/8/13 [end addition] __

SECRETARY _____

_ [begin addition]

5/8/13 [end addition] __

ASSIGNED SFMTAB CALENDAR DATE: May 21, 2013

PURPOSE

Amend the Transportation Code, Division II, Section 303 to reduce the penalty for various disabled parking violations.

GOAL

Amending the Transportation Code as stated above will further the following goals of the Strategic Plan:

Goal 1 – Create a safer transportation experience for everyone

Goal 3 – Improve the environment and quality of life in San Francisco

DESCRIPTION

AB 144, which took effect on January 2, 2010, authorizes a civil penalty of not less than \$250 and not more than \$1,000 for various disabled parking violations. AB 144 permits local jurisdictions to establish fine amounts for disabled parking violations, and permits SFMTA parking enforcement officers to cite disabled parking violations by issuing a parking citation. Misuse of disabled parking placards causes hardship for persons with disabilities and degrades San Francisco's transportation system. Currently, base fine amounts for the above violations in San Francisco are set at \$966, and are scheduled to rise to \$989 effective July 1, 2013. If violators do not pay their citations within certain time limits, additional penalties added to the base fine amounts will result in a total amount due of over \$1,000.

Each year, a substantial number of people do not pay the assessed fines for disabled parking violations. One important method for the SFMTA to encourage someone to pay a fine is by forwarding the unpaid fine to the Department of Motor Vehicles (DMV), which will not allow a vehicle to be registered until the fine is paid. Because the DMV's logging system only permits the entry of up to three digit numbers, fine amounts in excess of \$1,000 can be entered into the DMV's logging system only for the amount in excess of \$1,000. For example, a total fine amount of \$1,030 is entered as \$30 by the DMV. This allows a violator to register his or her car by paying only a fraction of the total fine amount due.

Because the fine amount for disabled parking violations is substantial, the current system actually encourages people not to pay their fines until those fines are referred to the DMV. This hampers the SFMTA's ability to enforce important disabled parking regulations, to the detriment of members of the public who need access to disabled parking spaces.

Since the DMV has no immediate plans to update its logging system, SFMTA proposes to reduce the base fine amounts for disabled parking violations so that the total fine amount will not exceed \$999, including any additional penalties.

ALTERNATIVES CONSIDERED

The alternative to this action would be to leave the disabled parking fine amounts as they are. The alternative is unsatisfactory because it continues the problem of limiting the SFMTA's ability to collect the total amount due for unpaid disabled parking violations.

FUNDING IMPACT

This action is expected to result in a modest increase in revenue.

PUBLISHED NOTICE AND PUBLIC HEARING

Pursuant to Charter Section 16.112 and Section 10 of the SFMTA Board of Directors' Rules of Order, advertisements were placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on May 21, 2013, to consider the above modifications. In compliance with these requirements, the advertisement ran in the San Francisco Chronicle for a five-day period beginning on May 2, 2013.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The Department of City Planning has reviewed the proposed modifications to the Transportation Code and has determined that the proposed penalty changes are exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations (CEQA Implementing Guidelines) Section 15273 (Rates, Tolls, Fare and Charges). A copy of the determination is on file with the Secretary to the SFMTA Board of Directors.

RECOMMENDATION

The SFMTA recommends that the SFMTA Board of Directors amend Division II, Section 303 of the Transportation Code to reduce the penalty for various disabled parking violations.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, AB 144, which took effect on January 2, 2010, authorizes a civil penalty of not less than \$250 and not more than \$1,000 for various disabled parking violations. AB 144 permits local jurisdictions to establish fine amounts for disabled parking violations, and permits SFMTA parking enforcement officers to cite disabled parking violations by issuing a parking citation; and,

WHEREAS, Misuse of disabled parking placards causes hardship for persons with disabilities and degrades San Francisco's transportation system; and,

WHEREAS, Currently, base fine amounts for the above violations in San Francisco are set at \$966, and are scheduled to rise to \$989 effective July 1, 2013. If violators do not pay their citations within certain time limits, additional penalties added to the base fine amounts will result in a total amount due of over \$1,000; and,

WHEREAS, Each year, a substantial number of people do not pay the assessed fines for disabled parking violations; and,

WHEREAS, One important method for the SFMTA to encourage someone to pay a fine is by forwarding the unpaid fine to the Department of Motor Vehicles (DMV), which will not allow a vehicle to be registered until the fine is paid; and,

WHEREAS, Because the DMV's logging system only permits the entry of up to three digit numbers, fine amounts in excess of \$1,000 can be entered into the DMV's logging system only for the amount in excess of \$1,000; and,

WHEREAS, Because the fine amount for disabled parking violations are substantial, the current system actually encourages people not to pay their fines until those fines are referred to the DMV; and,

WHEREAS, Since the DMV has no immediate plans to update its logging system, SFMTA proposes to reduce the base fine amounts for disabled parking violations so that the total fine amount will not exceed \$999, including any additional penalties; and,

WHEREAS, The proposed Division II modification would amend Section 303 to reduce the fine amounts for violations of California Vehicle Code sections 4461, 4463, 22507.8, and 22511.57; and,

WHEREAS, Pursuant to Charter Section 16.112 and Section 10 of the SFMTA Board of Directors' Rules of Order, advertisements were placed in the City's official newspaper to provide notice for a five-day period beginning on May 2, 2013, that the Board of Directors will hold a public hearing on May 21, 2013; and,

WHEREAS, The Department of City Planning has reviewed the proposed modifications to the Transportation Code and has determined that the proposed changes are exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Section 15273 (Rates, Tolls, Fare and Charges); therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Transportation Code Division II, Section 303 to reduce the penalty for various disabled parking violations.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 21, 2013.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code – California Vehicle Code Penalty Schedule]

Resolution amending San Francisco Transportation Code, Division II, by amending Section 303 to reduce fine amounts for violations of California Vehicle Code sections 4461, 4463, 22507.8, and 22511.57.

NOTE: Additions are [begin addition] single-underline Times New Roman [end addition] ; deletions are [begin deletion] ~~strike-through Times New Roman~~ [end deletion] .

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 300 of Division II of the Transportation Code is hereby amended by amending Section 303, to read as follows:

SEC. 303. CALIFORNIA VEHICLE CODE PENALTY SCHEDULE

Violation of any of the following subsections of the Vehicle Code (VC) shall be punishable by the fines set forth below. The fine amounts listed in this Section 303 shall apply to any citation issued using a former Traffic Code section number that is listed next to the corresponding Vehicle Code section below.

CODE	DESCRIPTION	FINE AMOUNT Effective July 1, 2012	FINE AMOUNT Effective July 1, 2013 **
VC4461C	Displaying Placard Not Issued to Person	\$966.00 *	\$[begin addition]877[end addition] [begin deletion]989[end deletion].00 *

CODE	DESCRIPTION	FINE AMOUNT Effective July 1, 2012	FINE AMOUNT Effective July 1, 2013 **
VC4463C	Fraudulent Display of Placard	\$966.00 *	addition]877[end addition] [begin deletion]989[end deletion].00 *
VC22507.8A	Parking in Blue Zone Without Placard/Plate	\$966.00 *	addition]877[end addition] [begin deletion]989[end deletion].00*
VC22507.8B	Blocking Access to Blue Zone	\$966.00 *	addition]877[end addition] [begin deletion]989[end deletion].00*
VC22507.8C	Parking in the Crosshatch Area Adjacent to a Blue Zone	\$966.00 *	addition]877[end addition] [begin deletion]989[end deletion].00*

CODE	DESCRIPTION	FINE AMOUNT Effective July 1, 2012	FINE AMOUNT Effective July 1, 2013 **
VC22511.57A	Lost, Stolen or Expired Placard/Plate	\$966.00 *	addition]877[addition] [begin deletion]989[deletion].00*
VC22511.57B	Misuse of Placard/Plate	\$966.00 *	addition]877[addition] [begin deletion]989[deletion].00*
VC22511.57C	Counterfeit, Forged or Altered Placard/Plate	\$966.00 *	addition]877[addition] [begin deletion]989[deletion].00*

* This fine includes a 10% additional penalty assessment as mandated by California Vehicle Code section 40203.6.

**** Editor's Note:**

The California State Legislature extended the \$3.00 Trial Court Trust Fund fee, pursuant to California Government Code Section 76000.3, effective January 1, 2013. An additional \$3.00 will be added to all parking citation penalties listed in this column to recover this State fee.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment.

Section 3. Scope of Ordinance. In enacting this ordinance, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JOHN I. KENNEDY
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 21, 2013.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency