

1 [Police Code - Vehicle Press Cards]

2
3 **Ordinance amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5, and**
4 **939.7, and repealing San Francisco Police Code Sections 939.2, 939.4, and 939.6 to**
5 **remove the Chief of Police's authority to issue or regulate Vehicle Press Cards.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~strike-through italics Times New Roman~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strike through normal~~.

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

10 Section 1. Article 13 of the San Francisco Police Code is hereby amended by
11 amending Sections 939, 939.1, 939.3, 939.5, and 939.7, to read as follows:

12 **SEC. 939. ISSUANCE OF PRESS CARDS.**

13 The Chief of Police is hereby authorized to issue press cards ~~and Vehicle Press Cards~~ to
14 newsgatherers, reporters and photographers in the actual and bona fide employment of a
15 newspaper or periodical, for the purpose of securing their admittance within all police lines in
16 this City and County of San Francisco.

17 The Chief of Police shall establish procedures for the applications, issuance, expiration,
18 reissuance, and revocation of for press cards and Vehicle Press Cards, as well as for their issuance,
19 expiration, re-issuance and revocation. Such procedures shall include, at a minimum, the
20 requirement that applications be in writing, that press cards must include a clear photo of the
21 person to whom it is issued, and that press cards be carried ~~on the by the person and Vehicle~~
22 ~~Press Cards be displayed on the vehicle in the control of or operated by an employee of the newspaper,~~
23 ~~radio or television station to which it was issued~~ to whom it is issued in order to exercise the
24 newsgathering privileges described in Sections 939-939.5.
25

1 All press cards ~~and Vehicle Press Cards~~ issued under this Section shall have a term of
2 one year. Expiration and re-issuance of press cards ~~and Vehicle Press Cards~~ shall be governed
3 by procedures to be established by the Chief of Police.

4 A record of the issuance of such press cards shall be kept in the office of the Chief of
5 Police, with the date of issuance, the photograph, name and contact information of the person
6 to whom issued, and the unique number of the card. The Chief of Police may at any time
7 revoke the privilege attached to any or all such cards. Unless revoked, the privilege attached
8 to such cards shall automatically terminate on the date of expiration, such expiration date to
9 be determined as hereinabove indicated.

10 Such cards shall not be transferable and it shall be unlawful for any person to use or
11 have in his or her possession any such card unless the same was issued to that person by the
12 Chief of Police; or to use any such card after the privilege attached thereto has terminated or
13 been revoked. It shall likewise be unlawful for any person to use any such card while such
14 person is not in the actual and bona fide employment of a newspaper or periodical as a
15 newsgatherer, reporter, or photographer while gathering information or images for use in the
16 news.

17 **SEC. 939.1. DEFINITIONS.**

18 *For the purposes of Sections 939-939.5As used in this Article,* the following definitions shall
19 apply:

20 (a) News-Gathering Vehicle. A News-Gathering Vehicle is a motor vehicle for which a
21 Vehicle Press ~~Card~~Permit has been issued by the ~~Chief of Police~~Municipal Transportation Agency
22 while the vehicle is in the control of a newspaper, radio or television station, or is being
23 operated by an employee of a newspaper, radio or television station whose primary duty is to
24 gather or photograph news events while gathering information or images for use in the news.

1 (b) Vehicle Press ~~Card~~Permit. A Vehicle Press ~~Card~~Permit is ~~an identification~~
2 ~~card~~parking permit issued on a form approved and signed by the Chief of Police ~~Municipal~~
3 ~~Transportation Agency~~ for the use of an authorized News-Gathering Vehicle.

4 **SEC. 939.32. DISPLAY OF PRESS CARD.**

5 A person who displays a valid press card issued by the Chief of Police to that person
6 pursuant to the provisions of Section 939 of this Article shall be entitled to pass behind police
7 lines in a vehicle that does not have a Vehicle Press ~~Card~~Permit, provided, however, that such
8 access may be denied at the discretion of the Chief of Police to protect the public health,
9 safety or welfare.

10 **SEC. 939.53. FEE FOR ~~VEHICLE~~ PRESS CARD.**

11 The Chief of Police may collect a ~~permit fees~~ for issuing press cards ~~and Vehicle Press~~
12 ~~Cards~~ in order to recover costs of administering the program.

13 **SEC. 939.74. PENALTY.**

14 Any person violating any provisions of Sections 939 through 939.63 of this Article shall
15 be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine
16 not to exceed \$25 or by imprisonment in the County Jail not exceeding 10 days, or by both
17 such fine and imprisonment.

18
19 Section 2. Article 13 of the San Francisco Police Code is hereby amended by
20 repealing Sections 939.2, 939.4, and 939.6, to read as follows:

21 **~~SEC. 939.2. ISSUANCE OF VEHICLE PRESS CARD.~~**

22 ~~The Chief of Police shall issue one or more Vehicle Press Cards to a newspaper, radio or~~
23 ~~television station upon receipt of an application signed by the managing editor, station manager, or~~
24 ~~person of equivalent managerial responsibility, of the newspaper, radio or television station. The~~
25 ~~application shall be on a form approved by the Chief of Police. The application shall require the~~

1 applicant to verify in writing that each requested Vehicle Press Card is for either (a) an identified
2 vehicle owned and operated by the newspaper, radio or television station and used primarily for the
3 gathering of news, or (b) a person holding a full-time position with that organization whose duties
4 primarily involve the actual gathering of news outside of the organization's main office. Each such
5 organization with 12 or more full-time employees may also apply for one temporary Vehicle Press
6 Cards, and each such organization with 25 or more full-time employees may also apply for two
7 temporary Vehicle Press Cards, which Vehicle Press Cards shall be of a distinguishing color and
8 which may be assigned by the newspaper, radio or television station on an as-needed basis to
9 temporary or free-lance reporters or photographers while they are engaged in news gathering for that
10 newspaper, radio or television station, subject to the other restrictions on use set forth in this Article. In
11 the event the temporary Vehicle Press Cards are being used by a newspaper, radio or television station
12 in a manner inconsistent with the provisions of this Article, the Chief of Police shall have the
13 discretion, after a hearing to consider evidence of such misuse and testimony from the newspaper,
14 radio or television station and other interested persons, to revoke any or all Vehicle Press Cards then
15 issued to such organization. All Vehicle Press Cards shall expire at the end of each calendar year, and
16 a new application must be submitted for reissuance of the card for the following calendar year. The
17 Chief of Police may request supporting documentation or evidence to verify any information supplied
18 on an application for a Vehicle Press Card, including verification of an employee's newsgathering
19 duties. Print media outlets whose publications are not published more frequently than once per month
20 shall not be eligible to receive Vehicle Press Cards.

21 **~~SEC. 939.4. GENERAL PROVISIONS.~~**

22 ~~Nothing in this Article shall relieve the operator and/or owner of a News-Gathering Vehicle or~~
23 ~~the newspaper, radio or television station that holds a Vehicle Press Pass for such a vehicle from the~~
24 ~~duty to operate and Park the vehicle with due regard for access of Fire Department vehicles to any~~
25 ~~property, and to the safety of all persons and vehicles, nor shall these provisions protect the owner of~~

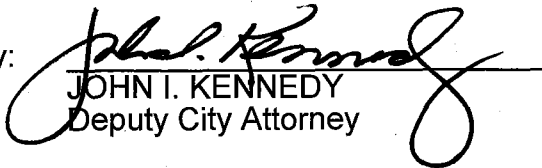
1 ~~the newspaper, radio or television station from the consequences of reckless disregard for the safety of~~
2 ~~others.~~

3 ~~SEC. 939.6. LOCATIONS FOR NEWS-GATHERING VEHICLES.~~

4 ~~Provided that the News-Gathering Vehicle complies with all other applicable requirements, a~~
5 ~~News-Gathering Vehicle may park where authorized by the Transportation Code, Division II, Section~~
6 ~~106 (Exemptions).~~

7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By:

10 
11 JOHN I. KENNEDY
12 Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

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

File Number: 111239

Date Passed: October 16, 2012

Ordinance amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5, and 939.7, and repealing San Francisco Police Code Sections 939.2, 939.4, and 939.6, to remove the Chief of Police's authority to issue or regulate Vehicle Press Cards.

September 20, 2012 Public Safety Committee - RECOMMENDED

October 02, 2012 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mar, Olague and Wiener

Excused: 1 - Farrell


October 16, 2012 Board of Supervisors - FINALLY PASSED

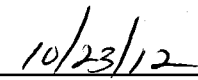
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 111239

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/16/2012 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved