

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 210406-042

WHEREAS, San Francisco is seeing a rise in “motor vehicle stunt driving,” including various driving offenses that the California Vehicle Code (CVC) categorizes as misdemeanor crimes; and,

WHEREAS, Motor vehicle stunt driving is extremely dangerous and threatens the health and safety of participants, spectators, and bystanders; and,

WHEREAS, In October 2020, the Board of Supervisors amended the Police Code to require mandatory impoundment of vehicles whose operators are arrested for motor vehicle stunt driving, as authorized under the CVC; and,

WHEREAS, Owners of impounded vehicles typically pay certain, fixed towing and storage fees set forth in Section 305(a)(1) of the Transportation Code, but owners who qualify for the SFMTA’s low-income tow program are eligible for reduced fees or waivers; and,

WHEREAS, Since July 2020, the San Francisco Police Department has impounded over 400 vehicles in connection with motor vehicle stunt driving and other driving offenses; approximately 25 percent of these vehicles were released to owners that paid reduced towing and storage fees or obtained waivers under the SFMTA’s low-income tow program; and,

WHEREAS, That these owners should benefit from the low-income tow program conflicts with laws intended to discourage motor vehicle stunt driving and other driving offenses; and,

WHEREAS, This amendment would make vehicle owners ineligible for the SFMTA’s low-income tow program if their vehicles are towed and impounded because of or in connection with motor vehicle stunt driving and other felony or misdemeanor crimes; and,

WHEREAS, On February 5, 2021, the SFMTA, under authority delegated by the Planning Department, determined that the elimination of tow and storage fee discounts for vehicle towed under SFPD authority is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and is incorporated herein by reference; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends the San Francisco Transportation Code Division II, Section 305(a)(1)(D) to prohibit reductions and waivers of towing and storage fees when a vehicle is towed and

impounded because of or in connection with felony or misdemeanor crimes.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 6, 2021.

A handwritten signature in black ink, appearing to read "Chilman", written over a horizontal line.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code - Prohibition Against Reductions and Waivers of Towing and Storage Fees for Vehicles Towed Because of or in Connection with Certain Crimes]

Resolution amending Division II of the Transportation Code to prohibit reductions and waivers of towing and storage fees when a vehicle is towed and impounded because of or in connection with felony or misdemeanor crimes.

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

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 revising Section 305, to read as follows:

SEC. 305. TOWING AND STORAGE FEES.

(a) Fees.

* * * *

(A) The SFMTA shall charge the registered owner or the registered owner’s agent claiming the towed vehicle the First Tow reduced administrative fee only if the vehicle has not previously been towed by the SFPD or SFMTA while registered to its current owner. The SFMTA shall charge the renter of the towed vehicle the First Tow reduced administrative fee only if the SFPD or SFMTA has not previously towed any vehicle registered to or rented by the renter of the towed vehicle.

(B) The SFMTA shall waive the administrative fee, any applicable dolly fee, any applicable lien fees, and the storage fees that would otherwise accrue during the first 24 hours and up to 14 consecutive calendar days thereafter that the vehicle is stored, and

instead apply the Low Income Tow Fee only if the registered owner or renter of the towed vehicle (1) establishes his or her participation in an eligible program for low income families or individuals, (2) establishes that his or her annual household income is less than or equal to 200% of the Federal Poverty Level, and (3) removes the vehicle from impound. The SFMTA shall publish the list of eligible low income programs on its website.

(C) The SFMTA shall waive the administrative fee, any applicable dolly fee, any applicable lien fees, and the storage fees that would otherwise accrue during the first 24 hours and up to 14 consecutive calendar days thereafter that the vehicle is stored, and instead grant a One-Time Tow Fee Waiver for People Certified as Experiencing Homelessness only if the registered owner or renter of the towed vehicle (1) provides certification from the Department of Homelessness and Supportive Housing, (2) has not previously been granted the One-Time Tow Fee Waiver for People Certified as Experiencing Homelessness, and (3) removes the vehicle from impound.

(D) Notwithstanding any other provision of this Code, the reduced fees and waivers provided under subsections (A), (B), or (C) above shall not be available to either a registered owner of a towed vehicle or a registered owner's agent claiming a towed vehicle if (i) the towed vehicle's registered owner is a business, including but not limited to a partnership, trust, for-profit corporation, or non-profit corporation, or (ii) the vehicle was towed because of or in connection with an act which would constitute a felony or misdemeanor, or which would be punishable, in the discretion of the court, either as a felony or misdemeanor, under any law of the City and County of San Francisco, the State of California, or the United States.

* * * *

Section 2. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this 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: _____
ISIDRO ALARCON JIMENEZ
Deputy City Attorney

n:\legana\as2021\2100296\01512066.docx

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 6, 2021.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency