

RESOLUTION NO.

[Transportation Code – Towing and Storage Fees]

Resolution amending the Transportation Code to eliminate the fee waiver currently provided to individual vehicle owners whose vehicles were reported stolen prior to being towed, which would remove the requirement that the SFMTA waive or reimburse administrative, towing, and up to three days storage fees in such cases.

NOTE: **Additions** are in *single-underline italics Times New Roman font*.
Deletions are in *strike-through italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strike-through Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 300 of Division II of the Transportation Code is hereby amended by revising Section 305, to read as follows:

SEC. 305. TOWING AND STORAGE FEES.

(a) Fees.

(1) The SFMTA shall charge the registered owner of a towed vehicle, or the registered owner's agent claiming a towed vehicle, or the renter of a towed vehicle, to reimburse the City for its costs related to the removal, storage, sale, or release of vehicles towed from the public right-of-way, public property, or private property a fee as authorized under California Vehicle Code Section 22850.5, as may be amended from time to time, and as set forth in the SFMTA Fee and Fine Schedule and adjusted by an Automatic Index under the provisions in Section 301(b), except that lien fees shall be as set forth in the California Vehicle Code Section 22851.12, as may be amended from time to time, and shall not be subject to the Automatic Index under Section 301(b).

(A) The SFMTA shall charge the registered owner or the registered owner's agent claiming the towed vehicle the First Tow reduced administrative fee only if the vehicle has not previously been towed by the SFPD or SFMTA while registered to its current owner. The SFMTA shall charge the renter of the towed vehicle the First Tow reduced administrative fee only if the SFPD or SFMTA has not previously towed any vehicle registered to or rented by the renter of the towed vehicle.

(B) The SFMTA shall waive the administrative fee, any applicable dolly fee, any applicable lien fees, and the storage fees that would otherwise accrue during the first 24 hours and up to 14 consecutive calendar days thereafter that the vehicle is stored, and instead apply the Low Income Tow Fee only if the registered owner or renter of the towed vehicle (i) establishes their participation in

RESOLUTION NO.

an eligible program for low income families or individuals, (ii) establishes that their annual household income is less than or equal to 200% of the Federal Poverty Level, and (iii) removes the vehicle from impound. The SFMTA shall publish the list of eligible low income programs on its website.

(C) The SFMTA shall waive the administrative fee, any applicable dolly fee, any applicable lien fees, and the storage fees that would otherwise accrue during the first 24 hours and up to 29 consecutive calendar days thereafter that the vehicle is stored, and instead grant a One-Time Tow Fee Waiver for People Certified as Experiencing Homelessness only if the registered owner or renter of the towed vehicle (i) provides certification from the Department of Homelessness and Supportive Housing, (ii) has not previously been granted the One-Time Tow Fee Waiver for People Certified as Experiencing Homelessness, and (iii) removes the vehicle from impound.

(D) Notwithstanding any other provision of this Code, the reduced fees and waivers provided under subsections (a)(1)(A), (B), or (C) above shall not be available to either a registered owner of a towed vehicle or a registered owner's agent claiming a towed vehicle if (i) the towed vehicle's registered owner is a business, including but not limited to a partnership, trust, for-profit corporation, or non-profit corporation, or (ii) the vehicle was towed because of or in connection with an act which would constitute a felony or misdemeanor, or which would be punishable, in the discretion of the court, either as a felony or misdemeanor, under any law of the City and County of San Francisco, the State of California, or the United States.

(E) A renter of the towed vehicle shall be eligible for the reduced fees and waivers provided under subsections (a)(1)(A), (B), and (C) only if the towed vehicle's rental agreement identifies the renter as the vehicle's driver.

(2) The SFMTA shall charge the purchaser of a towed vehicle sold at a lien sale a fee to reimburse the ~~SFMTA~~ SFMTA for the costs related to the sale as authorized under and as set forth in the SFMTA Fee and Fine Schedule and adjusted by an Automatic Index under the provisions in Section 301 (b).

(b) **Reimbursement and Waiver of Towing and Storage Fees.**

(1) Any fees charged or authorized under subsection (a) in connection with the towing, storage, or lien of vehicles towed from the public right-of-way, public property, or private property may be waived for, or reimbursed to, the registered or legal owner of the vehicle if the fees were incurred:

(A) Because the vehicle was towed (A) or stored by order of the Police Department to examine the vehicle for evidence of a crime;

(B) Because the vehicle was towed or stored by order of the Police Department or the SFMTA and said towing or storage was not authorized by state or local law;

(C) Because the Police Department or the SFMTA erroneously reported, filed, or recorded the circumstances of the towing or storage of the vehicle; or

(D) Because the vehicle was towed or stored by order of the Police Department or the SFMTA for removal of components of the vehicle, which components were placed on the vehicle in violation of Section 10751 of the Vehicle Code.

RESOLUTION NO.

~~(2) — Upon verifiable proof that the vehicle was reported stolen before it was towed, or upon a determination by the Police Department that the vehicle was stolen, and if the vehicle owner is an individual, the SFMTA shall waive for, or reimburse to, the registered or legal owner:~~

~~(A) — The administrative, towing, and lien fees established in subsection (a), above;~~
and

~~(B) — The storage fees that would otherwise accrue during the first 24 hours and two consecutive calendar days thereafter that the vehicle is stored.~~

~~(3) — Neither the waivers nor reimbursements of fees available under subsection (b)(2) above for stolen vehicles shall be available if the towed vehicle's registered owner is a business, including but not limited to a partnership, for-profit corporation, or non-profit corporation, or if the registered owner rents the towed vehicle to other persons as part of a peer-to-peer, person-to-person, or other social car sharing enterprise.~~

(c) Prohibition on Waiver and Reimbursement of Towing and Storage Fees. No reimbursement or waiver shall be made to the registered or legal owner of a vehicle pursuant to the provisions of subsection (b)(1) or (2), above, if:

(1) The owner or person in lawful possession of the vehicle is chargeable with violation of any law of the City and County of San Francisco, the State of California, or the United States, and said charge relates to the towing and storage of the vehicle or the removal of component parts thereof; or

(2) Reimbursement or waiver is requested pursuant to subsections (b)(1)(B) or (b)(1)(C), above, and the City's error in ordering, reporting, filing or recording the tow is attributable, in part, to the conduct of the registered owner, legal owner, or one in lawful possession of the vehicle; or

(3) The registered or legal owner of the vehicle, including a firm or corporation that owns vehicles used for commercial purposes, cannot show evidence of financial responsibility for said vehicle as required by Section 16020 of the California Vehicle Code.

(d) Application for Reimbursement or Waiver.

(1) Requests for reimbursement of partial or full fees by individuals eligible for the reduced fees or waivers provided under Section 305 must be presented to the Director of the SFMTA or the Director's designee, on a form provided therefor, within 30 days of payment of the full fees. The Director, or the Director's designee, may, in their sole discretion, extend this deadline for good cause shown.

(2) Requests for reimbursement or waiver shall be itemized, describing all circumstances known to the requesting party. The Director of the SFMTA or the Director's designee may request such additional information as necessary to determine the legitimacy of the request for reimbursement or waiver.

(3) All requests for reimbursement or waiver shall be made under penalty of perjury.

(4) The amount of the requested reimbursement or waiver shall not exceed the actual fees charged to the individual or entity requesting reimbursement or waiver.

(e) Prosecution of Person Responsible. No request for reimbursement or waiver shall be considered

RESOLUTION NO.

by the Director of the SFMTA or the Director's designee, unless and until the person requesting reimbursement or waiver agrees in writing that said person will fully cooperate in the investigation or prosecution of any person or persons responsible for any violation of law giving rise to the request for reimbursement or waiver.

(f) Subrogation. Whenever reimbursement or waiver is made pursuant to this Section 305, the City and County of San Francisco is subrogated to all rights and privileges, at law or equity, of the person, or their heirs or assigns, to whom payment was made to recover any monies, from any source whatsoever, due to the person requesting reimbursement or waiver arising from the activity that caused the fees to be incurred.

(g) Procedures. The Director of Transportation may establish such procedures as the Director deems appropriate to facilitate the waiver and reimbursement of towing and storage fees, and the reduction of administrative fees, in accordance with this Section 305.

Section 2. Effective Date. This resolution shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this resolution. [If the operative date of the resolution is different than the effective date, then note the operative date in this section and change the title of the section to "Effective and Operative Dates," or note the operative date elsewhere in the resolution.]

Section 3. Scope of Resolution. In enacting this resolution, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this resolution as additions or deletions in accordance with the "Note" that appears under the official title of the resolution.

RESOLUTION NO.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: _____
ISIDRO JIMENEZ
Deputy City Attorney

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I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of December 16, 2025.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency