[Recovery of the City's costs of emergency response to incidents resulting from the negligent operation of a motor vehicle, boat or vessel by a person under the influence of alcohol or drugs.]

Ordinance adding Chapter 10H to the San Francisco Administrative Code authorizing the City to recover the costs of emergency response to incidents resulting from negligent operation of motor vehicles, boats or vessels by persons under the influence of alcohol or drugs, and the costs of emergency response to incidents caused by individuals' intentionally wrongful conduct; defining emergency response for the purpose of this chapter; providing for the establishment by ordinance of the standard, hourly charges for personnel and equipment used in emergency response to such incidents; and directing the Police Department, Fire Department and the Health Department to coordinate with designated City officials to prepare and deliver invoices to the persons responsible for the costs of the City's emergency response to such incidents.

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics Times New Roman. Board amendment additions are double underlined. Board amendment deletions are strikethrough normal.

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

Section 1. The San Francisco Administrative Code is hereby amended by adding Chapter 10H, to read as follows:

SEC. 10H.1 Liability for Costs of Emergency Response

In accordance with the authority provided by California Government Code sections 53150-53158, any individual who is under the influence of alcohol or drugs, or the combined influence of alcohol and drugs, and whose negligent operation of a motor vehicle, boat or vessel caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any
individual whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, shall be liable for and shall pay to the City and County of San Francisco the costs of such appropriate emergency response. In no event shall an individual's liability under this section exceed the maximum allowable under state statute.

Sec. 10H.2. Appropriate Emergency Response Defined

(a) For purposes of this chapter, "appropriate emergency response" is defined to mean those actions taken by a San Francisco Police Officer, Firefighter, Firefighter Paramedic, Emergency Medical Technician, or other employee of the City and County of San Francisco who responds to an incident, or provides law enforcement, firefighting, rescue or emergency medical services at the scene of an incident, if that incident is caused by the negligent operation of a motor vehicle, boat or vessel by an individual under the influence of alcohol or drugs, or the combined influence of alcohol and drugs, or by an individual's intentionally wrongful conduct. Those actions include, but are not limited to, the following:

1. Stopping a motorist or operator of a boat or vessel upon the reasonable suspicion that he or she is under the influence of alcohol or drugs, or the combined influence of alcohol and drugs; determining whether a motorist or operator of a boat or vessel is under the influence of alcohol or drugs, or the combined influence of alcohol and drugs; preventing a motorist or operator of a boat or vessel who is under the influence of alcohol or drugs, or the combined influence of alcohol and drugs, from operating or continuing to operate a motor vehicle, boat or vessel; placing under arrest a motorist or operator of a boat or vessel who is under the influence of alcohol or drugs, or the combined influence of alcohol and drugs; arranging for the transport of a motorist or operator of a boat or vessel under the influence of alcohol or drugs, or the combined influence of alcohol and drugs; or arranging for the transport of his or her vehicle, boat or vessel to an appropriate location; or
(2) Responding to the scene of a vehicular or maritime accident involving injury to persons or property; responding to the scene of any other incident involving injury to persons or property; assisting persons injured, whether by the intentionally wrongful conduct of others, or by the negligent operation of a motor vehicle, boat or vessel while under the influence of alcohol or drugs or the combined influence of alcohol and drugs; transporting injured persons to an appropriate location; or performing any other acts at the scene of the incident or accident that are designed to prevent or alleviate harm or injury to persons or property.

SEC. 10H.3 Collection of Costs

(a) The hourly charges assessed to compensate the City and County for the personnel and equipment costs of an emergency response to an incident caused by an individual's intentionally wrongful conduct, or by an individual's negligent operation of a motor vehicle, boat or vessel while under the influence of alcohol or drugs, or the combined influence of alcohol and drugs, shall be determined by the Fire Department, Police Department, Emergency Communication Department and the Department of Public Health, as to their respective personnel and equipment, in consultation with the Controller, and shall be established by ordinance.

(b) The City and County shall prepare all invoices and shall take all other actions necessary to collect the costs of an appropriate emergency responses as defined in Section 10H.2. The Fire Department, Police Department and the Department of Public Health shall cooperate with designated City and County officials to collect such costs, and within 30 days of any appropriate emergency response by their personnel, shall provide to the designated officials the information necessary to prepare and deliver an invoice for the collection of the costs of such response.

(c) If an individual reimburses the City and County for the cost of an emergency response in connection with negligent operation of a motor vehicle, boat or vessel under the influence of alcohol or drugs, or the combined influence of alcohol and drugs, the individual is charged criminally with
operation of a motor vehicle, boat or vessel while under the influence of alcohol or drugs, or the combined influence of alcohol and drugs, and the judge or jury acquits the individual of the charge, or the District Attorney dismisses the criminal charge and that dismissal is not entered in exchange for a plea of guilty or no contest to a lesser-included offense, the City and County shall reimburse the individual for the costs of the emergency response.

SEC. 10H.4 Severability

In the event that a court or agency of competent jurisdiction holds that federal or state law, rule or regulation invalidates any clause, sentence, paragraph or section of this Chapter or the application thereof to any person or circumstances, it is the intent of the Board of Supervisors that the court or agency sever such clause, sentence, paragraph or section so that the remainder of this Chapter shall remain in effect.

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

By: 🄅�🄰🄼Mariam M. Morley
Deputy City Attorney
Ordinance adding Chapter 10H to the San Francisco Administrative Code authorizing the City to recover the costs of emergency response to incidents resulting from negligent operation of motor vehicles, boats or vessels by persons under the influence of alcohol or drugs, and the costs of emergency response to incidents caused by individuals' intentionally wrongful conduct; defining emergency response for the purpose of this chapter; providing for the establishment by ordinance of the standard, hourly charges for personnel and equipment used in emergency response to such incidents; and directing the Police Department, Fire Department and the Health Department to coordinate with designated City officials to prepare and deliver invoices to the persons responsible for the costs of the City's emergency response to such incidents.

July 12, 2005  Board of Supervisors — CONTINUED  
    Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 19, 2005  Board of Supervisors — PASSED ON FIRST READING  
    Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 26, 2005  Board of Supervisors — FINALLY PASSED  
    Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval  
    Excused: 1 - Daly
I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Date Approved

JUL 29 2005

Gloria L. Young
Clerk of the Board

Mayor Gavin Newsom