

1 [Police Code - Rental Car Restrictions to Reduce Burglaries]

2
3 **Ordinance amending the Police Code to restrict ~~prohibit~~ visible barcodes and**
4 **advertising on rental cars rented in the City or at San Francisco International Airport.**

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

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

13 Section 1. The Police Code is hereby amended by adding Article 13.4, entitled
14 “Reducing Rental-Car Burglaries,” consisting of Sections 977.1 through 977.8, to read as
15 follows:

16 **ARTICLE 13.4: REDUCING RENTAL-CAR BURGLARIES**

17
18 **SEC. 977.1. FINDINGS.**

19 (a) San Francisco faces a severe automobile-burglary crisis. In 2015, the City experienced
20 approximately 25,000 such burglaries—roughly 70 a day. The City experienced a similar number of
21 automobile burglaries in 2016. Automobile burglaries have nearly tripled since 2011, when San
22 Francisco experienced approximately 10,000 such burglaries.

23 (b) Automobile burglaries pose a grave threat to the safety and security of San Francisco’s
24 residents. San Francisco’s Civil Grand Jury estimated that property worth approximately \$19 million
25 was stolen from cars in San Francisco in 2015. This lucrative revenue stream attracts organized

1 criminal enterprises. Moreover, the proceeds from automobile burglaries empower criminals to
2 commit other crimes. For example, in 2015, criminals stole at least 57 firearms from vehicles in San
3 Francisco.

4 (c) The City has already adopted a range of strategies to address its automobile-burglary crisis.
5 The Police Department has stepped up its enforcement efforts, and has ~~formed a special task force~~
6 adopted new strategies to deter and arrest automobile burglars. In addition, the District Attorney's
7 Office has moved to prosecute automobile burglaries more aggressively, and has dramatically
8 increased the rate at which it charges automobile-related crimes. But the City cannot solve this
9 problem through increased law enforcement alone. In addition to raising the costs of committing
10 automobile burglaries, the City must find ways to make automobile burglary more difficult, and less
11 attractive to criminals.

12 (d) San Francisco attracts large numbers of tourists, business travelers, and other visitors from
13 all over the world. Visitors contribute significantly to the City's economy. To maintain San
14 Francisco's status as a major destination for tourists and other visitors, and to continue to reap the
15 economic benefits that visitors provide, the City has a vital interest in ensuring that visitors have safe,
16 successful, and positive experiences when visiting San Francisco.

17 (e) Data from the District Attorney's Office shows that many of San Francisco's biggest tourist
18 destinations—Alamo Square Park, the Embarcadero, Fisherman's Wharf, Civic Center, Lombard
19 Street, the Palace of Fine Arts—are major hotspots for automobile burglary. Visitors to San Francisco
20 are especially attractive targets for those who commit automobile burglary, because—as the Civil
21 Grand Jury has found, and as the Police Department has advised—they are especially vulnerable to it.
22 Would-be burglars know that many visitors are carrying large amounts of money, electronics, and
23 other valuables. Further, many visitors are unfamiliar with San Francisco and its hazards, and may
24 face special linguistic and cultural barriers. Moreover, visitors may be unable or unwilling to initiate
25

1 a police investigation in a city that is foreign to them and where they will not long remain, and they are
2 often unable to return to San Francisco to testify in criminal prosecutions of suspected burglars.

3 (f) The City has launched a series of public-education campaigns designed to reduce
4 automobile burglaries by warning visitors about the risks of such burglaries. Signs warning drivers to
5 remove valuables from their cars have been installed near tourist hotspots like Fisherman’s Wharf,
6 Alamo Square, Japantown, and the Palace of Fine Arts. San Francisco International Airport has
7 posted signs at its Rental Car Center warning visitors of the risks of leaving valuables in rental
8 vehicles, and has also provided rental-car companies with written warnings to distribute to customers.
9 An announcement warning visitors about automobile burglary is also played on the AirTrain
10 connecting airport terminals to the Rental Car Center. The Police Department, additionally, is
11 working with local hotels and businesses to ensure that visitors are warned of the risks of automobile
12 burglary.

13 (g) In addition to educating visitors about the risks of automobile burglary, making automobile
14 burglary more difficult and less attractive requires addressing one central reason that visitors are
15 especially vulnerable to automobile burglary: many of them drive easily identifiable rental cars. As the
16 Police Department has advised, automobile burglars specifically target vehicles that are identifiable as
17 rental cars. Reducing the identifiability of vehicles as rental cars would, therefore, directly address the
18 City’s automobile-burglary crisis.

19 (h) Rental cars in San Francisco are easily identifiable as such. Unlike other vehicles, rental
20 cars typically carry barcode stickers on their windshields and windows. Many rental cars also carry
21 advertisements—for example, license-plate frames—promoting the companies from which they are
22 rented.

23 (i) Eliminating these barcodes and advertisements, or making them less conspicuous, would
24 not significantly burden rental-car companies. Although rental-car companies use windshield and
25 window barcodes to track their inventory, these barcodes need not be conspicuous. Additionally,

1 rental-car companies they could easily track their inventory in other ways. For example, rental-car
2 companies could place barcodes in places that were not immediately visible (such as inside or behind
3 vehicle doors), or use other non-visible means of inventory control (such as radio-frequency
4 identification, or RFID). Likewise, rental-car companies can, and do, advertise their vehicles in many
5 ways that do not involve placing advertisements on the exteriors of the vehicles themselves, such as
6 massive advertising on television, in print media, and via the Internet.

7 (j) Eliminating these barcodes and advertisements, or making them less conspicuous, would
8 directly address San Francisco’s automobile-burglary crisis. Visitors to San Francisco are
9 particularly vulnerable to automobile burglary, and making their rental cars less conspicuous is an
10 important way for the City to make visitors less vulnerable. By making it more difficult for would-be
11 burglars to target visitors’ rental cars, eliminating rental-car barcodes and advertisements would
12 significantly help to combat the City’s automobile-burglary crisis.

13
14 **SEC. 977.2. DEFINITIONS.**

15 For purposes of this Article 13.4, the following definitions apply:

16 “Automobile” means any self-propelled, four-wheeled motor vehicle, designed for use
17 principally upon streets and highways, and used chiefly for transporting persons and their personal
18 belongings. It includes pickup trucks, but does not include any other kind of truck.

19 “Barcode” means an optical, machine-readable code that uses any pattern of lines or shapes—
20 with or without accompanying letters, numbers, or other symbols—to convey information. It includes,
21 but is not limited to, QR codes and other “two-dimensional” codes, in addition to “one-dimensional,”
22 line-based codes.

23 “City” means the City and County of San Francisco.
24
25

1 “Rental Company” means any entity that offers any Automobile for rent, but does not include
2 any “car-share service” or “certified car-share organization” as defined in Section 166 of the
3 Planning Code.

4
5 **SEC. 977.3. GEOGRAPHIC SCOPE OF ARTICLE.**

6 Except as provided in Section 977.6, this Article 13.4 does not apply outside the geographic
7 boundaries of the City.

8
9 **SEC. 977.4. RENDERING RENTAL CARS LESS CONSPICUOUS.**

10 The purpose of this Section 977.4 is to ensure that, to the fullest extent feasible, Rental
11 Companies’ Automobiles are inconspicuous and resemble Automobiles owned and used by
12 the general public.

13 (a) **Conspicuous Visible Barcodes prohibited.** Except as provided in subsection (c), no
14 Automobile may be rented if the Automobile contains a Barcode affixed to any of the following:

15 (1) The windshield or rear window;

16 (2) Any other window;

17 (3) Any part of the Automobile’s exterior other than the undercarriage; or

18 (4) Anything that is itself affixed to a location identified in subsections (a)(1)-(3).

19 (b) **Visible advertising prohibited.** Except as provided in subsection (c), no Automobile may be
20 rented if the Automobile’s exterior, or anything that is itself affixed to the exterior, contains any of the
21 following:

22 (1) The Rental Company’s name;

23 (2) Any identifying slogan used by the Rental Company;

24 (3) Any identifying mark used by the Rental Company;

1 (4) Any address, phone number, e-mail address, website address, or other contact
2 information used by the Rental Company;

3 (5) The words “rent” or “rental,” or any variation thereof; or,

4 (6) Any other advertisement for the Rental Company.

5 (c) Exclusions. This Section 977.4 shall not apply to:

6 (1) ~~a~~Any Barcode that was installed by the Automobile’s manufacturer, ~~or to:~~

7 (2) ~~a~~A Barcode or anything else affixed to the automobile to comply with any City,
8 State, or Federal law; ~~or,~~

9 (3) A single Barcode per Automobile, not to exceed five square inches, placed in
10 either lower corner of the windshield, with its top edge not more than three inches from the
11 bottom of the windshield (as measured along the surface of the windshield).

12 (d) Rental requires physical presence. An Automobile is not deemed to have been “rented”
13 within the meaning of this Section 977.4 until after a person seeking to rent the Automobile physically
14 presents himself or herself to the Rental Company.

15 (e) Obligation on Rental Company. It shall be the legal obligation of every Rental Company to
16 ensure that no Automobile is rented unless it complies with the requirements of this Section 977.4. No
17 person or entity other than a Rental Company—including, but not limited to, any customer of a Rental
18 Company, or any employee or agent of a Rental Company in his or her personal capacity—shall incur
19 any obligation under this Section.

20 (f) Operative date for this Section 977.4. Compliance with this Section 977.4 shall not be
21 required until ~~60~~120 days after the effective date of this Article 13.4.

22
23 **SEC. 977.5. PERMIT CONDITION.**

24 Beginning ~~60~~120 days after the effective date of this Article 13.4, compliance with the
25 obligations imposed by Section 977.4 shall be a material condition of any permit obtained under

1 Section 1227 of this Police Code. Failure to comply with any obligation imposed by Section 977.4
2 shall be cause to suspend or revoke or otherwise take action on any such permit.

3
4 **SEC . 977.6. APPLICATION TO CAR RENTALS AT SAN FRANCISCO INTERNATIONAL**
5 **AIRPORT.**

6 **(a) Incorporation into airport agreements.** The requirements of Section 977.4 shall be
7 incorporated into any written agreement between the City and a Rental Company concerning the
8 Rental Company’s operations at San Francisco International Airport—including, but not limited to,
9 any lease for the use of real property at San Francisco International Airport—executed after the
10 effective date of this Article 13.4. But, consistent with Section 977.4(f), such agreements shall not
11 impose the obligation to comply with Section 977.4 until ~~60~~120 days after the effective date of this
12 Article. Beginning ~~60~~120 days after the effective date of this Article, violation of the requirements of
13 Section 977.4 shall be a material breach of such agreements, and shall render a Rental Company liable
14 for liquidated damages as described in subsection (b).

15 **(b) Liquidated damages.** Every agreement described in subsection (a) shall provide for
16 liquidated damages for any breach described in subsection (a), in an amount not less than \$100 and
17 not more than \$500 per each transaction that violates the requirements of Section 977.4.

18
19 **SEC. 977.7. REPORTS.**

20 **(a) Reports to Police Department.** The Police Department shall request, but
21 not require, that each Rental Company submit the following voluntary reports:

22 (1) One report, submitted 120 days after the effective date of this Article,
23 which includes:

1 (A) The known or estimated number of Automobiles that are
2 owned by the Rental Company and physically present within the City, or on property owned
3 by the City, as of the date the report is submitted;

4 (B) The known or estimated number of automobile burglaries,
5 within the previous 90 days, affecting Automobiles that are owned by the Rental Company
6 and physically present within the City, or on property owned by the City; and,

7 (C) The known or estimated number of Automobiles that are
8 owned by the Rental Company and physically present within the City, or on property owned
9 by the City, that could be rented consistent with Section 977.4, as of the date the report is
10 submitted; and,

11 (2) A second report, to be submitted 365 days after the effective date of
12 this Article, which includes:

13 (A) All information described in subsection (a)(1)(A)–(C); and,

14 (B) The known or estimated number of automobile burglaries,
15 within the previous 90 days, affecting Automobiles described in subsection (a)(1)(C).

16 **(b) Report by Police Department.** The Police Department shall submit a
17 written report concerning the effectiveness of this Article to the Board of Supervisors, the
18 Mayor, and the Airport Commission on or before April 1, 2019.

19
20 **SEC. 977.78. UNDERTAKING FOR THE GENERAL WELFARE.**

21 *In enacting and implementing this Article 13.4, the City is assuming an undertaking only to*
22 *promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an*
23 *obligation for breach of which it is liable in money damages to any person who claims that such breach*
24 *proximately caused injury.*

1 **SECTION 977.89. SEVERABILITY.**

2 If any section, subsection, sentence, clause, phrase, or word of this Article 13.4, or any
3 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
4 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
5 portions or applications of the Article. The Board of Supervisors hereby declares that it would have
6 passed this Article and each and every section, subsection, sentence, clause, phrase, and word not
7 declared invalid or unconstitutional without regard to whether any other portion of this Article or
8 application thereof would be subsequently declared invalid or unconstitutional.

9
10 Section 2. 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.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 Matthew Lee
19 Deputy City Attorney

20 n:\legana\as2017\1700352\01220110.docx