

MEMORANDUM OF LAW

DATE: November 16, 1988

TO: Bruce F. Herms, Senior Traffic Engineer,
Engineering & Development Department
FROM: City Attorney
SUBJECT: Residential Parking Permit for Vehicles with
Out-of-state Registration

In your memorandum of October 21, 1988, you requested that we respond to a letter from Mr. Michael L. Nunns who wanted to obtain a residential parking permit for a vehicle registered in another state. While it is not the policy of this office to respond to non-City staff requests for legal information, the letter does serve as an example of a potential continuing problem for your department.

The request of Mr. Nunns indicates that he has possession of a car now used exclusively in California. The car belongs to his parents and is registered to them in another state. Mr. Nunns resides in one of the City's residential permit parking areas.

The City's residential permit parking program relies heavily upon the Department of Motor Vehicles registration and licensing program to verify an applicant's residence (San Diego Municipal Code .. 86.2003(c), 86.2011, 86.2012.) In this case the problem is caused not by the residential permit parking program, but by Mr. Nunns' noncompliance with California vehicle registration laws. California Vehicle Code section 4000.4 provides:

- . 4000.4. Vehicles based in or primarily using California highways; registration
 - (a) Except as provided in Sections 6700, 6702, and 6703, a vehicle which is based in California or which primarily uses California highways shall be registered in California.
 - (b) For purposes of this section and Section 6700, a vehicle is deemed to be

primarily or regularly used on the highways of this state if the vehicle is located or operated in this state for a greater amount of time than it is located or operated in any other individual state during the registration period in question.

The provisions of Vehicle Code section 6700 (c) would also prohibit the proposal of Mr. Nunns.

- (c) Any resident who operates upon a

highway of this state a vehicle owned by a nonresident who furnished the vehicle to the resident operator for his or her regular use within this state, as defined in subdivision (b) of Section 4000.4, shall cause the vehicle to be registered in California within 20 days after its first operation within this state by the resident.

The law in California is clear. If a California resident has control of a vehicle it must be registered here. The City's parking permit system merely follows the State's rules. The City does not have the power to waive the provisions of the California Vehicle Code, therefore, Mr. Nunns must properly register his car before he can obtain a residential permit.

JOHN W. WITT, City Attorney

By

John K. Riess

Deputy City Attorney

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