

1 [Itemized Receipt Required; Penalties]

2 AMENDING ARTICLE VI OF THE SAN FRANCISCO POLICE CODE BY ADDING SECTION
3 458 THERETO, REQUIRING RETAIL ESTABLISHMENTS TO ISSUE ITEMIZED RECEIPTS
4 FOR GOODS PURCHASED AND PROVIDING FOR PENALTIES AND FINES

5 Note: This entire section is new.

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

7 Article VI of the San Francisco Police Code is hereby amended by adding Section 458,
8 to read as follows:

9 **(a) Construction and application**

10 This Section shall be liberally construed and applied to promote its underlying purpose
11 which is to protect consumers against unfair and deceptive business practices.

12 **(b) Definitions**

13 (1) "Goods" means tangible chattels sold for use primarily for personal, family or
14 household purposes, including, but not limited to electronics equipment, photographic
15 equipment, computer equipment, telephones, antiques and works of art.

16 (2) "Person" means an individual, partnership, corporation, limited liability
17 company, association, or other group, however organized.

18 (3) "Consumer" means an individual who seeks or acquires or purchases any
19 goods for personal, family, or household purposes.

20 **(c) Itemized Receipts Required**

21 (1) Every retail establishment in the City and County of San Francisco shall
22 provide the consumer with a written or printed itemized receipt or invoice for the sale of goods
23 if the purchase price of any one item exceeds ~~\$50.~~ \$100.00

24 (2) All written or printed receipts or invoices required by this Section shall
25 include the date of sale, the name and address of the seller, and if the item being sold is

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1 electronic equipment or photographic equipment, the manufacturer and model of each such
2 item sold. All written or printed receipts or invoices required by this Section shall also
3 separately state each good or item purchased, the total quantity of each good or item
4 purchased, the unit cost of each good or item purchased or the cumulative costs of identical
5 items purchased, the total costs of all goods or items purchased, and any applicable taxes.

6 (3) The itemized receipt for any item sold or represented to the consumer as an
7 or original piece of art
8 antique/must state that the item is an antique or original piece of art.

9 (4) Any item or good that is not on the itemized receipt is hereby deemed to
10 have no value if other items or goods, purchased at the same time, are returned for exchange
11 or refund.

12 **(d) Consumer Action; Relief; Court Costs and Attorney's Fees**

13 (1) Any consumer may bring an action against a retail establishment that
14 violates this Section and for each transaction in violation of this Section, may recover or obtain
15 (a) \$250 or the total cost of goods purchased, whichever is greater, (b) an order enjoining the
16 violation, (c) punitive damages, if the court determines that the violation was wilful, and (d)
17 any other relief that the court deems proper.

18 (2) The court shall award court costs and attorney's fees to a prevailing plaintiff in
19 litigation filed under this Section.

20 **(e) Penalties and Enforcement**

21 (1) Any person or employee or agent thereof violating or failing to comply with
22 this Section shall be guilty of a misdemeanor and upon conviction, may be fined not more
23 than \$500 for the first offense and \$1,000 for each subsequent offense, or by imprisonment in
24 the County Jail for not more than 6 months, or by both such fine and imprisonment.

25 (2) In addition to the penalties and fines provided by this Section, the City and
County of San Francisco may initiate a civil action against any person to compel compliance

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1 or to enjoin violations of this Section. In the event the City and County of San Francisco
2 prevails in any such action, it may recover court costs and reasonable attorney's fees. In
3 addition, the court shall award a civil penalty, not to exceed \$1,000 or three times the total
4 cost of the goods sold, whichever is greater for each violation, if the City proves that the
5 violation occurred after the City provided written warnings or notices of such violations and the
6 violations continued.

7 **(f) Limitation of actions**

8 Any action brought under this Section shall be commenced not more than two years
9 from the date of the sale.

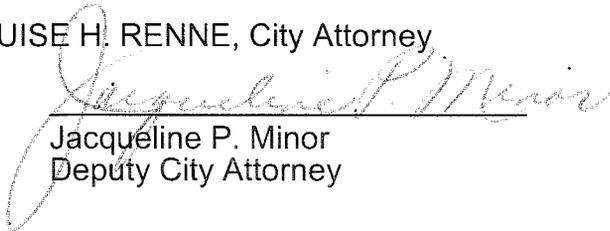
10 **(g) Severability**

11 If any part of this Section, or the application thereof to any person or circumstances is
12 held invalid, the remainder of this Section, including the application of such part or provision to
13 other persons or circumstances shall not be affected thereby and shall continue in full force
14 and effect.

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17 APPROVED AS TO FORM:

18 LOUISE H. RENNE, City Attorney

19 By:


Jacqueline P. Minor
Deputy City Attorney

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SUPERVISOR LENO
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
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San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 992153

Date Passed:

Ordinance amending Police Code by adding Section 458, requiring retail establishments to issue itemized receipts for goods purchased and providing for penalties and fines.

March 27, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Ammiano, Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Bierman

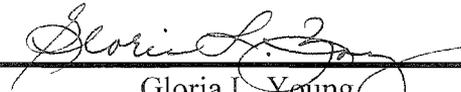
April 3, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Becerril, Katz, Kaufman, Leno, Newsom, Teng, Yee

Absent: 3 - Bierman, Brown, Yaki

File No. 992153

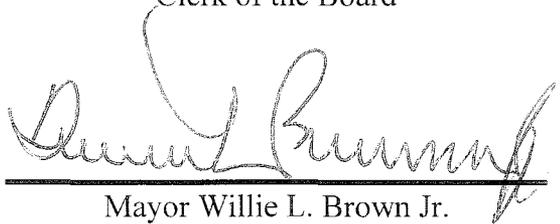
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 3, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

APR 14 2000

Date Approved



Mayor Willie L. Brown Jr.