

RESOLUTION NO.

[Transportation Code – Towing and Storage Fees]

**Resolution amending Division II of the Transportation Code to clarify, expand, or restrict requirements for owners of vehicles towed by the San Francisco Municipal Transportation Agency to qualify for reductions in or waivers of certain towing and storage fees; clarify how storage fees accrue on a full calendar-day basis following the first 24 hours of storage; modify towing and storage fees; and expand optional towing services to medium and heavy-duty vehicles.**

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 revising Section 305, to read as follows:

**Sec. 305. TOWING AND STORAGE FEES.**

(a) **Fees.**

(1) The SFMTA shall charge the [begin addition] registered [end addition] owner of a towed vehicle [begin addition] , or the registered owner's agent claiming the towed vehicle, [end addition] the following fees to reimburse the City for its costs related to the removal, storage, sale, or release of vehicles towed from the public right-of-way, public property, or private property:

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Fee Type	Fee Amount Effective April 1, 2016	Fee Amount Effective July 1, 2017 [begin addition] (unless otherwise indicated below) [end addition]
<b>SFMTA Administrative Fees</b>		
[begin addition] <u>Administrative Fee (other than First Tow or First Tow/Low Income)</u> [end addition]	[begin addition] <u>\$261</u> [end addition]	[begin addition] <u>\$269</u> [end addition]
[begin addition] <u>First Tow (reduced fee available only to registered owner or registered owner's agent claiming the towed vehicle)</u> [end addition]	[begin addition] <u>\$172</u> [end addition]	[begin addition] <u>\$177</u> [end addition]
[begin deletion] <del>Administrative Fee (</del> [end deletion] <del>First Tow/Low Income</del> [begin deletion] ) [end deletion] [begin addition] <u>(reduced fee available only to registered owner)</u> [end addition]	\$86 [begin deletion] <del>.00</del> [end deletion]	\$89 [begin deletion] <del>.00</del> [end deletion]
[begin deletion] <del>Administrative Fee (First Tow)</del> [end deletion]	[begin deletion] <del>\$172.00</del> [end deletion]	[begin deletion] <del>\$177.00</del> [end deletion]
[begin deletion] <del>Administrative Fee (Other than First Tow or First Tow/Low Income)</del> [end deletion]	[begin deletion] <del>\$261.00</del> [end deletion]	[begin deletion] <del>\$269.00</del> [end deletion]
<b>Tow Fees</b> [begin addition] <u>(Tow fees charged to registered or legal owner, or owner's agent claiming the towed vehicle; reduced tow fees are not available.)</u> [end addition]		
[begin deletion] <del>Passenger/</del> [end deletion] <u>Light Duty Vehicles</u> [begin deletion] <del>U</del> [end deletion] [begin addition] <u>nder 10,000 GVW (e.g. cars, light duty trucks, passenger vehicles with trailers, unattached trailers, motorcycles, and scooters) – up to 1</u> [begin deletion] <del>H</del> [end deletion] [begin addition] <u>h</u> [end addition] <u>our</u> [begin addition] <u>of labor</u> [end addition]	\$208 [begin deletion] <del>.00</del> [end deletion]	\$214 [begin deletion] <del>.00</del> [end deletion]

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<p><b>Fee Type</b></p>	<p><b>Fee Amount Effective April 1, 2016</b></p>	<p><b>Fee Amount Effective July 1, 2017</b>                      [begin addition]  <u>(unless otherwise indicated below)</u>                      [end addition]</p>
<p>Each [begin deletion] A [end deletion] [begin addition] a [end addition] dditional 1/4 [begin deletion] H [end deletion] [begin addition] h [end addition] our [begin addition] of [end addition] [begin deletion] E [end deletion] [begin addition] l [end addition] abor [begin deletion] R [end deletion] [begin addition] r [end addition] equired</p>	<p>\$48.50</p>	<p>\$50.50</p>
<p>Medium Duty Vehicles [begin deletion] Θ [end deletion] [begin addition] o [end addition] ver 10,000 GVW (e.g. [begin addition] , [end addition] trucks, buses, and unattached trailers) – [begin deletion] Ξ [end deletion] [begin addition] u [end addition] p to 1 [begin deletion] H [end deletion] [begin addition] h [end addition] our [begin addition] of labor [end addition]</p>	<p>\$265 [begin deletion] .00 [end deletion]</p>	<p>\$275.75</p>
<p>Each [begin deletion] A [end deletion] [begin addition] a [end addition] dditional 1/4 [begin deletion] H [end deletion] [begin addition] h [end addition] our [begin addition] of [end addition] [begin deletion] E [end deletion] [begin addition] l [end addition] abor [begin deletion] R [end deletion] [begin addition] r [end addition] equired</p>	<p>\$60.25</p>	<p>\$62.75</p>
<p>Heavy Duty Vehicles [begin deletion] Θ [end deletion] [begin addition] o [end addition] ver 26,000 GVW (e.g. [begin addition] , [end addition] buses, tractor trucks, and/or trailers) – [begin deletion] Ξ [end deletion] [begin addition] u [end addition] p to 1 [begin deletion] H [end deletion] [begin addition] h [end addition] our [begin addition] of labor [end addition]</p>	<p>\$419.50</p>	<p>\$436.50</p>

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Fee Type	Fee Amount Effective April 1, 2016	Fee Amount Effective July 1, 2017 [begin addition] (unless otherwise indicated below) [end addition]
Each [begin deletion] A [end deletion] [begin addition] a [end addition] dditional 1/4 [begin deletion] H [end deletion] [begin addition] h [end addition] our [begin addition] of [end addition] [begin deletion] L [end deletion] [begin addition] l [end addition] abor [begin deletion] R [end deletion] [begin addition] r [end addition] equired	\$73.25	\$76.25
Flat Bed or Dolly Fee	\$50.50	\$53.25
<b>Storage Fees</b> ( [begin addition] <u>Storage fees charged to registered or legal owner, or owner's agent claiming the towed vehicle; storage fees</u> [end addition] [begin deletion] W [end deletion] waived if vehicle is picked up within four hours of arrival at storage facility [begin addition] . [end addition] )		
Storage Fee – Motorcycle [begin addition] s [end addition] /Scooter [begin addition] s [end addition] – [begin deletion] Day 1 [end deletion] [begin addition] first 24 hours or part thereof [end addition]	\$22.25	\$22.75
Storage Fee – Motorcycles/Scooter [begin addition] s [end addition] – [begin deletion] Additional Days [end deletion] [begin addition] every full calendar day (or part thereof) following the first 24 hours [end addition]	\$26 [begin deletion] .00 [end deletion]	\$27.25
Storage Fee – [begin deletion] Passenger/ [end deletion] Light Duty Vehicles (other than motorcycles/scooters) – [begin deletion] Day 1 [end deletion] [begin addition] first 24 hours or part thereof [end addition]	\$58.50	\$59.25
Storage Fee – [begin deletion] Passenger/ [end deletion] Light Duty Vehicles (other than motorcycles/scooters) – [begin deletion] Additional Days [end deletion] [begin addition] every full calendar day (or part thereof) following the first 24 hours [end addition]	\$68.25	\$71 [begin deletion] .00 [end deletion]

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Fee Type	Fee Amount Effective April 1, 2016	Fee Amount Effective July 1, 2017 [begin addition] (unless otherwise indicated below) [end addition]
Storage Fee – Medium Duty Vehicles – [begin deletion] Day <sup>1</sup> [end deletion] [begin addition] <u>first 24 hours or part thereof</u> [end addition]	\$85.75	\$82 [begin deletion] .00 [end deletion]
Storage Fee – Medium Duty Vehicles – [begin deletion] <u>Additional Days</u> [end deletion] [begin addition] every full calendar day (or part thereof) following the first 24 hours [end addition]	\$93.75	\$98.25
Storage Fee – Heavy Duty Vehicles – [begin deletion] Day <sup>1</sup> [end deletion] [begin addition] <u>first 24 hours or part thereof</u> [end addition]	\$138 [begin deletion] .00 [end deletion]	[begin addition] \$120.75 [end addition] [begin deletion] \$144.75 [end deletion] [begin addition] (fee effective July 7, 2017) [end addition]
Storage Fee – Heavy Duty Vehicles – [begin deletion] <u>Additional Days</u> [end deletion] [begin addition] every full calendar day (or part thereof) following the first 24 hours [end addition]	\$138 [begin deletion] .00 [end deletion]	\$144.75
<b>Vehicle Transfer Fees</b> ( [begin addition] <u>Apply to</u> [end addition] [begin deletion] <del>✓</del> [end deletion] [begin addition] <u>vehicles transferred to long-term storage facility after 48 hours at primary storage facility [begin addition] . Vehicle transfer fees charged to registered or legal owner, or owner’s agent claiming the towed vehicle; reduced vehicle transfer fees are not available.</u> [end addition] )		
[begin deletion] <del>Passenger/</del> [end deletion] Light Duty Vehicles [begin deletion] <del>(including motorcycles/scooters)</del> [end deletion]	\$27.75	\$29.25
Medium Duty Vehicles	\$113.75	\$119.50

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Fee Type	Fee Amount Effective April 1, 2016	Fee Amount Effective July 1, 2017 [begin addition] (unless otherwise indicated below) [end addition]
Heavy Duty Vehicles	\$183.75	\$193 [begin deletion] .00 [end deletion]
<b>Tow-Back Fees</b> ( [begin deletion] Contractor will, u [end deletion] [begin addition] U [end addition] upon [begin addition] customer's [end addition] request, [begin addition] and only if all towing and storage fees are paid, SFMTA may [end addition] tow vehicle to [begin deletion] customer's- [end deletion] [begin addition] a [end addition] location [begin addition] customer specifies. [end addition] [begin deletion] after all fees are paid [end deletion] )		
Tow-back service for [begin deletion] passenger cars, motorcycles, and scooters (per vehicle) towed within the City and County of San Francisco (passenger/light duty only)- [end deletion] [begin addition] <u>Light Duty Vehicles – first hour (or part thereof) of labor</u> [end addition]	\$95 [begin deletion] .00 [end deletion]	[begin addition] \$214 [end addition] [begin deletion] \$99.00 [end deletion] (fee effective July 7, 2017)
[begin addition] <u>Tow-back service for Light Duty Vehicles – each additional 1/4 hour (or part thereof) of labor</u> [end addition]	[begin addition] n/a [end addition]	[begin addition] \$50.50 (fee effective July 7, 2017) [end addition]
[begin addition] <u>Tow-back service for Medium Duty Vehicles – first hour (or part thereof) of labor</u> [end addition]	[begin addition] n/a [end addition]	[begin addition] \$275.75 (fee effective July 7, 2017) [end addition]
[begin addition] <u>Tow-back service for Medium Duty Vehicles –each additional 1/4 hour (or part thereof) of labor</u> [end addition]	[begin addition] n/a [end addition]	[begin addition] \$62.75 (fee effective July 7, 2017) [end addition]

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Fee Type	Fee Amount Effective April 1, 2016	Fee Amount Effective July 1, 2017 [begin addition] (unless otherwise indicated below) [end addition]
[begin addition] <u>Tow-back Service for Heavy Duty Vehicles – first hour (or part thereof) of labor</u> [end addition]	[begin addition] n/a [end addition]	[begin addition] \$436.50 (fee effective July 7, 2017) [end addition]
[begin addition] <u>Tow-back Service for Heavy Duty Vehicles – each additional 1/4 hour (or part thereof) of labor</u> [end addition]	[begin addition] n/a [end addition]	[begin addition] \$76.25 (fee effective July 7, 2017) [end addition]
Additional [begin addition] fee [end addition] per [begin deletion] - [end deletion] mile [begin deletion] fee for any portion of [end deletion] [begin addition] (or portion thereof) for [end addition] tow-back occurring outside the limits of the City	\$9.50	\$10 [begin deletion] .00 [end deletion]
<b>Lien Fees</b>		
Vehicles valued at \$4000 or less (upon lien initiation)	\$35 [begin deletion] .00 [end deletion]	\$35 [begin deletion] .00 [end deletion]
Vehicles valued at more than \$4000 (upon lien initiation)	\$50 [begin deletion] .00 [end deletion]	\$50 [begin deletion] .00 [end deletion]
Vehicles valued at \$4000 or less (upon lien completion)	\$35 [begin deletion] .00 [end deletion]	\$35 [begin deletion] .00 [end deletion]
Vehicles valued at more than \$4000 (upon lien completion)	\$50 [begin deletion] .00 [end deletion]	\$50 [begin deletion] .00 [end deletion]

(A) The SFMTA shall charge the [begin addition] registered [end addition] owner [begin addition] or the registered owner's agent claiming [end addition] [begin

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deletion] of [end deletion] the towed vehicle the [begin deletion] ~~Administrative Fee~~ ( [end deletion] First Tow [begin deletion] ) [end deletion] [begin addition] reduced administrative fee only [end addition] if the vehicle has not previously been towed while [begin deletion] ~~he or she was the~~ [end deletion] registered [begin addition] to its current [end addition] owner [begin deletion] ~~of the vehicle~~ [end deletion] .

(B) The SFMTA shall charge the [begin addition] registered [end addition] owner of the towed vehicle the [begin deletion] ~~Administrative Fee~~ ( [end deletion] First Tow/Low Income [begin deletion] ) [end deletion] [begin addition] reduced administrative fee [end addition] and shall waive the storage fees that would otherwise accrue during the first [begin deletion] ~~48~~ [end deletion] [begin addition] 24 [end addition] hours [begin addition] and two consecutive calendar days thereafter [end addition] that the vehicle is stored [begin addition] only [end addition] if the vehicle has not previously been towed while [begin deletion] ~~he or she was the~~ [end deletion] registered [begin addition] to its current [end addition] owner [begin deletion] ~~of the vehicle~~ [end deletion] , and [begin deletion] ~~he or she can~~ [end deletion] the [begin addition] registered owner [end addition] demonstrate [begin addition] s his or her [end addition] participation in an eligible program for low income families or individuals. The SFMTA shall publish the list of eligible low income programs on its website.

[begin addition] (C) Neither the First Tow nor the First Tow/Low Income reduced administrative fees under subsections (A) and (B) above shall be available if the towed vehicle's registered owner is a business, including but not limited to a partnership, for-profit corporation, or non-profit corporation, or if the registered owner rents the towed vehicle to other persons as part of a peer-to-peer, person-to-person, or other social car sharing enterprise.

[end addition] (2) The SFMTA shall charge the purchaser of a towed vehicle sold at a lien sale the following fees related to the sale:



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**Auction Sales Service Fees**  
(Based on vehicle sale amount)

<b>Fee Type</b>	<b>Fee Amount</b> Effective April 1, 2016	<b>Fee Amount</b> Effective July 1, 2017
\$0 - \$249.99	No charge	No charge
\$250 - \$499.99	\$110 [begin deletion] .00 [end deletion]	\$115 [begin deletion] .00 [end deletion]
\$500 - \$999.99	\$140 [begin deletion] .00 [end deletion]	\$150 [begin deletion] .00 [end deletion]
\$1,000 - \$1,499.99	\$185 [begin deletion] .00 [end deletion]	\$200 [begin deletion] .00 [end deletion]
\$1,500 - \$1,999.99	\$240 [begin deletion] .00 [end deletion]	\$260 [begin deletion] .00 [end deletion]
\$2,000 - \$2,499.99	\$300 [begin deletion] .00 [end deletion]	\$325 [begin deletion] .00 [end deletion]
\$2,500 - \$4,999.99	\$380 [begin deletion] .00 [end deletion]	\$410 [begin deletion] .00 [end deletion]
\$5,000 and above	\$635 [begin deletion] .00 [end deletion]	\$670 [begin deletion] .00 [end deletion]

(b) **Reimbursement and Waiver of Towing and Storage Fees.**

(1) Any fees [begin deletion] imposed [end deletion] [begin addition] charged [end addition] or authorized under subsection (a) in connection with the tow [begin addition] ing [end addition] , storage, or lien of vehicles towed from the public right-of-way, public property, or private property may be waived for, or reimbursed to, the registered owner of the vehicle if the fees were incurred:

(A) Because the vehicle was towed or stored by order of the [begin deletion] San Francisco [end deletion] Police Department to examine the vehicle for evidence of a crime;

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(B) Because the vehicle was towed [begin deletion] and [end deletion] [begin addition] or [end addition] stored by order of the [begin deletion] San Francisco [end deletion] Police Department or the SFMTA and said towing or storage was not authorized by state or local law;

(C) Because the [begin deletion] San Francisco [end deletion] Police Department or the SFMTA erroneously reported, filed, or recorded the circumstances of the towing or storage of the vehicle; or

(D) Because the vehicle was towed or stored by order of the [begin deletion] San Francisco [end deletion] Police Department or the SFMTA for removal of components of the vehicle, which components were placed on the vehicle in violation of Section 10751 of the Vehicle Code.

(2) Upon verifiable proof that the vehicle was reported stolen before it was towed, or upon a determination by the [begin deletion] San Francisco [end deletion] Police Department that the vehicle was stolen, and if the vehicle owner is an individual, the SFMTA shall waive for, or reimburse to, the registered owner:

(A) The administrative, tow [begin addition] ing [end addition] , vehicle transfer, and lien fees established in subsection (a), above; and

(B) The storage fees that would otherwise accrue during the first [begin deletion] 48 [end deletion] [begin addition] 24 [end addition] hours [begin addition] and two consecutive calendar days thereafter [end addition] that the vehicle is stored [begin deletion] ; established in subsection (a), above [end deletion] .

[begin addition] (3) Neither the waivers nor reimbursements of fees available under subsection (b)(2) above for stolen vehicles shall be available if the towed vehicle's registered owner is a business, including but not limited to a partnership, for-profit corporation, or non-profit corporation,

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or if the registered owner rents the towed vehicle to other persons as part of a peer-to-peer, person-to-person, or other social car sharing enterprise.

