

1 [Authorizing penalties for misuse of disabled parking privileges; establishing administrative fee
2 for cancelled disabled parking citations; creating panel to review eligibility for disabled parking
privileges; updating Traffic Code provisions.]

3 **Ordinance adding Article 20A to the Traffic Code prohibiting the misuse of parking**
4 **placards and special license plates issued to disabled persons and disabled veterans;**
5 **establishing penalties for violations; adopting administrative fee for cancelled disabled**
6 **parking citations; amending Traffic Code sections 12, 38F, 130 and 132 to update**
7 **statutory references and parking citation fine amounts consistent with state law;**
8 **authorizing review panel to review eligibility for disabled parking privileges; and**
9 **repealing Traffic Code sections 38K and 202B.**

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

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

14 Section 1. The San Francisco Traffic Code is hereby amended by adding Article 20A,
15 to read as follows:

16 **ARTICLE 20A ROBERT GREENSTRAND DISABLED PARKING PROGRAM**

17 **SEC. 720. DEFINITIONS.**

18 *For the purposes of this Article, the following terms shall have the following meanings:*

19 *"Disabled Person" shall mean a disabled person or a disabled veteran, as defined in sections*
20 *295.5 and 295.7 of the Vehicle Code.*

21 *"Placard" shall mean a placard issued to a Disabled Person pursuant to Vehicle Code sections*
22 *22511.55 or 22511.59, or a valid placard issued by a foreign jurisdiction for the purpose of certifying*
23 *the vehicle's operator or passenger's disability and eligibility for disabled parking privileges.*

24 *"Parking Control Officer" shall mean an employee of the Department of Parking and Traffic*
25 *authorized to enforce parking laws, ordinances and regulations.*

1 "Special License Plate" shall mean a license plate for a vehicle issued pursuant to Vehicle Code
2 section 5007, or a valid license plate issued by a foreign jurisdiction for the purpose of certifying the
3 vehicle operator's or passenger's disability and eligibility for disabled parking privileges.

4 "Vehicle Code" shall mean the Vehicle Code of the State of California.

5 **SEC. 721. PARKING VIOLATION; MISUSE OF DISABLED PLACARD.**

6 It is unlawful on any street or highway, or in any parking space designated for Disabled
7 Persons pursuant to Vehicle Code section 22511.8 in any publicly or privately owned off-street parking
8 facility, for any person to park or leave standing any vehicle displaying a Placard in order to obtain
9 special parking privileges where the record of the Department of Motor Vehicles for the identification
10 number assigned to the Placard indicates that the Placard has been reported as lost, stolen,
11 surrendered, cancelled, revoked or expired, or was issued to a person who has been reported as being
12 deceased for a period exceeding sixty (60) days.

13 **SEC. 722. DISABLED PARKING FINES AND PENALTIES.**

14 (a) If a penalty for a violation of Vehicle Code section 22507.8 is suspended pursuant to
15 Vehicle Code section 42001.13 on the grounds that a person possessed at the time of the offense but
16 failed to display a valid Special License Plate or Placard, then the Department of Parking and Traffic
17 may assess an administrative fee not to exceed twenty-five (\$25) or other amount as authorized by state
18 law to recover the cost of canceling the citation. Regardless of whether the penalty is suspended, the
19 vehicle owner shall still be responsible for paying towing and storage costs resulting from impound of
20 the vehicle.

21 (b) In addition to any other penalties for any violation of Vehicle Code sections 4461 or
22 22507.8, the Department of Parking and Traffic shall collect an additional fine of one hundred dollars
23 (\$100) or other amount as authorized by the Vehicle Code section 4461.3 or other state law. The fine
24 assessed under Vehicle Code section 4461.3 is included in the penalty amounts listed in San Francisco
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1 Traffic Code section 132. Revenue collected pursuant to this subsection (b) shall be used solely for the
2 purpose of improving the enforcement of disabled parking laws.

3 **SEC. 723. AUTHORITY TO ISSUE MISDEMEANOR CITATIONS FOR MISUSE OF**
4 **DISABLED PLATE OR PLACARD.** Any Parking Control Officer assigned to the "Robert
5 Greenstrand Disabled Placard Detail" shall have the power and authority to make misdemeanor
6 arrests and to issue misdemeanor citations for violations related to disabled parking privileges that are
7 classified as misdemeanors by state law.

8 **SEC. 724. AUTHORITY TO ESTABLISH DISABLED PARKING REVIEW PANEL;**
9 **NOTICE AND HEARING PROCEDURES.**

10
11 (a) Pursuant to the authority contained in Vehicle Code sections 5007.5 and 22511.58, the
12 Director of Transportation of the Municipal Transportation Agency is authorized to establish a
13 Disabled Parking Review Panel. Qualifications for membership of the Disabled Parking Review
14 Panel, the number of members and their compensation, if any, the terms that members shall serve and
15 the appointment and removal of Disabled Parking Review Panel members shall be at the discretion of
16 the Director of Transportation of the Municipal Transportation Agency, except that at least one
17 Disabled Parking Review Panel member shall be a licensed physician or other medical authority. Any
18 Disabled Parking Review Panel formed pursuant to this section may be permanent or temporary in the
19 Director of Transportation's discretion.

20 (b) Any Disabled Parking Review Panel established pursuant to this Section shall have the
21 responsibility of reviewing information contained in applications to the Department of Motor Vehicles
22 for Special License Plates and Placards and medical certification of qualifying disabilities for persons
23 residing in the City and County. The Disabled Parking Review Panel shall review applications and
24 certifications brought to its attention by the Department of Parking and Traffic, the San Francisco
25 Police Department or any member of the public, or may select applications or certifications for review

1 on its own initiative, including random audits of applications or certifications. Contact information for
2 the Disabled Parking Review Panel shall be included on the Municipal Transportation Agency website.

3 (c) If a Disabled Parking Review Panel finds that an application or certification that was
4 used as the basis for issuing a Special Plate or Placard to a resident of the City and County does not
5 support the grant or continued exercise of disabled parking privileges under state law, the Disabled
6 Parking Review Panel shall send a written notice of the preliminary finding and the reasons for the
7 preliminary finding to the holder of the Special Plate or Placard. The notice shall include a phone
8 number and mailing address to which the Special Plate or Placard holder may respond.

9 (d) The Board of Directors of the Municipal Transportation Agency shall adopt rules and
10 regulations setting forth procedures for the Special Plate or Placard holder to request reconsideration
11 of the panel's preliminary findings.

12 (e) Following review of any request for reconsideration by the Special Plate or Placard
13 holder, the final written findings of the Disabled Parking Review Panel shall be mailed to the Special
14 Plate or Placard holder. Any findings by the Review Panel that an application or certification is false
15 or fraudulent or lacks proper certification to qualify for disabled parking privileges shall also be
16 transmitted to the Department of Motor Vehicles or other appropriate authorities.

17 (f) The Review Panel may periodically conduct public hearings to collect information from
18 the public about disabled parking in San Francisco, and within sixty (60) days of any such hearing
19 shall transmit written findings and recommendations from any such hearings to the Clerk of the Board
20 of Supervisors, the Municipal Transportation Agency Board of Directors and the Director of the
21 Mayor's Office on Disability.

22
23 Section 2. The San Francisco Traffic Code is hereby amended by amending Article
24 2, Section 12 to read as follows:
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1 **SEC. 12. POLICE COMMISSION REGULATION OF TRAFFIC; ~~CIVILIAN EMPLOYEES~~**
2 ~~AUTHORIZED TO ENFORCE PARKING REGULATIONS;~~ **DEPARTMENT OF PARKING AND**
3 **TRAFFIC CONTROL OF TRAFFIC-CONTROL DEVICES.**

4 The Police Commission is hereby authorized to direct, control, divert and regulate
5 all traffic by means of Police Officers or persons designated as special Police Officers limited
6 to the control and direction of traffic by the Chief of Police pursuant to Section ~~35.9~~ 4.127 of the
7 Charter for the exclusive or main purpose of enforcing the provisions of Division 11 of the
8 Vehicle Code of the State of California, and the emergency use of temporary signs and
9 devices; provided, however, that any regularly employed and salaried civilian employee of the
10 Department of Parking and Traffic designated by the Director of Parking and Traffic to enforce
11 parking regulations (hereinafter referred to as a "Parking Control Officer") shall have the
12 power and authority to issue parking control notices as provided by Section ~~41102 and~~ 40202 of
13 the Vehicle Code of the State of California. ~~In addition, any Parking Control Officer assigned to~~
14 ~~the "Robert Greenstrand Disabled Placard Detail" shall have the power and authority to issue~~
15 ~~misdemeanor citations for violations of California Vehicle Code Section 4461.~~

16 The Department of Parking and Traffic is hereby authorized to design, place,
17 operate and maintain, or cause to be placed, operated and maintained, street traffic-control
18 devices and signs, with respect to streets and highways within its jurisdiction, as may be
19 necessary to indicate and carry out the provisions of this Code or the Vehicle Code of the
20 State of California, or to direct or warn traffic upon said streets or highways.

21 Section 3. The San Francisco Traffic Code is hereby amended by amending Article 3,
22 Section 38F and repealing Article 3, Section 38K to read as follows:

23 **SEC. 38.F. PENALTY - RED, GREEN, AND WHITE AND BLUE ZONES.**

24 Any person violating the provisions of Sections 38.A, 38.C, or 38.D ~~and 38.K~~ of this
25 Code, with respect to the zones indicated with a red, green, or white ~~or blue~~ curb marking,

1 shall be deemed guilty of an infraction and upon conviction thereof shall be punished by a fine
2 of not less than \$20, nor more than \$100, except that the fine for a green zone shall be not
3 less than \$10, nor more than \$50.

4 ~~**SEC. 38.K. CURB PARKING REGULATIONS—BLUE ZONES.**~~

5 ~~*No person shall park in a blue curb marking except those vehicles displaying a distinctive*~~
6 ~~*license plate issued pursuant to the provisions of Section 22511.5 or Section 9105 of the Vehicle Code*~~
7 ~~*of the State of California.*~~

8 Section 4. The San Francisco Traffic Code is hereby amended by amending Article 7,
9 Sections 130 and 132 to read as follows:

10 **SEC. 130. PENALTIES.**

11 Pursuant to Section 42001 of the California Vehicle Code, and except as otherwise
12 provided by law, any person violating any of the provisions of this ~~Chapter~~ Code shall be guilty of
13 an infraction and upon conviction thereof shall be punished for the first offense by a fine not to
14 exceed \$100; for the second offense within a period of one year from the date of the first
15 offense by a fine not to exceed \$200; for a third and each additional offense committed within
16 one year from the date of the first offense by a fine not to exceed \$250. In addition, except as
17 provided in other provisions of this ~~Chapter~~ Code providing authorization for removal of
18 vehicles, any officer of the Police Department or any Parking Control Officer is hereby
19 authorized to remove or cause to have removed any vehicle that is parked or left standing
20 unattended in violation of the California Vehicle Code or the San Francisco Traffic Code and
21 where signs are posted giving notice of removal for such violation. The procedure for removal
22 and impounding of vehicles shall be as is provided for in Article 9 of the San Francisco Traffic
23 Code and Division 11, Chapter 10 ~~Section 22850 and 22854~~ of the California Vehicle Code.

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1 **SEC. 132. PENALTY SCHEDULE.**

2 Pursuant to California Vehicle Code Section 40203.5, violation of any of the
3 following subsections of the San Francisco Traffic Code (TC), Police Code (PC) or the
4 California Vehicle Code (VC) shall be punishable by the fines set forth below.

5	PC97A	Occupy Camper etc.	\$100.00
6	PC710.2	For Sale Sign	\$50.00
7	PC3703A	Car Alarm / Emerg	\$65.00
8	PC3703B	Car Alarm 15 Min	\$65.00
9	PC3704A	Alarm Time 15 Min	\$50.00
10	TC21.1	Remove Chalk 1st	\$50.00
11	TC21.2	Remove Chalk 2nd	\$75.00
12	TC21.3	Remove Chalk 3rd	\$100.00
13	TC27	MC Parking Zone	\$75.00
14	TC31.2	Cable Car Lanes	\$50.00
15	TC32A.1	Towaway Zone—Downtown	\$60.00
16	TC32A.2	Towaway Zone--Other areas	\$60.00
17	TC32B	Prohib Parking	\$60.00
18	TC32C.1	Overtime Parking--Downtown	\$50.00
19	TC32C.2	Overtime Parking--Other Areas	\$40.00
20	TC32.1	City Hall Permit	\$40.00
21	TC32.1.1	Main Library	\$40.00
22	TC32.1.2	Libraries	\$40.00
23	TC32.1.3	Social Services	\$40.00
24	TC32.1.4	Housing Authority	\$40.00
25	TC32.1.5	Muni Rwy Terminals	\$40.00

1	TC32.1.6	Prk Ctrl / Castro	\$40.00
2	TC32.1.7	Prk Ctrl / SFUSD Prop	\$40.00
3	TC32.1.8	Prk Ctrl / Plum Street	\$40.00
4	TC32.1.9	Prk Ctrl / PUC Prop	\$40.00
5	TC32.1.10	Prk Ctrl / Wash / Jack	\$40.00
6	TC32.1.11	Prk Ctrl / DPW Prop	\$40.00
7	TC32.2	Prk Ctrl / SF General	\$40.00
8	TC32.2.1	Health Center No. 1	\$40.00
9	TC32.2.2	Sunset / Richmnd HC	\$40.00
10	TC32.2.3	NE Dist Health Center	\$40.00
11	TC32.3	Laguna Honda Hospital	\$40.00
12	TC32.3.1	Prk Ctrl / DPH Grove St	\$40.00
13	TC32.4	Candlestick Access Rd	\$40.00
14	TC32.4.2A	Fire Lane / Candlestick	\$40.00
15	TC32.4.2B	Pkg / Candlestick	\$40.00
16	TC32.5	Youth Guid Center	\$40.00
17	TC32.6	Prk Regs / Various	\$40.00
18	TC32.10	Off Street Parking	\$40.00
19	TC32.12	Off St Overtime	\$40.00
20	TC32.13	Off St Parallel / Diag	\$35.00
21	TC32.14	Off St / Marked Space	\$35.00
22	TC32.21A	Block Charging Bay	\$100.00
23	TC33C	Temp Park Restriction	\$40.00
24	TC33.1	Temp Constr Zone	\$40.00
25	TC33.3	Spec Truck Zone	\$60.00

1	TC33.3.1	Heavy Truck Zone	\$60.00
2	TC33.3.2	Market / Bay Truck Zone	\$60.00
3	TC33.5	School Bus Zone	\$75.00
4	TC37A	Parking Over 72 Hr	\$75.00
5	TC37C	Street Cleaning	\$40.00
6	TC38A	Red Zone	\$75.00
7	TC38B	Yel Zone / Metro Dist.	\$60.00
8	TC38B.1	Yel Zn Outside Metro	\$60.00
9	TC38C	White Zone	\$75.00
10	TC38D	Green Zone	\$50.00
11	TC38K Blue Zone		\$275.00
12	TC38N	Block Bike Lane	\$100.00
13	TC39B	Taxicab Zone	\$60.00
14	TC50	Interference / Sign	\$35.00
15	TC53A	Dbl Prking Rstrict St	\$100.00
16	TC55	Angled Parking	\$35.00
17	TC56	Median Dividers	\$50.00
18	TC58A	Block Wheels	\$35.00
19	TC58C	Not Within Space	\$35.00
20	TC60	Bus / Close to Curb	\$35.00
21	TC60.5	Engine Idle Parked	\$100.00
22	TC61	100 Feet Oversize	\$50.00
23	TC63	Com Veh / Prk Limited	\$100.00
24	TC63A	Com Veh / Prk Restricted	\$100.00
25	TC63.2	Veh Hire / Prk Restricted	\$100.00

1	TC63.3	Com Advrt/PrkRestricted	\$100.00
2	TC64	Shift Parked Vehicle	\$50.00
3	TC65	Repairing Vehicle	\$55.00
4	TC66	Tour Bus Loading	\$100.00
5	TC69	Key in Unattend Veh	\$35.00
6	TC70	Improperly Parked	\$35.00
7	TC71	Parked Near RR Track	\$35.00
8	TC71B	Obst Flow of Traffic	\$35.00
9	TC202	Prk Meter	\$40.00
10	TC202.1	Prk Meter Downtown	\$50.00
11	TC219	Parking Meter M/C	\$75.00
12	TC315A	Residential Permit Area	\$50.00
13	TC315C	Unauth Permit	\$50.00
14	VC4462B	Imp Regis. / Plates	\$50.00
15	VC4464	Altered Plates	\$50.00
16	VC5201	Plates / Mounting	\$50.00
17	VC5201F	Plate Cover	\$50.00
18	VC5202	Period of Display	\$50.00
19	VC5204A	Tabs	\$50.00
20	VC21113A	School / Pub Ground	\$45.00
21	VC21211A	Bicycle Path / Lanes	\$50.00
22	VC22500A	Parking in Intersection	\$75.00
23	VC22500B	Parking / Crosswalk	\$75.00
24	VC22500C	Safety Zone	\$75.00
25	VC22500D	15 ft Fire Station	\$75.00

1	VC22500E	Driveway	\$75.00
2	VC22500F	On Sidewalk	\$100.00
3	VC22500G	Excavation	\$35.00
4	VC22500H	Double Parking	\$65.00
5	VC22500I	Bus Zone	\$250.00
6	VC22500J	Tube or Tunnel	\$35.00
7	VC22500K	Bridge	\$35.00
8	VC22500L	Wheelchair Access	\$250.00
9	VC22500.1	Parking in Fire Lane	\$50.00
10	VC22502A	Over 18 in from Curb	\$35.00
11	VC22502B	Wrong Way Parking	\$35.00
12	VC22502E	One-Way Road / Pkg	\$35.00
13	VC22504A	Unincorp. Area Prkg	\$35.00
14	VC22505B	Signs	\$35.00
15	VC22507.8A	Disabled Parking	\$250.00 <u>\$350.00</u>
16	VC22507.8B	Disabled Parking	\$250.00 <u>\$350.00</u>
17	VC22507.8C	Disabled Parking	\$250.00 <u>\$350.00</u>
18	VC22511.56B	Misuse of <u>Plate or</u> Placard	\$500.00
19	VC22511.56C	Confiscation of Placard	\$500.00
20	VC22511.57	Lost, Stolen Placard	\$500.00
21	VC22514	Fire Hydrant	\$75.00
22	VC22515A	Unattended Motor Vehicle	\$60.00
23	VC22515B	Unattended Vehicle	\$60.00
24	VC22516	Locked Vehicle	\$45.00
25	VC21718	Stop / Freeway	\$35.00

1	VC22521	RR Tracks	\$65.00
2	VC22522	W/3 ft Handicap Ramp	\$275.00
3	VC22523A	Abandoned Vehicle / Highway	\$200.00
4	VC22523B	Abandoned Vehicle / Public or Priv. Prop	\$200.00
5	VC22526A	Blocking Intersection	\$75.00
6	VC22526B	Blocking Intersection While Turning	\$100.00
7	VC23333	Park / Veh Crossing	\$60.00

8 Section 5. The San Francisco Traffic Code is hereby amended by repealing Article 12,
9 Section 202B, as follows:

10 ~~SEC. 202.B. USE OF PARKING METER ZONES BY DISABLED PERSONS.~~

11 ~~—Notwithstanding any other provision of this Article 1, any Disabled Person (entitled to and~~
12 ~~using a vehicle equipped with special attachments and devices to enable such person to operate said~~
13 ~~vehicle shall be entitled to park such vehicle free of charge and overtime in any parking meter zone~~
14 ~~during all hours when it is otherwise lawful for a vehicle to park continuously in the same zone, subject~~
15 ~~to the following requirements:~~

16 ~~—Any Disabled Person so entitled shall possess a card, to be exhibited when requested by any~~
17 ~~Peace Officer, and issued by the Chief of Police, certifying that such Disabled Person meets the~~
18 ~~requirements of this paragraph and identifying the vehicle. Such vehicle shall bear a small but~~
19 ~~conspicuous sticker indicating the right to park as in this subsection provided, the sticker to be~~
20 ~~approved by the Chief of Police and to be at all times displayed on the front windshield in the lower~~
21 ~~corner farthest removed from the driver's position.~~

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

24 By: _____
25 CHRISTIANE HAYASHI

Deputy City Attorney

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