

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 13-179

WHEREAS, California Vehicle Code section 22511.57 authorizes the City and County of San Francisco to prohibit or restrict the parking or standing of a vehicle on any street or highway, or in a parking stall or space in a publicly or privately owned or operated off-street parking facility within its jurisdiction by ordinance or resolution; and,

WHEREAS, In 1996, the San Francisco Board of Supervisors approved Resolution 195-96 to implement Vehicle Code section 22511.57 to establish a violation for misuse of a disabled placard when the placard has been reported lost, stolen or issued to a deceased person; and,

WHEREAS, In order to provide members of the public adequate notice of the prohibited conduct, the San Francisco Municipal Transportation Agency ("SFMTA") needs to codify these disabled parking placard and license plate restrictions into an ordinance instead of as a resolution; and,

WHEREAS, Staff recommends that the SFMTA Board of Directors approve the language of the Division I ordinance creating offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66, and recommend that the Board of Supervisors amend Division I of the Transportation Code to add these disabled parking placard and license plate restrictions; and,

WHEREAS, Staff further recommends that the SFMTA Board of Directors approve an amendment to Transportation Code, Division II, Sections 302 and 303 to remove the existing penalty for disabled parking placard and special license plate violations from Section 303 and add the penalty to Section 302; and,

WHEREAS, This proposed amendment becomes operative only upon the adoption of the Division I ordinance creating the offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66; therefore, be it

RESOLVED, That the SFMTA Board of Directors recommends that the San Francisco Board of Supervisors approve an ordinance creating offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66 to codify disabled parking placard and special license plate violations that are currently contained in the California Vehicle Code; and, be it further

RESOLVED, That the SFMTA Board of Directors amends Transportation Code, Division II, Sections 302 and 303 to remove the existing penalty for disabled parking placard and special license plate violations from Section 303 and add the penalty to Section 302 which shall become operative only upon the adoption of the Division I ordinance creating the offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of July 16, 2013.

R. Bowmer

Secretary to the Board of Directors

San Francisco Municipal Transportation Agency

[Transportation Code – Transportation Code and California Vehicle Code Penalty Schedule]

1 **Resolution amending Transportation Code, Division II, Article 300 (Fines and Fees) Sections 302 and 303**
 2 **to remove the existing penalty for disabled parking placard and special license plate violations from**
 3 **Section 303, and add a penalty for disabled parking placard and special license plate for on-street and**
 4 **off-street violations to Section 302.**

5 **NOTE:** Additions are single-underline Times New Roman;
 6 deletions are ~~strike-through Times New Roman~~.

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

9 Section 1. Article 300 of Division II of the Transportation Code is hereby amended by amending Section
 10 302 and 303, to read as follows:

SEC. 302. TRANSPORTATION CODE PENALTY SCHEDULE.

12 Violation of any of the following subsections of the San Francisco Transportation Code shall be
 13 punishable by the fines set forth below.

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012	FINE AMOUNT Effective July 1, 2013 *
ON-STREET PARKING				
Traffic Code Sections 32.4, 32.4.1	Div I 7.2.44	<u>Misuse Disabled Parking Placard/License</u> Parking-Candlestick Park		<u>\$877.00</u>
OFF-STREET PARKING				
	<u>Div I 7.2.66</u>	<u>Misuse Disabled Parking Placard/License Plate</u>		<u>\$877.00</u>

22 *** Editor's Note:**

23 *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.

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 **
VC22511.57A	Lost, Stolen or Expired Placard/Plate	\$966.00 *	\$877.00 *
VC22511.57B	Misuse of Placard/Plate	\$966.00 *	\$877.00 *
VC22511.57C	Counterfeit, Forged or Altered Placard/Plate	\$966.00 *	\$877.00 *

* This fine included a 10% additional penalty assessment as mandated by California Vehicle Code 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 and Operative Dates. This resolution shall become effective 30 days after enactment. But this resolution shall become operative only upon the adoption of an ordinance by the City creating offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66, and the operative date of this resolution shall be the effective date of such ordinance.

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 July 16, 2013.

R. Boomer

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency