

1 [Requiring parking lot operators to post a bond with the Tax Collector to secure collection of
2 parking taxes.]

3 **Ordinance amending Article 6 of Part III of the San Francisco Municipal Code**
4 **(Business and Tax Regulations Code), by amending Section 6.6-1, to require each**
5 **applicant for a certificate of authority to collect parking taxes to post a bond with the**
6 **Tax Collector as a precondition to the issuance of such certificate.**

7 Note: Additions are *italic; Times New Roman*; deletions
8 are ~~strikethrough italic, Times New Roman~~
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

11
12 Section 1. Article 6 of the San Francisco Business and Tax Regulations Code is
13 hereby amended by amending Section 6.6-1, to read as follows:

14 **SEC. 6.6-1. REGISTRATION FOR THIRD-PARTY TAXES.**

15 (a) These additional provisions shall apply to operators under the transient hotel
16 occupancy tax (Article 7), the parking space occupancy tax (Article 9), and the stadium
17 operator admission tax (Article 11), and to service providers under the utility users tax (Article
18 10) and the emergency response fee (Article 10A).

19 (b) Every operator or service supplier engaging in or about to engage in business
20 within the City who is required to collect any of the taxes identified in Subsection (a) shall
21 immediately register with the Tax Collector on a form provided by the Tax Collector.

22 (c) Such registration shall set forth the name under which such person transacts or
23 intends to transact business, the location of each of his or her place or places of business in
24 the City and County, and such other information to facilitate collection of the tax as the Tax
25 Collector may require. The registration shall be signed by the owner if a natural person, by a

Supervisor, Kaufman, Katz, Newsom, Leno
Treasurer/Tax Collector
BOARD OF SUPERVISORS

1 member or partner, in the case of a partnership, or by an executive officer or some person
2 specifically authorized by the corporation to sign the registration, in the case of a corporation.

3 (d) Except as provided in *Subsections (e) and (f)* ~~Subsection (e)~~ below, the Tax Collector
4 within 10 days after such registration shall issue without charge a *separate* certificate of
5 authority to each registrant to collect the tax from the customer, ~~together with a duplicate~~
6 ~~thereof~~ for each *additional* place of business of such registrant. Each certificate ~~and duplicate~~
7 shall state the place of business to which it is applicable and shall be prominently displayed at
8 said *place place(s)* of business therein so as to be seen and come to the notice readily of all
9 customers. Such certificates shall be nonassignable and nontransferable and shall be
10 surrendered immediately to the Tax Collector upon the cessation of business by the operator
11 or service provider at the location named or upon the sale or transfer of the business.

12 (e) Where within the 10-day period referred to in Subsection (d) above, the Tax
13 Collector determines that the operator or service provider, or any signatory to the registration
14 statement, or any person holding a 10 percent or greater legal or beneficial interest in said
15 operator or service provider, is not in compliance with any provision of Articles 7, 9, 10, 10A
16 or 11 of Part III of the Municipal Code, the Tax Collector may refuse to issue the certificate.

17 Further, if any person subject to this Section violates any provision of Articles 7, 9, 10,
18 10A or 11 of Part III of the Municipal Code or a rule or regulation promulgated by the Tax
19 Collector, including but not limited to failing to maintain accurate registration information,
20 failure to file any return or pay any tax when due, failure to timely respond to any request for
21 information or subpoena, the Tax Collector may, after serving the affected person with written
22 notice of his or her determination in the manner provided in Section 6.11-2 and an opportunity
23 to be heard pursuant to the notice and review provisions of Sections 6.13-1 et seq. and 6.14-
24 1 et seq., revoke or suspend that person's registration under this Section. The Tax Collector
25 may refuse to issue that person a new certificate of authority or to withdraw the suspension of

1 an existing certificate until the person seeking to re-register has complied with the provisions
2 of Part III of the Municipal Code and corrected the original violation to the satisfaction of the
3 Tax Collector.

4 *(f) Before any certificate of authority shall be issued to any applicant to engage in the business*
5 *of renting parking space in a parking station in this City and County, such applicant shall file with the*
6 *Tax Collector a bond, which shall run to the City and County of San Francisco. For any parking*
7 *station with annual gross receipts less than \$100,000, such bond shall be in the amount of \$5,000. For*
8 *any parking station with annual gross receipts of \$100,000 or more, such bond shall be in the amount*
9 *of \$25,000. Such bond shall be executed by the applicant as principal, and by a corporation or*
10 *association which is licensed by the Insurance Commissioner of this State to transact the business of*
11 *fidelity and surety insurance, as surety.*

12 *The bond shall contain conditions that the require the applicant to comply fully with all the*
13 *provisions of Part III of the San Francisco Municipal Code concerning the collection of third-party*
14 *taxes from occupants of parking stations and the remittance of such taxes to the Tax Collector. The*
15 *bond shall be payable to this City and County in the amount of all unpaid parking taxes on amounts of*
16 *taxable rents collected by the applicant, together with all interest, penalties, and costs applicable*
17 *thereto; provided, however, that the aggregate liability of the surety for any and all claims which may*
18 *arise under such bond shall in no event exceed the face amount of such bond regardless the amount due*
19 *and owing to the City and County. The City and County may bring an action upon the bond for the*
20 *recovery of any unpaid parking taxes, interest, penalties and costs at any time prior to the expiration of*
21 *the period of limitations applicable to the collection of such unpaid taxes by the Tax Collector.*

22
23 / / /

24 / / /

25 / / /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: 
THOMAS J. OWEN
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 002018

Date Passed:

Ordinance amending Article 6 of Part III of the San Francisco Municipal Code (Business and Tax Regulations Code), by amending Section 6.6-1, to require each applicant for a certificate of authority to collect parking taxes to post a bond with the Tax Collector as a precondition to the issuance of such certificate.

January 2, 2001 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee


January 16, 2001 Board of Supervisors — SEVERED FROM CONSENT AGENDA

January 16, 2001 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Leno, Newsom, Peskin, Sandoval, Yee

File No. 002018

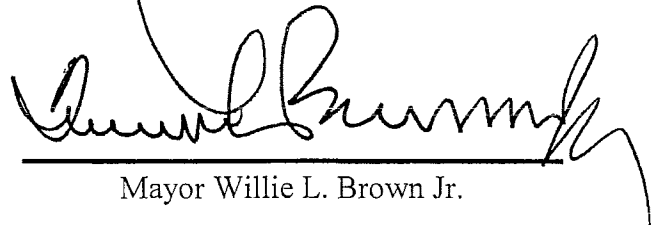
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on January 16, 2001
by the Board of Supervisors of the City and
County of San Francisco.



Jean Lum
Acting Clerk of the Board

JAN 26 2001

Date Approved



Mayor Willie L. Brown Jr.