

1 [Requiring tow car firms to display brochures issued by the Police Department in three
2 languages.]

3 **Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car**
4 **firms to display "Know Your Rights When Your Car is Towed from Private Property"**
5 **Brochure in order to provide the public with information about their rights when towed**
6 **from private property.**

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

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

13 Section 1. The San Francisco Police Code is hereby amended by adding Section
14 3055.2, to read as follows:

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

16 *(a) Findings. The Board of Supervisors finds:*

17 *(i) that there are frequent incidents of illegal towing from private property in San*
18 *Francisco; and*

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

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

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

1 (v) that the rights of vehicle owners when their vehicle is towed from private property, as
2 described in the California Vehicle Code, are extremely difficult for a citizens and visitors to find and
3 understand, especially for non-English speakers or those who speak English as a foreign language; and
4 (vi) that there are no accessible resources for people to research their rights and
5 responsibilities with respect to private property tows; and
6 (vii) that requiring tow car firms to provide information on the legal rights of vehicle owners
7 at the time they reclaim their vehicle would be an effective way of informing vehicle owners of their
8 rights under California law when their vehicle is towed from private property; and
9 (viii) that preventing illegal conduct by tow car operators when towing from private property
10 would reduce the economic burden on residents and visitors by eliminating the need to go to small
11 claims court after a vehicle owner has already paid to reclaim the vehicle; and
12 (ix) that consistent adherence to legal towing practices will substantially increase the quality
13 of life for residents and the experience of visitors to San Francisco.
14 (b) Definitions. For the purposes of this Article, "Brochure" shall mean a concise summary
15 of California law, including the maximum rate that can be legally charged for a private property tow
16 and the rights and responsibilities of all parties who participate in towing from private property: real
17 property owners, vehicle owners, tow car operators and tow car firms.
18 (c) Duties of tow car firm permittees. Every towing firm, or person to whom or for whom a
19 permit to operate a tow car firm has been granted pursuant to the provisions of this Article shall
20 display the Brochure in Chinese, Spanish and English in a conspicuous place in the location where a
21 vehicle owner must come to reclaim their towed vehicle so that the Brochure may be easily seen by any
22 person who is reclaiming their vehicle. A vehicle owner reclaiming their vehicle must also be able to
23 take a copy of the brochure in any language without assistance from any employee of the tow car firm

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1 and before they have paid to reclaim their vehicle. The tow car firm must maintain at least 50 copies of
2 the brochure in each language on the premises at all times.

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

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

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

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

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

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

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

17 (e) Funding. All costs of production, translation and distribution of the Brochure and
18 display stands shall be recovered by the Police Department from the permit fees assessed for tow car
19 firm and tow car operator permits, and from fines assessed pursuant to subsection (f) below.

20 (f) Violation. It shall be unlawful for a tow car firm to fail to meet the
21 requirements of subsection (c) above. The penalty for a violation shall be \$500, and the
22 proceeds of penalties assessed against tow car firms under this Section shall be applied to
23 offset the Police Department's costs of implementing subsection (d) of this Section.

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: _____
4 CHRISTIANE JEAN HAYASHI
5 Deputy City Attorney
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