

**THIS PRINT COVERS CALENDAR ITEM NO. : 10.3**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Sustainable Streets

**BRIEF DESCRIPTION:**

Amending the Transportation Code, Division II, to add penalties for expired vehicle registration and failure to replace temporary license plates.

**SUMMARY:**

- Effective 2019, state law was amended to require that temporary license plates be replaced with permanent plates upon receipt of the permanent license plates and established a penalty for violation.
- State law already establishes a violation and penalty for driving, moving, or leaving standing a vehicle with expired registration.
- Although state law establishes the applicable penalties for these violations, SFMTA staff recommend that the San Francisco Transportation Code be amended to include the applicable penalties for both violations.
- Pursuant to Charter Section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on October 1, 2019 to consider the proposed fines.
- The proposed action approving new fines and fees is an Approval Action as defined by the S.F. Administrative Code Chapter 31.

**ENCLOSURES:**

1. SFMTAB Resolution
2. Transportation Code Amendment

**APPROVALS:**

DIRECTOR 

**DATE**

September 25, 2019

SECRETARY 

September 24, 2019

**ASSIGNED SFMTAB CALENDAR DATE:** October 1, 2019

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### **PURPOSE**

Amending Division II of the Transportation Code to add penalties for expired vehicle registration and failure to replace temporary license plates.

### **STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES**

This action supports the following SFMTA Strategic Plan Goal and Objective:

Goal 1: Create a safer transportation experience for everyone

Objective 1.3: Improve security for transportation system users

Goal 2: Make transit and other sustainable means of transportation the most attractive and preferred means of travel

Objective 2.1: Improve transit service.

Objective 2.2: Enhance and expand use of the city's sustainable modes of transportation

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

Objective 3.5: Achieve financial stability for the agency.

### **DESCRIPTION**

Effective 2019, California Vehicle Code (CVC) section 5201 was amended to require that temporary license plates be replaced with permanent plates upon receipt of the permanent license plates and the state established a penalty for violation. Although state law already establishes a violation and penalty for driving, moving, or leaving standing a vehicle with expired registration, SFMTA staff recommend that the San Francisco Transportation Code be amended to include the applicable penalties for both violations.

The penalty amount set by the state for failure to replace temporary license plates with permanent plates upon receipt of the permanent license plates is \$121, and for driving, moving, or leaving standing a vehicle with expired registration is \$209, as listed in the State of California's Uniform Bail and Penalty Schedules. The proposed legislation would amend the Transportation Code to reflect these amounts.

### **ALTERNATIVES CONSIDERED**

The proposed amendments to the Transportation Code are recommended by SFMTA staff to align the Transportation Code with the CVC; no alternatives were considered.

### **FUNDING IMPACT**

The proposed action may have a positive funding impact resulting from additional citations issued for expired registration and license plates.

### **ENVIRONMENTAL REVIEW**

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On August 5, 2019, the SFMTA, under authority delegated by the Planning Department, determined that changes to Division II of the Transportation Code is not defined as 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).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference. The proposed action approving new fines and fees is an Approval Action as defined by the S.F. Administrative Code Chapter 31.

**PUBLISHED NOTICE**

Pursuant to Charter Section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City’s official newspaper to provide notice that the Board of Directors will hold a public hearing on October 1, 2019, to consider the proposed fines. In compliance with these requirements, the advertisement ran in the San Francisco Examiner for a five-day period beginning on September 18, 2019.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

The City Attorney’s Office has reviewed this calendar item.

No other approvals are required.

**RECOMMENDATION**

SFMTA staff recommend that the SFMTA Board of Directors amend Transportation Code Division II to add penalties for expired vehicle registration and failure to replace temporary license plates.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, Effective 2019, California Vehicle Code (CVC) Section 5201 was amended to require that temporary license plates be replaced with permanent plates and the state established a penalty for violations; and,

WHEREAS, The CVC already establishes a violation and penalty for driving, moving, or leaving standing a vehicle with expired registration; and,

WHEREAS, Although state law established the applicable penalties for these violations, SFMTA staff recommend that the San Francisco Transportation Code be amended to include the applicable penalties for both violations; and,

WHEREAS, The penalty amount set by the state for failure to replace temporary license plates with permanent plates upon receipt of the permanent license plates is \$121, and for driving, moving, or leave standing a vehicle with expired registration is \$209, as listed in the State of California's Uniform Bail and Penalty Schedules, and the proposed legislation would amend the Transportation Code to reflect these amounts; and,

WHEREAS, On August 5, 2019, the SFMTA, under authority delegated by the Planning Department, determined that changes to Division II of the Transportation Code are not defined as a "project" under the California Environmental Quality Act (CEQA) pursuant 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; and

WHEREAS, The proposed action is an Approval Action as defined by the San Francisco Administrative Code Chapter 31; and

WHEREAS, In compliance with Charter Section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on October 1, 2019 to consider the proposed fines; now, therefore be it

RESOLVED, The San Francisco Municipal Transportation Agency Board of Directors amends the Transportation Code, Division II, to add penalties for expired vehicle registration and failure to replace temporary license plates.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 1, 2019.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code - Adding Penalties for Expired Vehicle Registration and Failure to Replace Temporary License Plates]

**Resolution amending the Transportation Code to add penalties for expired vehicle registration and failure to replace temporary license plates.**

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 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, 2018**	FINE AMOUNT Effective July 1, 2019**
<u>VC4000A</u>	<u>No Evidence of Current Registration</u>		<u>\$209</u>
VC4461C	Displaying Placard Not Issued to Person	\$866*	\$866*
VC4462B	Improper Registered Plates	\$121	\$121
VC4463C	Fraudulent Display of Placard	\$866*	\$866*
VC4464	Altered Plates	\$121	\$121
VC5200	Display License Plates	\$121	\$121
<u>VC5201A</u>	<u>Plates/Mounting</u>	\$121	\$121
<u>VC5201B</u>	<u>Failure to Replace Temporary License Plates</u>		<u>\$121</u>

VC5201BC	Plate Cover	\$121	\$121
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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: \_\_\_\_\_  
JOHN I. KENNEDY  
Deputy City Attorney

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I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 1, 2019.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency