

1 [Ninety Day Parking Tax Penalty Amnesty Program]

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3 **Ordinance amending Article 9 of the Business and Tax Regulations Code by adding**
4 **Section 609 to establish a 90 day Parking Tax Penalty Amnesty Program.**

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

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

9 **Section 1.** The San Francisco Business and Tax Regulations Code is hereby
10 amended by amending Article 9, Section 609 as follows:

11

12 SEC. 609. PARKING TAX PENALTY AMNESTY PROGRAM

13 SEC. 609.1. SHORT TITLE.

14 This ordinance shall be known as the "Parking Tax Penalty Amnesty Program."

15 SEC. 609.2. DEFINITIONS.

16 The terms used in this Section 609 shall have the meaning given to them in Article 9, Section
17 601 of this Code.

18 SEC. 609.3. AMNESTY PROGRAM.

19 (a) A tax penalty amnesty program is hereby established for Operators of Parking Stations
20 required to collect and remit Parking Taxes under Articles 6 and 9 of this Code who have liabilities
21 eligible for amnesty under Section 609.4 of this Article and who satisfy the eligibility requirements
22 established in Sections 609.4 and 609.5 of this Article.

23 (b) For any person who has a liability eligible for amnesty under Section 609.4 of the
24 Article and who meets the eligibility requirements established in Sections 609.4 and 609.5 of this
25 Article and who applies for and is granted amnesty:

1 (1) The Tax Collector shall waive all penalties and interest on penalties owed for
2 failure to collect and/or remit Parking Taxes under Article 22 and Sections 6.17-1, 6.17-2, and 6.17-3
3 of this Code; and

4 (2) The Tax Collector shall waive all penalties and interest on penalties owed for
5 delinquent remittance of Parking Taxes owed under the provisions in Articles 6 and 9 of the Business
6 and Tax Regulations Code without need to make the findings required under Section 6.17-4; and

7 (3) No proceeding to suspend or revoke a business registration certificate pursuant
8 to Section 6.6-1 of this Code shall be initiated for an Operator's failure to collect or remit parking taxes
9 for which the Tax Collector has granted amnesty; and

10 (4) No civil action shall be brought against an Operator, for any tax period for
11 which the Tax Collector grants tax penalty amnesty, based upon the nonreporting, under-reporting,
12 failure to remit Parking Tax and Parking Tax liabilities or the nonpayment of or failure to remit any
13 taxes owed under the provisions of Article 22 of this Code.

14 (c) The Amnesty Program shall not apply to Operators that are currently being audited by
15 the Tax Collector. Operators must voluntarily and in good faith initiate contact with the Tax Collector
16 during the Amnesty Period to submit voluntarily to an audit.

17 SEC. 609.4. LIABILITIES SUBJECT TO AMNESTY PROGRAM.

18 (a) The tax penalty amnesty program shall apply to remittance of penalties and interest on
19 penalties for unpaid owing third party Parking Tax liabilities for the tax periods ending on or before 75
20 days prior to the effective date of this Ordinance, with the following exceptions:

21 (1) The Tax Collector shall not waive penalties or interest on penalties owed as a result of
22 any jeopardy determination served on the taxpayer or other person determined to be liable pursuant to
23 Article 6, Section 6.12-1 of this Code or any audit deficiency determination that has been reduced to a
24 written Notice of Deficiency Determination and served on the taxpayer or other person determined to

1 be liable pursuant to Article 6, Section 6.11-2 of this Code prior to the commencement of the Amnesty
2 Application Period.

3 (2) The Tax Collector shall not waive, under the authority of this Article, penalties
4 and interest on penalties, which are included in any civil tax collection litigation commenced by the
5 Tax Collector prior to the commencement of or during the Amnesty Application Period.

6 (3) Parking taxes owed and interest on those owed taxes are not subject to amnesty.

7 (b) No refund or credit shall be granted of any penalty paid by any person prior to the time
8 the person submits an amnesty application pursuant to Sections 609.3 and 609.8 of this Article.

9 SEC. 609.5. AMNESTY APPLICATIONS.

10 (a) The provisions of this Article shall apply to any person who is responsible for the
11 collection and remittance to the City of Parking Taxes under Article 22 and Section 6.7-1 of this Code
12 and who files an application for Parking Tax amnesty within the Amnesty Application Period
13 designated by the Tax Collector pursuant to Section 609.8 of this Article and who does both of the
14 following:

15 (1) Files completed tax returns for all periods for which he or she has not previously
16 filed a tax return or files amended tax returns for all periods for which he or she under-reported taxes
17 owed; and

18 (2) Pays/remits in full all taxes, fees, and interest due.

19 (b) Notwithstanding the provisions of Subsection (a) of this Section, if necessary to
20 effectuate the purposes of this Article, the Tax Collector in its sole and absolute discretion may extend
21 the period for payment of taxes and interest due or enter into an installment payment agreement in lieu
22 of complete payment. Failure of the taxpayer to comply with the terms of any extension granted or
23 installment payment agreement entered under this subsection by the Tax Collector shall render the

1 waiver of any penalties applicable thereto null and void, and the total amount of tax, interest and all
2 penalties shall be immediately due and payable.

3 SEC. 609.6. SUBSEQUENT DEFICIENCIES.

4 If the Tax Collector issues a deficiency determination based upon a return filed pursuant to
5 Section 609.5 of this Article, penalties shall be imposed only with respect to the difference between the
6 amount shown on the return and the correct amount of tax.

7 SEC. 609.7. SUBSEQUENT REFUNDS.

8 If any overpayment of tax under this Section 609 is refunded or credited, the City shall have no
9 liability for or obligation to pay interest on that overpayment.

10 SEC. 609.8. AUTHORITY OF TAX COLLECTOR.

11 Upon effective date of this Ordinance, the Tax Collector shall designate an Amnesty Application
12 Period, which shall not exceed ninety days in duration, in which amnesty applications shall be
13 accepted. The Tax Collector shall publicize the tax penalty amnesty program established by this
14 Article and shall notify Operators about the amnesty program. The Tax Collector shall issue all forms
15 and instructions necessary to implement this Article. The Tax Collector shall enforce the provisions of
16 this Article and may prescribe, adopt, and enforce rules and regulations relating to the administration
17 and enforcement of this Article.

18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 Jean H. Alexander
22 Deputy City Attorney