[end addition] [begin deletion] (e) ~~Indigent Owner.~~

(1) — Should the owner of the vehicle or one in lawful possession sign an affidavit, under penalty of perjury, that said person is indigent and does not immediately have the funds to pay the accrued fees related to the tow, storage, or lien of the vehicle, the Director of the SFMTA or his or her designee shall immediately make such investigation as necessary to ascertain if said indigent person is entitled to immediate possession of his or her vehicle without the payment of the fees.

(2) — Should the Director of the SFMTA or his or her designee, after an investigation, decide that the towing, or storage of a vehicle comes within the provisions of subsections (b)(1) or (2), above, and the owner of the vehicle or one in lawful possession signs an affidavit of indigency, the Director of the SFMTA shall issue a waiver directed to the person, firm or corporation having custody of the vehicle. Said affidavit shall be on a form approved by the Director of the SFMTA.

(3) — Upon presentation of this waiver to the person, firm, or corporation having custody of the vehicle, the vehicle shall be repossessed by the person presenting the waiver, without further payment.

(4) — The person, firm or corporation receiving the waiver may present the waiver to the office of the SFMTA designated by its Director for payment of the fees stated on the waiver. [end deletion]

( [begin addition] c [end addition] [begin deletion] d [end deletion] ) **Prohibition on Waiver and Reimbursement of Towing and Storage Fees.** No reimbursement or waiver shall be made to the registered or legal owner of a vehicle pursuant to the provisions of subsection (b)(1) or (2), above, if:

(1) The owner or person in lawful possession of the vehicle is chargeable with violation of any law of the City and County of San Francisco, the State of California, or

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the United States, and said charge relates to the towing and storage of the vehicle or the removal of component parts thereof; or

(2) Reimbursement or waiver is requested pursuant to subsections (b)(1)(B) or (b)(1)(C), above, and the City's error in ordering, reporting, filing, or recording the tow is attributable, in part, to the conduct of the registered owner, legal owner, or one in lawful possession of the vehicle; or

(3) The registered or legal owner of the vehicle, including a firm or corporation that owns vehicles used for commercial purposes, cannot show evidence of financial responsibility for said vehicle as required by Section 16020 of the California Vehicle Code.

( [begin addition] d [end addition] [begin deletion] e [end deletion] )      **Application for Reimbursement or Waiver.**

(1) Requests for reimbursement or waiver must be presented to the Director of the SFMTA or his or her designee, on a form provided therefor, within [begin deletion] 30 [end deletion] [begin addition] 10 [end addition] days of the date of the tow [begin deletion] of the vehicle- [end deletion] [begin addition] of unclaimed Lien 1 vehicles and within 30 days of the date of the tow for claimed Lien 1 vehicles and within 30 days of the date of the tow for all other claimed or unclaimed vehicles [end addition] . The Director, or his or her designee, may, in his or her sole discretion, extend this deadline for good cause shown.

(2) Requests for reimbursement or waiver shall be itemized, describing all circumstances known to the requesting party. The Director of the SFMTA or his or her designee may request such additional information as necessary to determine the legitimacy of the request for reimbursement or waiver.

(3) All requests for reimbursement or waiver shall be made under penalty of perjury.

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(4) The amount of the requested reimbursement or waiver shall not exceed the actual fees charged to the individual or entity requesting reimbursement or waiver.

( [begin addition] e [end addition] [begin deletion] f [end deletion] ) **Prosecution of Person Responsible.** No request for reimbursement or waiver shall be considered by the Director of the SFMTA or his or her designee unless and until the person requesting reimbursement or waiver agrees in writing that said person will fully cooperate in the investigation or prosecution of any person or persons responsible for any violation of law giving rise to the request for reimbursement or waiver.

( [begin addition] f [end addition] [begin deletion] g [end deletion] ) **Subrogation.** Whenever reimbursement or waiver is made pursuant to this Section 305, the City and County of San Francisco is subrogated to all rights and privileges, at law or equity, of the person, or his or her heirs or assigns, to whom payment was made to recover any monies, from any source whatsoever, due to the person requesting reimbursement or waiver arising from the activity that caused the fees to be incurred.

( [begin addition] g [end addition] [begin deletion] h [end deletion] ) **Procedures.** The Director of Transportation may establish such procedures as he or she deems appropriate to facilitate the waiver and reimbursement of towing and storage fees, and the reduction of administrative fees, in accordance with this Section 305.

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

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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 A. Jiménez  
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 June 6, 2017.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency