

Cities Cannot Tow Legally Parked Vehicles for Unpaid Parking Tickets

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ATTORNEYS

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A legally parked vehicle with unpaid parking tickets cannot be towed without a warrant if public safety or vehicular traffic are not at immediate risk.

In *Coalition on Homelessness v. City and County of San Francisco*, the Court of Appeal considered a constitutional challenge to the San Francisco Municipal Transportation Agency's policy of warrantless towing of lawfully parked vehicles based on unpaid parking tickets. The court ruled that the policy violated the Fourth Amendment's prohibition against unreasonable seizures because the "community caretaking" exception was inapplicable.

The "community caretaking" exception only allows warrantless impoundments when vehicles threaten the community's welfare or may be targeted for vandalism or theft due to their location. For instance, a warrant is not required for an agency to tow a damaged vehicle on a highway or an unregistered vehicle in a parking lot at risk of being driven away.

This case precludes agencies from impounding lawfully parked vehicles solely because of unpaid parking tickets in order to deter repeat parking violations. Agencies may still rely on the community caretaking exception to tow vehicles that are parked illegally, unregistered, or present a public safety risk.

For more information about this case or another Fourth Amendment matter, please contact **Natalie Kalbakian** or your RWG attorney.