

[Repeal of exemption from paying tow and storage fees on stolen vehicles, and waiver of an administrative fee for recovered stolen vehicles owned by residents.]

Ordinance repealing San Francisco Administrative Code Section 10C.8-1, which exempts residents of San Francisco from paying tow and storage fees on stolen vehicles, and amending San Francisco Administrative Code Section 10C.1 and San Francisco Traffic Code Section 170.1 to exempt City residents from payment of an administrative fee in connection with the towing and storage of stolen vehicles.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by repealing Section 10C.8-1 in its entirety.

~~SEC. 10C.8-1. EXEMPTION FROM PAYMENT FOR TOW AND STORAGE FEES ON STOLEN VEHICLES OWNED BY RESIDENTS OF THE CITY AND COUNTY OF SAN FRANCISCO.~~

~~————The owner or person in lawful possession of a vehicle that has been stolen and recovered within the City and County of San Francisco shall be exempt from paying fees, charges or costs imposed for the towing or storage of stolen vehicles or the amount charged for removal of components of a stolen vehicle provided:~~

~~————(a)————The owner or person in lawful possession of the stolen vehicle is a resident of the City and County of San Francisco and shows proof of residency within the City and County of San Francisco to the San Francisco Police Department;~~

~~————(b)————The owner or person in lawful possession of the stolen vehicle has reported the vehicle as stolen to the San Francisco Police Department prior to applying for the exemption.~~

1 ~~Should the owner or person in lawful possession of the stolen vehicle meet the~~
2 ~~requirements set forth in Section 10C.8-1(a) and (b) the Chief of Police or his or her designee shall~~
3 ~~issue a voucher in the amount equal to the total of all fees, charges and costs for towing and storage~~
4 ~~directed to the person, firm or corporation, having custody of the vehicle. Said voucher shall be on a~~
5 ~~form jointly approved by the Controller and the Chief of Police.~~

6 ~~Upon presentation of this voucher to the person, firm or corporation having custody of~~
7 ~~the vehicle, the vehicle shall be repossessed by the person presenting the voucher without payment.~~

8 ~~The person, firm or corporation receiving the voucher may present the voucher to the~~
9 ~~office of the Police Department designated by the Chief of Police for payment of the fees stated on the~~
10 ~~voucher.~~

11 Section 2. The San Francisco Administrative Code is hereby amended by amending
12 Section 10C.1 to read as follows:

13 SEC. 10C.1. REIMBURSEMENT OR WAIVER OF PAYMENT FOR TOW ON
14 VEHICLES; CONDITIONS THEREFORE.

15 (1) Except as provided in Sections 10C.8 ~~and 10C.8-1~~, fees, charges or costs
16 imposed for the towing or storage of vehicles or the amount charged for removal of
17 components of a vehicle may be waived or reimbursed to the owner or person in lawful
18 possession of the vehicle if the fees, charges or costs were incurred:

19 (a) Because the subject vehicle was towed and stored at the order of
20 the San Francisco Police Department to examine the vehicle for evidence of a crime;

21 (b) Because the subject vehicle was towed and stored by the order of
22 the San Francisco Police Department or the Department of Parking and Traffic and said
23 towing or storage was not authorized by any of the several provisions of the Vehicle Code of
24 the State of California;

1 (c) Because officers, agents or employees of the San Francisco
2 Police Department or the Department of Parking and Traffic were negligent in reporting, filing,
3 or recording the circumstances of the towing and storage of the vehicle;

4 (d) Because officers, agents or employees of the San Francisco
5 Police Department or the Department of Parking and Traffic were negligent in reporting a
6 vehicle as subject to towing or storage or ordering a vehicle towed and stored when, in fact,
7 such vehicle was not subject to towing and storage; or

8 (e) Because a vehicle was towed or stored by order of the San
9 Francisco Police Department or the Department of Parking and Traffic for removal of
10 components of the vehicle, which components were placed on the vehicle in violation of
11 Section 10751 of the Vehicle Code.

12 (2) Residents of the City and County of San Francisco who own or are in lawful
13 possession of a vehicle that has been stolen and recovered within the City and County of San Francisco
14 shall be exempt from payment of the administrative fee imposed by Section 170.1 of the Traffic Code.

15 (32) No person shall be exempt from or reimbursed for tow and storage
16 charges collected pursuant to Section 170.2-A of the Traffic Code.

17 (43) Pursuant to the provisions of Sections 10C.8 ~~and 10C.8-1~~, indigent owners
18 of vehicles and victims of auto theft shall be exempt from paying fees, charges, or costs
19 imposed for the towing and storage of the vehicle and shall be entitled to reimbursement for
20 the same if collected.

21 Section 3. The San Francisco Traffic Code is hereby amended by amending Section
22 170.1, to read as follows:

23 Sec. 170.1. ADMINISTRATIVE FEE.

24 A fee to reimburse the City and County for costs incurred in the administration of
25 the procedures for removing vehicles under this Article 9 shall be charged to the owner of a

1 vehicle removed pursuant to this Article. The Director of the Department of Parking and Traffic
2 or his or her duly authorized representative is authorized to establish the fee to be so charged
3 or collected, provided however that the fee shall not exceed an amount reasonably calculated
4 to cover the actual costs incurred by the City and County in the exercise and administration of
5 the operations and obligations imposed by this Article. The administrative fee imposed
6 pursuant to this Section shall be in addition to the fee charged by the operator to the owner of
7 a removed vehicle pursuant to the contract between the operator and the City and County.
8 The fee imposed pursuant to this Section shall not be taken into account in determining the
9 maximum fee that may be charged by the operator to the owner of a removed vehicle as
10 provided in Section 166 of this Article 9, nor shall the administrative fee imposed pursuant to
11 this Section be taken into account in determining whether a fee charged by the operator to the
12 owner of a removed vehicle is excessive under Section 170 of this Article 9. The Director of
13 the Parking and Traffic Department of the City and County, with the approval of the Parking
14 and Traffic Commission of the City and County, is hereby authorized to adopt such rules,
15 regulations and procedures as he or she determines are necessary and appropriate for the
16 imposition, collection and administration of the fee imposed by this Section.

17 In accordance with San Francisco Administrative Code Section 10C.1(2), residents of the City
18 and County of San Francisco who own or are in lawful possession of a vehicle that has been stolen and
19 recovered within the City and County of San Francisco shall be exempt from payment of the
20 administrative fee imposed by this Section.

21
22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By: 

25 ROSA M. SANCHEZ
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 051003

Date Passed:

Ordinance repealing San Francisco Administrative Code Section 10C.8-1, which exempts residents of San Francisco from paying tow and storage fees on stolen vehicles, and amending San Francisco Administrative Code Section 10C.1 and San Francisco Traffic Code Section 170.1 to exempt City residents from payment of an administrative fee in connection with the towing and storage of stolen vehicles.

July 12, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

July 19, 2005 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, Ma

July 26, 2005 Board of Supervisors — FINALLY PASSED


Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

File No. 051003

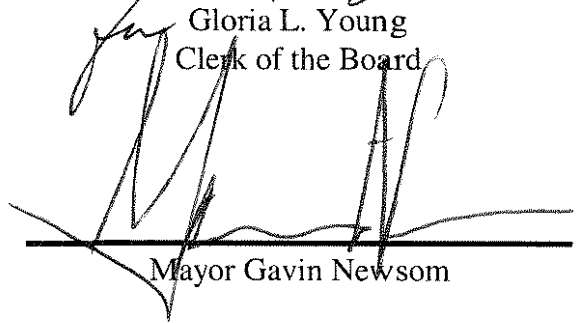
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on July 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

JUL 29 2005

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom