[Itemized Receipt Required; Penalties]

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

Note: This entire section is new.

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

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

(a) Construction and application

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

(b) Definitions

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

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

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

(c) Itemized Receipts Required

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

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

SUPERVISOR LENO, NEWSOM
BOARD OF SUPERVISORS
electronic equipment or photographic equipment, the manufacturer and model of each such
item sold. All written or printed receipts or invoices required by this Section shall also
separately state each good or item purchased, the total quantity of each good or item
purchased, the unit cost of each good or item purchased or the cumulative costs of identical
items purchased, the total costs of all goods or items purchased, and any applicable taxes.

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

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

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

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

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

(e) Penalties and Enforcement

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

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

(f) Limitation of actions

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

(g) Severability

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

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Jacqueline P. Minor
Deputy City Attorney
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
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.