1   [Business and Tax Regulations Code - Parking Tax Reporting Requirement]

2

3   **Ordinance amending the Business and Tax Regulations Code to remove the**

4   **requirement that parking operators certify and report periodically to the City the ratio of**

5   **their unaccounted parking tickets to total issued tickets for each parking station for the**

6   **reporting period.**

7

8   NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
         Additions to Codes are in *single-underline italics Times New Roman font*.
9   **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
         Board amendment additions are in <u>double-underlined Arial font</u>.
10   **Board amendment deletions** are in ~~strikethrough Arial font~~.
         Asterisks (*   *   *) indicate the omission of unchanged Code
11   subsections or parts of tables.

12

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

14

15   Section 1. Article 9 of the Business and Tax Regulations Code is hereby amended by

16   revising Sections 604 and 607 to read as follows:

17   **SEC. 604. COLLECTION OF TAX BY OPERATOR; RECEIPT TO OCCUPANT; RULES**

18   **FOR *UNACCOUNTED TICKET RATIO AND* COLLECTION SCHEDULES.**

19   (a) Every Operator maintaining a place of business in this City and County as provided

20   in Section 603 *of this Article 9* ~~herein~~, and Renting parking space in a Parking Station in this

21   City and County to an Occupant who is not exempted under Section 606 or Section 608 of

22   this Article or elsewhere in this *Business and Tax Regulations* Code, shall at the time of collecting

23   the Rent from the Occupant, collect the Parking Tax from the Occupant and on demand shall

24   give to the Occupant a Receipt that meets the requirements of Article 22 of this Code. In all

25   cases in which the Parking Tax is not collected by the Operator, ~~*as aforesaid,*~~ the Operator

1   shall be liable to the Tax Collector *of the City and County* for the amount of Parking Tax due on

2   the amount of taxable Rent collected from the Occupant under the provisions of this Article

3   the same as though the Parking Tax were paid by the Occupant. In all cases of transactions

4   upon credit or deferred payment, the remittance or payment of Parking Tax to the Tax

5   Collector may be deferred in accordance therewith, and the Operator shall be liable therefor*e*

6   at the time and to the extent that such credits are paid or deferred payments are made in

7   accordance with the rate of tax owing on the amount thereof.

8   (b) Unless the Operator can provide an explanation or other sufficient proof that the

9   Enforcing Agency in its sole discretion deems to be credible to establish the validity of a claim

10 for a Lost Ticket or an otherwise Unaccounted Ticket *(as those terms are defined in Section 2201*

11 *of Article 22 of this Code)*, every Lost Ticket and Unaccounted Ticket shall be considered as a

12 full value Parking Ticket for which the Operator is liable for transmitting to the City the full

13 value of the Parking Tax and surcharge required under this *Business and Tax Regulations* Code

14 applicable to the highest maximum daily rate charged for any parking space without discount,

15 except that an Operator shall be allowed an Unaccounted Ticket Ratio of 1.5*% percent* for

16 each Parking Station that it operates *(as that term is defined and used in Article 22 of this Code)* in

17 a reporting period, for which the Operator may not be liable for failure to remit the Parking

18 Tax. *For purposes of this Section 604, the term "Unaccounted Ticket Ratio" means the ratio of*

19 *Unaccounted Tickets to Issued Tickets for a given period, expressed as a percentage of Issued Tickets.*

20 *The Unaccounted Ticket Ratio shall be calculated as follows. The number of Unaccounted Tickets for*

21 *a reporting period is calculated separately for each Parking Station operated by the Operator as the*

22 *sum of Inventory at the start of the reporting period and the Issued Tickets for that period, less the*

23 *Voided Tickets for that period, less the Collected Tickets for that period. The Unaccounted Ticket*

24 *Ratio is calculated as the number of Unaccounted Tickets for a particular Parking Station for that*

25 *period divided by the number of Issued Tickets for that period, with the resulting quotient multiplied by*

1   *100 and expressed as a percentage of Issued Tickets. The terms used in this subsection (b) shall have*

2   *the meaning given to them in Section 2201 of Article 22 of this Code to the extent not defined in this*

3   *Article 9.*

4   *   *   *   *

5

6   **SEC. 607. OPERATOR CERTIFICATION OF REVENUE CONTROL EQUIPMENT*, AND***

7   **RCE RECORD REVIEW*, AND UNACCOUNTED TICKET RATIO*.**

8   (a) **Definitions.** The terms used in this Section *607* shall have the meaning given to

9   them in Section 2201 of this *Business and Tax Regulations* Code.

10   (b) **Operator's RCE Certification.** Concurrent with remittance of Parking Taxes to

11   the City pursuant to Business and Tax Regulations Code Section 6.7-1, an Operator shall

12   certify in writing under penalty of perjury that it has utilized RCE that complies with the

13   applicable provisions of Article 22 of this *Business and Tax Regulations* Code during the period

14   for which the Operator remits the Parking Taxes.

15   (c) **Operator's RCE Records Review Certification.** Concurrent with remittance of

16   Parking Taxes to the City pursuant to Business and Tax Regulations Code Section 6.7-1, an

17   Operator shall also certify in writing under penalty of perjury that it has reviewed the RCE

18   Records, as defined at Section 2201(c) of this *Business and Tax Regulations* Code, as to

19   amounts of gross revenue, Rent received, Parking Tax collected and remitted, discounts

20   provided, and Unaccounted Ticket Ratio *(as defined in Section 604 of this Article 9)* for each

21   Parking Station that it operated in the period reported. The Operator shall further certify that it

22   has reconciled those RCE Records with its books and records of accounts of Rent received

23   and Parking Tickets used, such that the Operator's certifications made under this Article are

24   informed and correct.

25

1   *(d) **Operator's Unaccounted Ticket Ratio Certification.** Concurrent with remittance of*

2   *Parking Taxes to the City pursuant to Business and Tax Regulations Code Section 6.7-1, on a form*

3   *provided by the Tax Collector, an Operator shall state the Unaccounted Ticket Ratio for the reporting*

4   *period, and shall certify in writing under penalty of perjury that the stated ratio is accurate. The*

5   *Unaccounted Ticket Ratio shall be calculated as follows. The number of Unaccounted Tickets for a*

6   *reporting period is calculated separately for each Parking Station operated by the Operator as the sum*

7   *of Inventory at the start of the reporting period and the Issued Tickets for that period, less the Voided*

8   *Tickets for that period, less the Collected Tickets for that period. The Unaccounted Ticket Ratio is*

9   *calculated as the number of Unaccounted Tickets for a particular Parking Station for that period*

10 *divided by the number of Issued Tickets for that period, with the resulting quotient multiplied by 100*

11 *and expressed as a percentage of Issued Tickets.*

12

13   Section 2. Article 22 of the Business and Tax Regulations Code is hereby amended by

14 revising Section 2201, to read as follows:

15   **SEC. 2201. DEFINITIONS.**

16   *   *   *   *

17   (c) **Additional Defined Terms.** When used in this Article *22*, the following terms shall

18 mean:

19   *   *   *   *

20   *"Unaccounted Ticket Ratio" means the ratio of Unaccounted Tickets to Issued Tickets for a*

21 *given period, expressed as a percentage of Issued Tickets.*

22   *   *   *   *

23

24   Section 3. Effective Date. This ordinance shall become effective 30 days after

25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1   ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board

2   of Supervisors overrides the Mayor's veto of the ordinance.

3

4   Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors

5   intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

6   numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the

7   Municipal Code that are explicitly shown in this ordinance as additions or deletions in

8   accordance with the "Note" that appears under the official title of the ordinance.

9

10   APPROVED AS TO FORM:
DAVID CHIU, City Attorney

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12   By: /s/
KERNE H. O. MATSUBARA
Deputy City Attorney

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