

1 [Business and Tax Regulations Code - Business Registration with Tax Collector]

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3 **Ordinance amending the Business and Tax Regulations Code to remove the \$100**
4 **minimum penalty from one of the penalties for failing to register with the Tax Collector,**
5 **and to remove the fee and administrative requirements for obtaining a duplicate**
6 **registration certificate.**

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

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

15 Section 1. The Business and Tax Regulations Code is hereby amended by revising
16 Section 6.17-3, to read as follows:

17 **SEC. 6.17-3. NEGLIGENCE PENALTIES FOR FAILURE TO REGISTER,**
18 **MISSTATEMENTS IN REGISTRATION, FAILURE TO TIMELY UPDATE REGISTRATION,**
19 **FAILURE TO ALLOW INSPECTION OF RECORDS UPON REQUEST, AND FAILURE TO**
20 **FILE A RETURN; SANCTION FOR FAILURE TO PRODUCE REQUESTED RECORDS.**

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22 (a) For registration years commencing on or after July 1, 2017, aAny person who fails
23 to register in a timely manner shall pay, in addition to any other liability that may be imposed under
24 the provisions of this Article 6, a penalty assessed pursuant to Section 6.17-1. For registration years
25 commencing prior to July 1, 2017, any person who fails to register in a timely manner shall

1 pay, in addition to any other liability that may be imposed under the provisions of this Article 6,
2 a penalty in an amount equal to either \$100 or the penalty assessed pursuant to Section 6.17-
3 1, whichever is greater.

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5 *(b) Any person who* fails to amend a registration within *7seven* days of a material
6 change, or who makes a material misrepresentation in a registration, or who fails to comply
7 with a rule or regulation promulgated by the Tax Collector in a timely manner, shall pay, in
8 addition to any other liability that may be imposed under the provisions of this Article 6, a
9 penalty in an amount equal to either \$100 or the penalty assessed pursuant to Section 6.17-1,
10 whichever is greater.

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12 *(bc)* The Tax Collector may impose a penalty upon any person who fails to file a return
13 or returns required under this Article 6 on or before the date prescribed for filing up to \$500 for
14 each such failure. The penalty under this provision shall be in addition to any other liability
15 that may be imposed under the provisions of this Article. Filing a return that the Tax Collector
16 determines to be incomplete in any material aspect may be deemed failure to file a return in
17 violation of this Section 6.17-3. Any return required to be filed on a combined basis, and which
18 is not filed on that basis, is an incomplete return. In addition, any return required to report
19 worldwide gross receipts and payroll of a person or combined group under Section 956.2,
20 which does not report gross receipts and payroll on a worldwide basis, is an incomplete
21 return.

22
23 *(ed)* Any person who fails to allow a full inspection of records pursuant to a request
24 made by the Tax Collector within the time prescribed by the Tax Collector shall pay, in
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1 addition to any other liability that may be imposed under the provisions of this Article 6, a
2 penalty in the amount of \$500 for each such failure.

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4 (~~de~~) Unless the failure to allow inspection was due to reasonable cause and not willful
5 neglect, any person who fails to provide records pursuant to a written request made by the
6 Tax Collector may not contest the Tax Collector's decision regarding the amount of such
7 person's liability for any taxes, administrative collection costs, interest, penalties, or other
8 costs and charges imposed under the Business and Tax Regulations Code, or oppose the
9 collection of such amount, in any subsequent administrative or judicial proceeding, on the
10 basis of any record the Tax Collector previously requested in writing that such person failed to
11 make available to the Tax Collector on or before the earliest to occur of the following:

12 (1) The conclusion of the hearing on a petition for redetermination held pursuant
13 to Sections 6.12-5 or 6.13-2;

14 (2) The date the jeopardy determination became final under Section 6.12-5 if
15 such person did not request hearing thereon;

16 (3) The date the deficiency determination became final under Section 6.13-4 if
17 such person did not request a hearing thereon.

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19 Section 2. The Business and Tax Regulations Code is hereby amended by deleting
20 Section 856.1, to read as follows:

21 ~~**SEC. 856.1. APPLICATION FOR DUPLICATE REGISTRATION CERTIFICATE**~~

22 ~~(a) A holder of a registration certificate as defined in Section 852.2 shall apply to the Tax~~
23 ~~Collector for a duplicate certificate if the original certificate has been lost or destroyed. The~~
24 ~~registration certificate holder shall give an affidavit to the Tax Collector stating that the affiant is the~~
25 ~~person to whom the Tax Collector has issued the registration certificate and that the registration~~

1 ~~certificate was lost or destroyed. The registration certificate holder shall pay a fee for the issuance of~~
2 ~~the duplicate registration certificate in the amount of Twenty-Five Dollars (\$25.00).~~

3 ~~(b) If the Tax Collector determines that the affiant has satisfied all of the requirements of this~~
4 ~~Article, including the payment of all outstanding liabilities owed to the City as enumerated in Section~~
5 ~~856 of this Article, the Tax Collector shall issue a duplicate registration certificate. The duplicate~~
6 ~~registration certificate shall be plainly marked or stamped as a duplicate. The Tax Collector shall~~
7 ~~enter the fact of the duplicate in the Tax Collector's files. The Tax Collector shall maintain a record of~~
8 ~~the alleged loss or destruction, whether or not the duplicate certificate is issued.~~

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10 Section 3. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor's veto of the ordinance.

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15 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word
16 of this ordinance, or any application thereof to any person or circumstance, is held to be
17 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
18 shall not affect the validity of the remaining portions or applications of the ordinance. The
19 Board of Supervisors hereby declares that it would have passed this ordinance and each and
20 every section, subsection, sentence, clause, phrase, and word not declared invalid or
21 unconstitutional without regard to whether any other portion of this ordinance or application
22 thereof would be subsequently declared invalid or unconstitutional.

23
24 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the "Note" that appears under
4 the official title of the ordinance.

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6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: _____
9 Scott M. Reiber
Deputy City Attorney

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