

1 ["Know your rights" brochure for towing]

2 **Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow**
3 **car firms to display "Know Your Rights When Your Car is Towed from Private**
4 **Property" brochure and setting administrative penalties.**

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

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

10 Section 1. The San Francisco Police Code is hereby amended by adding Section
11 3055.2, to read as follows:

12 **Sec. 3055.2. Public Right to Know Private Property Towing Laws.**

13 (a) Findings. The Board of Supervisors finds:

14 (i) that there are frequent incidents of illegal towing from private property in San Francisco;

15 and

16 (ii) that there is a significant risk to the safety of residents and visitors when illegal towing
17 from private property occurs at night; and

18 (iii) that there is a risk to public health and safety when the vehicles of senior citizens and
19 persons with disabilities are illegally towed from private property; and

20 (iv) that illegal towing from private property affects vulnerable populations when people of
21 limited economic means are required to pay hundreds of dollars to recover their vehicle, or are
22 subjected to deficiency claims by collection agencies if they could not afford to pick up their
23 vehicle even when though the vehicle was illegally towed; and
24

1 (v) that the rights of vehicle owners when their vehicle is towed from private property,
2 as described in the California Vehicle Code, are extremely difficult for a-citizens and visitors to
3 find and understand, especially for non-English speakers or those who speak English as a foreign
4 language; and

5 (vi) that there are no accessible resources for people to research their rights and
6 responsibilities with respect to private property tows; and

7 (vii) that requiring tow car firms to provide information on the legal rights of vehicle
8 owners at the time they reclaim their vehicle would be an effective way of informing vehicle
9 owners of their rights under California law when their vehicle is towed from private property;
10 and

11 (viii) that preventing illegal conduct by tow car operators when towing from private
12 property would reduce the economic burden on residents and visitors by eliminating the need to
13 go to small claims court after a vehicle owner has already paid to reclaim the vehicle; and

14 (ix) that consistent adherence to legal towing practices will substantially increase the
15 quality of life for residents and the experience of visitors to San Francisco.

16 (b) Definitions. For the purposes of this Article, "Brochure" shall mean a concise
17 summary of California law, including the maximum rate that can be legally charged for a private
18 property tow and the rights and responsibilities of all parties who participate in towing from
19 private property: real property owners, vehicle owners, tow car operators and tow car firms.

20 (c) Duties of tow car firm permittees. Every towing firm, or person to whom or for
21 whom a permit to operate a tow car firm has been granted pursuant to the provisions of this
22 Article shall display the Brochure in Chinese, Spanish and English in a conspicuous place in the
23 location where a vehicle owner must come to reclaim their towed vehicle so that the Brochure
24 may be easily seen by any person who is reclaiming their vehicle. A vehicle owner reclaiming
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1 their vehicle must also be able to take a copy of the brochure Brochure in any language without
2 assistance from any employee of the tow car firm and before they have paid to reclaim their
3 vehicle. The tow car firm must maintain at least 50 copies of the brochure in each language on
4 the premises at all times.

5 (d) Duties of the Police Department. The Police Department shall:

6 (i) Develop the Brochure within 30 days of the effective date of this ordinance; and

7 (i) Arrange for translation of the Brochure into Chinese and Spanish; and

8 (ii) With the assistance of the City Attorney's Office, review the Brochure after July 1
9 of each year, and revise any provisions that are changed by state legislation or changes in public
10 towing contract prices; and

11 (iii) Arrange for production of the Brochure in sufficient quantities for all tow car firm
12 permittees and any City department that wishes to display the Brochure; and

13 (iv) Provide copies of the Brochure and display stands that are adequate to display the
14 Brochure in all of the required languages to any tow car firm permittee in sufficient quantities to
15 ensure the tow car firm's compliance with this Section, and to City departments upon request; and

16 (v) Post the Brochure, contact information for the San Francisco Small Claims Court
17 and the District Attorney's Office Consumer Protection Unit, and a list of current tow car firm
18 permittees on the Police Department's website.

19 (e) Funding. All costs of production, translation and distribution of the Brochure and
20 display stands shall be recovered by the Police Department from the permit fees assessed for tow
21 car firm and tow car operator permits.

22 (f) Penalties and Enforcement. Any tow car firm that fails to comply with
23 the requirements of subsection (c) of this Section may be assessed an administrative
24 penalty by the Police Department in accordance with San Francisco Administrative Code
25

1 Chapter 100, a copy of which is on file in Board of Supervisors File No. 081452 and
2 which is hereby incorporated by reference. The penalty for a violation shall be \$500.

3

4 APPROVED AS TO FORM:

5 DENNIS J. HERRERA, City Attorney

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7 By:



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CHRISTIANE JEAN HAYASHI
Deputy City Attorney

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City and County of San Francisco

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

Tails Ordinance

File Number: 081452

Date Passed:

Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car firms to display "Know Your Rights When Your Car is Towed from Private Property" brochure and setting administrative penalties.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081452

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved

Angela Calvillo

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom