

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: William Scott, Police Chief
Chesa Boudin, District Attorney
Manohar Raju, Public Defender

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: September 23, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Safai on September 15, 2020:

File No. 201061

Ordinance amending the Police and Transportation Codes to establish a City policy to protect the health and safety of residents by enforcing state laws prohibiting reckless driving, motor vehicle speed contests, and exhibitions involving stunts and tricks with vehicles; and to provide that vehicles that are removed for violation of such laws shall be impounded for no less than 14 days for the first incident, no less than 15 days for the second, and no less than 29 days for the third, with no impoundment lasting more than 30 days.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Office of Chair Mandelman
Office of Supervisor Safai
Rowena Carr, Police Department
Asja Steeves, Police Department
Robyn Burke, Office of the District Attorney
Tera Anderson, Office of the District Attorney

1 [Police, Transportation Codes - Motor Vehicle Stunt Driving]

2
3 **Ordinance amending the Police and Transportation Codes to establish a City policy to**
4 **protect the health and safety of residents by enforcing state laws prohibiting reckless**
5 **driving, motor vehicle speed contests, and exhibitions involving stunts and tricks with**
6 **vehicles; and to provide that vehicles that are removed for violation of such laws shall**
7 **be impounded for no less than 14 days for the first incident, no less than 15 days for**
8 **the second, and no less than 29 days for the third, with no impoundment lasting more**
9 **than 30 days.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

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

18 Section 1. The Police Code is hereby amended by adding Article 56, consisting of
19 Sections 5600, 5601, and 5602, to read as follows:

20 **ARTICLE 56: MOTOR VEHICLE STUNT DRIVING**

21 **SEC. 5600. FINDINGS.**

22 *(a) In recent years, San Francisco has seen a rise in “motor vehicle stunt driving,” which*
23 *includes reckless driving, vehicle speed contests, and/or exhibitions that involve stunts and tricks with*
24 *vehicles. In some instances, the motor vehicle stunt driving features cars weaving and speeding along*
25 *thoroughfares, spinning “doughnuts,” and screeching tires while passengers hang out the windows.*

1 drawing crowds of spectators. In other instances, the cars speed in unison. The various stunts and
2 tricks featured during motor vehicle stunt driving are extremely dangerous and imperil both willing
3 spectators and uninvolved bystanders, as well as participants. In the San Francisco Bay Area, the use
4 of vehicles for stunts and tricks has caused serious injuries and death to not only participants and
5 spectators but also to bystanders.

6 (b) As of the enactment of this Article 56, among the more recent instances of motor vehicle
7 stunt driving in San Francisco were the following:

8 On February 23, 2020, there were four illegal motor vehicle stunt driving exhibitions involving
9 50 to 100 cars in San Francisco. Several cars sped through City neighborhoods engaging in reckless
10 driving behavior. Motor vehicles blocked street intersections and engaged in tricks and stunts that
11 included driving in continuous “figure eights” with screeching tires, and “doughnut” contests. Dozens
12 of spectators crowded the streets and sidewalks in very close proximity to the vehicles to watch the
13 exhibitions, creating a major public safety concern for everyone.

14 On August 24, 2020, there was an illegal motor vehicle stunt driving exhibition in San
15 Francisco where vehicles orbited an intersection performing continuous “doughnuts” and sending
16 burnt rubber smoke from tires into the air as passengers hung out the window. Approximately 100
17 spectators cheered on the spinning cars. At one point, a participating driver lost control of his vehicle,
18 forcing spectators to move back unexpectedly. There were spectator vehicles that blocked all access to
19 entry of the exhibition intersection. Nearby, gun shots were fired.

20 On September 6, 2020, an illegal motor vehicle stunt driving exhibition in San Francisco
21 attracted hundreds of spectators and approximately 50 vehicles. There were approximately 100 calls
22 for police service for this event from residents concerned about public safety. A man was shot to death
23 in the immediate vicinity of the reckless stunt driving exhibition.

24 (c) There is no place for this type of motorized misconduct in a heavily populated urban
25 environment such as San Francisco. At a minimum, motor vehicle stunt driving in the City creates

1 chaos, inconvenience, and in some cases fear, among those who live in neighborhoods where it occurs;
2 and it presents challenges for law-abiding drivers whose routes unfortunately take them to an area
3 where such irresponsible antics are occurring. Of even greater concern, the possibility that serious
4 injury or death may result from motor vehicle stunt driving is ever-present.

5 **SEC. 5601. MOTOR VEHICLE STUNT DRIVING: DECLARATION OF POLICY.**

6 *It is the policy of the City and County of San Francisco to protect the health and safety of*
7 *residents by enforcing state laws that prohibit persons from engaging in reckless driving, motor vehicle*
8 *speed contests, and exhibitions that involve stunts and tricks with vehicles, and that prohibit persons*
9 *from aiding and abetting such activities.*

10 **SEC. 5602. AUTHORITY TO REMOVE VEHICLES.**

11 (a) Any peace officer who arrests the operator of a vehicle for conduct in violation of
12 subsection (2) of Section 23109.2 of the California Vehicle Code, as may be amended from time to time,
13 shall impound the vehicle. For the first incident, a motor vehicle so removed shall be impounded for no
14 less than 14 days but not more than 30 days. For the second incident, a motor vehicle so removed shall
15 be impounded for no less than 15 days but not more than 30 days. Thereafter, the motor vehicle so
16 removed shall be impounded for at least 29 days but not more than 30 days.

17 (b) Nothing in this Article 56 shall override any applicable provisions in the California Vehicle
18 Code.

19
20 Section 2. Article 8 of Division 1 of the Transportation Code is amended by revising
21 Section 8.1, to read as follows:

22
23 **SECTION 8.1. CIRCUMSTANCES PERMITTING REMOVAL.**

24 * * * *

1 (d) Any peace officer who arrests the operator of a vehicle for conduct in violation of subsection
2 (2) of Section 23109.2 of the California Vehicle Code, as may be amended from time to time, shall
3 impound the vehicle in accordance San Francisco Police Code Article 56.
4

5 Section 3. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor’s veto of the ordinance.
9

10 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the “Note” that appears under
15 the official title of the ordinance.
16

17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: /s/ Alicia Cabrera
20 ALICIA CABRERA
21 Deputy City Attorney

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23
24
25

LEGISLATIVE DIGEST

[Police, Transportation Codes - Motor Vehicle Stunt Driving]

Ordinance amending the Police and Transportation Codes to establish a City policy to protect the health and safety of residents by enforcing state laws prohibiting reckless driving, motor vehicle speed contests, and exhibitions involving stunts and tricks with vehicles; and to provide that vehicles that are removed for violation of such laws shall be impounded for no less than 14 days for the first incident, no less than 15 days for the second, and no less than 29 days for the third, with no impoundment lasting more than 30 days.

Existing Law

There is no local policy or law.

Amendments to Current Law

This legislation establishes a City policy to protect the health and safety of residents by enforcing applicable provisions of the California Vehicle Code to reckless driving, motor vehicle speed contests, and exhibitions involving stunts and tricks with vehicles. In addition, this legislation mandates removal and impoundment of such vehicles for violations under state law for no less than 14 days for the first incident, no less than 15 days for the second, and no less than 29 days thereafter, with no impoundment lasting more than 30 days.

Background Information

As background, Cal. Vehicle Code section 23103 is known as the reckless driving statute. This statute prohibits “a person who drives a vehicle upon a highway in willful or wanton disregard for the safety of persons or property.” Cal. Vehicle Code section 23109 prohibits a person from engaging in a motor vehicle speed contest on a highway, which includes “a *motor vehicle race against another vehicle*, a clock or other timing device.” (emphasis added). This section also prohibits spectators or participants from aiding or abetting in the motor vehicle contest including, placing obstructions or barricades upon any highway. Cal. Vehicle Code section 23109.2 authorizes the seizure and tow for violations of both the reckless driving and motor vehicle speed contest statutes.

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisors Safai, Peskin, Walton

Subject:

Police, Transportation Codes - Motor Vehicle Stunt Driving

The text is listed:

Ordinance amending the Police and Transportation Codes to establish a City policy to protect the health and safety of residents by enforcing state laws prohibiting reckless driving, motor vehicle speed contests, and exhibitions involving stunts and tricks with vehicles; and to provide that vehicles that are removed for violation of such laws shall be impounded for no less than 14 days for the first incident, no less than 15 days for the second, and no less than 29 days for the third, with no impoundment lasting more than 30 days.

Signature of Sponsoring Supervisor:



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