Ordinance amending the Business and Tax Regulations Code to authorize methods of electronic payment for parking; reduce parking ticket requirements; increase small lot exemptions; amend valet parking requirements; and clarify revenue control equipment requirements.

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

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

Section 1. Article 22 of the Business and Tax Regulations Code is hereby amended by revising Sections 2201, 2202, 2203, 2204, 2205, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2215, 2218, 2219, 2219.6, 2221, and 2226, and deleting Section 2219.10, to read as follows:

SEC. 2201. DEFINITIONS.

(a) Sections 2201 through 2218 of this Article shall be known as the "Parking Revenue Control Equipment Ordinance."

(b) Existing Defined Terms. The terms "Operator," "Occupant," "Occupancy," "Parking Station," "Motor Vehicle," and "Rent" shall have the meaning set out in Article 9, Section 601 of this Code.

(c) Additional Defined Terms. When used in this Article, the following terms shall mean:

(4) "Affiliate" means a Person who owns or Controls, is owned or Controlled by, or shares common ownership or Control with, another Person.
(2) "Attendant Parking" means the service of parking an Occupant's Motor Vehicle at an Attended Parking Station or in a Parking Station connected with the Attended Parking Station provided by the Attended Parking Station Operator.

(3) "Attended Parking Station" means a Parking Station in which the Operator utilizes an attendant or cashier or other employee to issue Parking Tickets and/or collect Rent and/or otherwise assist Occupants.

(4) "Automatic Vehicle Counter" means a mechanical or electronic device, such as a hose counter, electric eye, arming and/or triggering loop, or other automated counting device that records the passage of a Motor Vehicle vehicle.

(5) "Cancelled Transaction" means a Transaction that the Operator cancels prior to payment.

(6) "City Garage" means a Parking Station owned by the City and County of San Francisco or by the San Francisco Parking Authority of the City and County of San Francisco.

(7) "Collected Tickets" means the number of Parking Tickets returned to the Operator by Occupants for payment of Rent.

(8) "Control" means the power to control the affairs and key decisions of another person, association or corporation, in whatever manner exercised, whether directly or indirectly, whether legally enforceable, and however exercisable or exercised over such corporation or association, as the term Control is further defined in Article 6, Section 6.6-1(f)(2) of this Code. A presumption of control arises if the Operator, signatory or other person who 10% owner is (or was) an officer, director, partner or member of such corporation or association.

(9) "Discount Parking" means parking provided for reduced Rent to members of a class of Occupants, including but not limited to early morning entry Occupants ("early-bird"), scooter or motorcycle Occupants, carpool Occupants, and persons with a merchant validation.
"Discount Parking Ticket" means a Parking Ticket issued for Discount Parking.

"Electronic Payment" means the payment of Rent using a credit card, debit card, prepaid account card, cellular phone, Quick Response (QR) code, or other method of payment that does not utilize cash or bank check and is acceptable to the Enforcing Agency, as more particularly described in Sections 2203(g) and 2213.

"Electronic Payment Record" means the record of a Transaction generated in the course of Electronic Payment of Rent, as described in Section 2213.

"Enforcing Agency" means the Tax Collector for the City and County of San Francisco.

"Flat Rate Parking" means parking provided for a fixed present Rent for a prescribed or limited time Occupancy Period at a Parking Station that is not a Public Event Parking Station.

"Inventory" means the number of motor vehicles present in a Parking Station at a given time.

"Issued Tickets" means the total number of Parking Tickets issued to Occupants, including Voided Tickets, and Parking Tickets otherwise used or consumed in the operation of the Parking Facility for a given period.

"Journal Tape" means a printed record of every Transaction, in consecutive order, that is generated by RCE not capable of producing an electronic Log File (e.g., a cash register or fee computer tape).

"Log File" means an electronic read-only record generated by the RCE that is a consecutive record by date and time of every Transaction and the actions of the RCE and ancillary RCE devices.
"Lost Ticket" means a Parking Ticket that has been issued to and misplaced by an Occupant, which has not been returned to the Operator with payment of Rent.

"Monthly Occupant" means an Occupant who pays a flat fee for Occupancy on a monthly basis.

"Monthly Parking" means parking for which Rent is charged to the Occupant as a fixed monthly fee.

"NIST Book 44" means the National Institute of Standards and Technology, Book 44, as adopted by the State of California pursuant to California Code of Regulations Section 4400 et seq.

"Occupancy Period" means the time elapsed between the entry and the exit of an Occupant's Motor Vehicle from a Parking Station for which the Operator charges Rent.

"Parking Meter" means a mechanical or electronic device, owned or operated by the City and County of San Francisco, for the purpose of measuring the time a Motor Vehicle is permissibly parked in a parking space. For purposes of this Article, a Parking Meter is not RCE.

"Parking Tax" means the tax and surcharge imposed on Rent charged for Occupancy in a Parking Station imposed by Article 9 of the San Francisco Business and Tax Regulations Code.

"Parking Ticket" means the record provided by the Operator to the Occupant setting forth the time and date that the Occupant's Motor Vehicle entered the Parking Station that is used by the Operator to determine the Rent charged to the Occupant.

"Pay and Display Parking Station" means an Unattended Parking Station in which Occupants utilize a Pay Station to pay Rent for a specified Occupancy Period and receive a Receipt or Parking Ticket that the Occupant displays conspicuously in his or her Motor Vehicle as proof of payment.
(26) "Pay Station" means a mechanical or electronic device that accepts payment or prepayment of Rent from an Occupant and issues a Parking Ticket, release ticket or Receipt.

(27) "Periodic Report" means a report prepared daily, weekly, monthly, or quarterly by the Operator showing, at a minimum, the total Rent collected for that period, the identification numbers of the Parking Tickets used during that period, and the number of vehicles parked in the Parking Station during that period.

(28) "Person" means any individual, group, company, partnership, association, joint stock company, trust, corporation, society, syndicate, club, business, or governmental entity. "Person" shall not include the City or any of its departments or agencies.

(29) "Public Event Parking Station" means a Parking Station with more than five parking spaces, the Occupants of which are principally attendees of public events, such as a performing arts or sporting events, that occur fewer than 100 days in any calendar year and for which an Occupant prepays a flat-rate Rent for a fixed Occupancy Period.

(30) "RCE" means Revenue Control Equipment.

(31) "RCE Records" means the documents and reports generated by Revenue Control Equipment, including but not limited to Log Files or Journal Tapes. Books of account, accounting records, and other financial records provided by an Operator to the City in the course of an audit to confirm the data in Log Files or Journal Tapes shall also be considered RCE records.

(32) "Receipt" means the record issued by an Operator to an Occupant of the Rent paid by or on behalf of the Occupant.

(33) "Release Ticket" means the ticket issued by an Operator in exchange for payment of Rent that allows the Occupant to exit the Parking Station.
"Revenue Control Equipment" means an automated mechanical or
electronic device or devices that meet(s) the requirements of this Article. For purposes of this
Article, a Parking Meter is not RCE.

"Service Agent" means a person or other entity engaged in the business of
installing, maintaining, or repairing RCE.

"Small Attended Parking Station" means an Attended Parking Station that receives
annual gross revenues below the threshold stated in Section 2204(a).

"Substitute Ticket" means a Parking Ticket that an Operator processes as a
replacement for a Lost Ticket.

"Transaction" means the calculation and payment of Rent for Occupancy.

"Transient Parking" means parking for which Rent is charged to the
Occupant by the hour or the fraction of the hour.

"Unaccounted Ticket" means a ticket that is issued to an Occupant and is
not returned to the Operator. A Lost Ticket is an Unaccounted Ticket.

"Unaccounted Ticket Ratio" means the ratio of Unaccounted Tickets to
Issued Tickets for a given period, expressed as a percentage of Issued Tickets.

"Unattended Parking Station" means a Parking Station in which the Operator
does not use an attendant or cashier or other employee to issue Parking Tickets, collect Rent,
and/or otherwise assist Occupants.

"Valet" means a person or a service company subject to the requirements of
Article 12 of the Police Code as a Fixed Location Valet Parking Service or a Special Event
Valet Parking Service.

"Valet Lot" means a Parking Station, including a garage, lot or other off-
street space or facility, used by a Valet for the parking or storage of Motor Vehicles in
exchange for which the Valet receives compensation or other consideration.
"Voided Ticket" means a Parking Ticket that is not issued to an Occupant, but that is used in the course of the Operator's testing, repair or maintenance of the RCE.

SEC. 2202. EXEMPTED PARKING STATIONS.

The requirements of this Article shall not apply to any Parking Station:

(a) That does not charge Rent at any time;
(b) That is a Parking Station operated by the City and County of San Francisco and uses Parking Meters;
(c) In which all Rent paid for Occupancy is paid by a resident or a registered guest of a hotel or motel by adding the Rent to the room bill or charge to the resident; or registered guest, as long as the charges for the hotel room and the charges for parking are subject to the Tax on the Transient Occupancy of Hotel Rooms set out in Article 7 of the San Francisco Business and Tax Regulations Code;
(d) That is located in a residential building or development that provides Monthly Parking as a convenience or additional amenity to its residents. This exemption shall apply only to Rent paid by persons who are residents of the building or development in which the Parking Station is located, and where parking is provided as a convenience or additional amenity to such residents; or
(e) That is a Parking Station operated by a governmental entity other than the City and County of San Francisco or the Parking Authority of the City and County of San Francisco. A Parking Station operated by a person other than a governmental entity is not exempt from the provisions of this Article, even if the Parking Station is located on property owned by a governmental entity.
SEC. 2203. RCE REQUIREMENTS FOR ALL PARKING STATIONS.

(a) Unless otherwise specifically exempted in this Article, a Parking Station must utilize functioning RCE that meets the requirements of this Section and all other applicable provisions of this Article whenever the Operator charges Rent for Occupancy.

(b) RCE must record all Transactions either to a Log File or to a Journal Tape, as required by this Article.

(c) An Operator shall utilize RCE that meets the requirements of this Article to track and account for Transactions and to record and account for Rent received and Parking Taxes to be collected and remitted to the Tax Collector.

(d) Neither an Operator nor any of its Affiliates, agents or employees shall have more than a five percent ownership interest or other monetary, equitable, or secured interest in the manufacturer of, vendor of or Service Agent for the RCE used in any Parking Station controlled by said Operator.

(e) In any case in which the Operator has an ownership interest of any kind or any amount in the manufacturer of, vendor of or Service Agent for the RCE used in any Parking Facility under the control of the Operator, the Operator shall not have access to the source code or access to any part of the RCE software, hardware, data storage devices, or other RCE equipment that would allow the Operator to modify or delete RCE Records or other data that is generated or stored in the RCE, including but not limited to Rents charged, monies for Rent collected, Occupancy Periods, and Parking Taxes collected or owed.

(f) All RCE that contains a time clock or recorder must meet or exceed the specifications, tolerances, performance and testing standards for time clocks and time recorders set out in the NIST Book 44, Section 5.55, as it may from time to time be amended. Time clocks, time recorders and other timing devices incorporated or used in RCE must be
electronic and must not be capable of recalibration or other adjustment other than setting the current time and date.

(g) Where an Operator is required to accept or voluntarily accepts Electronic Payment, the RCE must: (1) record the time and date of a Motor Vehicle’s entry to the Parking Station and the Occupancy Period; (2) assign a unique identification number to the Transaction associated with the method of payment; and (3) record the Rent charged and Parking Tax assessed. Methods of Electronic Payment must be administered by a third party payment processor that is not affiliated with the Operator of the Parking Station. Any Electronic Payment method must create an Electronic Payment Record for every Transaction. A Parking Station that accepts Electronic Payment must post the business telephone and address of the Operator or the Operator's agent responsible for addressing complaints concerning incorrect charges and other issues concerning payment of Rent.

SEC. 2204. REQUIREMENTS FOR SMALL ATTENDED PARKING STATIONS.

(a) An Operator of a Small Attended Parking Station shall comply with all applicable provisions of this Article, unless an exemption as specified in this Section 2204 is granted in writing by the Enforcing Agency. The Operator of a Small Attended Parking Station may apply to the Enforcing Agency for exemption from the requirements of Sections 2203, 2205, and 2213 of this Article, provided that the Operator demonstrates to the satisfaction of the Enforcing Agency that the gross annual revenues of the Parking Station from Rent do not exceed $40,000. An Operator of a Small Attended Parking Station is not required to accept Electronic Payment, but if it does accept Electronic Payment it must comply with the requirements of Section 2213.

(b) If the Enforcing Agency grants the Operator an exemption from the requirements of Sections 2203, 2205, and 2213 of this Article, the Operator shall:
(1) Provide to each Occupant a Parking Ticket that has preprinted on it a unique sequential identification number. The Parking Ticket shall either have a stub or a split portion that the Operator shall place on the windshield of the Occupant's Motor Vehicle. The Operator shall not use a Parking Ticket more than once.

(2) Write the Occupant's Motor Vehicle's license plate number on the Parking Ticket in ink.

(3) Stamp the Parking Ticket with the time the Occupant's Motor Vehicle entered the Parking Station and the time it the Occupant exited the Parking Station, using a mechanical or electronic time-stamp or punch clock device.

(4) Upon an Occupant's payment of Rent, provide to the Occupant a handwritten or machine generated Receipt stating the date and time of the Occupant's Motor Vehicle's entry to and time of exit from the Parking Station, the Rent charged, the name of the attendant, and the name and address of the Parking Station.

(5) Create a Periodic Report for each day that the Parking Station provides parking in exchange for Rent.

(6) The Operator shall retain all Periodic Reports created pursuant to this Section 2204 and all issued Parking Tickets for not less than five 5 years after their creation.

(c) The Operator shall comply with all provisions of this Article, unless an exemption from the requirements of Sections 2203 and 2205 is granted in writing by the Enforcing Agency.

SEC. 2205. REQUIREMENTS FOR ATTENDED PARKING STATIONS.

Except as specifically exempted or otherwise required by this Article, an Operator of an Attended Parking Station that charges Rent for Occupancy by the hour or the fraction of an hour shall utilize RCE that meets the requirements of incorporates the functions set-out in this Section 2205.
(a) Except for Attended Parking Station Transactions that utilize Electronic Payment, the Operator must provide a Parking Ticket issued by the RCE to the Occupant at the time the Occupant's Motor Vehicle enters the Parking Station. The Parking Ticket must state the time and date of entry, and the name and address of the Parking Station. Each Parking Ticket issued by the Operator must contain a preprinted, unique, sequential identification number that is not printed by the RCE. This preprinted ticket, once issued, shall directly correspond and be traceable to a unique identification number for the transaction number that is generated by the RCE.

(b) The RCE must record the following information to a Journal Tape or Log File in the sequential order in which the events occur:

1. Time and date of a Motor Vehicle's entry to a Parking Station;
2. Time and date of a Motor Vehicle's exit from a Parking Station;
3. Amount of Rent charged;
4. Value of any discounts to Rent provided;
5. Amount of Parking Tax collected;
6. Identity or identification number of the Operator's employee who processed the Transaction or the identification number of the RCE Pay Station that processed the Transaction.

(c) Each Transaction must be identified in the Log File or Journal Tape by a nonresettable, sequential identification number assigned by the RCE.

(d) RCE must be capable of providing a legible Receipt to an Occupant at the time that the Occupant pays Rent. Pay Stations and cashiers must offer the Occupant a Receipt at the time that the Occupant pays Rent. A Receipt must contain the following information:

1. Time and date of the entry of the Occupant's Motor Vehicle to the Parking Station;
(2) Time and date of the exit of the Occupant's Motor Vehicle from the Parking Station;

(3) Total amount Operator charged Occupant, including Rent and Parking Tax;

(4) Parking Station address; and

(5) Business telephone and address of Operator or Operator's agent responsible for addressing consumer complaints.

(e) Data that is entered to or maintained in a Log File or a Journal Tape must be accessible to the Operator only in a read-only format, so that the Operator, the Operator's employees, and Service Agents cannot delete or alter any of the recorded data. The RCE vendor must disable any RCE data functions that would allow an Operator or its agents or its employees to delete or modify data entered into the RCE.

(f) The Operator shall not alter or attempt to alter the data in a Log File or a Journal Tape.

(g) Every day that the Parking Station is open for business, all information and data received or generated by the RCE that is recorded to a Log File for that day must be replicated or backed-up to a data tape, disk or hard drive or digital data storage medium in a readily accessible read-only format, and said information and data must be maintained in San Francisco by the Operator in that format for not less than five years from the date of its creation.

(h) Each day that the Attended Parking Station is open for business, all information and data received or generated by RCE that is recorded to a Journal Tape for that day must be printed out. The Operator must maintain the printed data in San Francisco for not less than five years from the date of its creation.
(i) Where the Operator of an Attended Parking Station utilizes RCE that includes a computer, a network server, or an Internet-based software or database program, all employees and agents of an Operator, including but not limited to cashiers, attendants, bookkeepers, supervisors and managers, and RCE maintenance personnel, must be individually identified by the RCE, and each Transaction and data entry, including all payments received, Voided Tickets or Cancelled Transactions, and Discount Parking Rent charged, must be attributed to such individual in the Log File. The RCE must also record whenever the RCE software program is altered and by whom.

(j) In an Attended Parking Station, for any Transaction that utilizes Electronic Payment, the Operator is exempt from the following requirements of this Article: (1) to issue a Parking Ticket as required by Section 2205(a); and (2) to retain Parking Tickets as required by Section 2218(b).

SEC. 2207. REQUIREMENTS FOR MONTHLY-ONLY PARKING STATIONS.

(a) An Operator of a Parking Station that only provides parking to Monthly Occupants and never provides any other type or mode of parking is not required to utilize RCE, but shall maintain records of the names and billing addresses of Occupants and the amount of Rent charged, the value of any discounts provided, and the amount of Parking Tax collected from each Occupant. The Operator shall maintain said records in San Francisco for not less than five years from the date of their creation. An Operator of a Parking Station that only provides parking to Monthly Occupants may accept Electronic Payment that meets the requirements of Section 2213.

(b) The Operator must provide each Monthly Occupant with a decal, hangtag or other means of identifying the Occupant's authorization to park in the Parking Station, and the Operator must require that each Occupant utilize the decal or hangtag provided.
SEC. 2208. REQUIREMENTS FOR UNATTENDED PARKING STATIONS.

(a) An Operator of a Pay and Display Parking Station must have RCE located within the Parking Station for the prepayment of Rent. The RCE must upon the payment of Rent issue a Parking Ticket or Receipt to the Occupant that states the time and date issued, the amount of Rent prepaid, and the Occupant Period. The Parking Ticket or Receipt must contain a statement instructing the Occupant to display it on the dashboard of his or her vehicle, and must warn the Occupant that his or her vehicle may be towed for failing to display the Parking Ticket or Receipt as required. The Operator shall clearly and conspicuously post a sign at every location where the Occupant pays Rent, which is at least 10 inches by 15 inches in size, and in type at least one inch high and 3/4 inches wide, repeating the aforesaid display instructions and tow warning. Where an Operator has met the requirements of this Section, and the Occupant fails to display the Parking Ticket as directed by the Operator, the Operator may in its discretion tow the vehicle in accordance with California Vehicle Code Section 22658, 22952, 55953 or other applicable law or charge additional Rent. Such additional rent must be clearly stated in the rate posting signage required by Section 2220(b) of this Article.

(b) An Unattended Parking Station that is not a Pay and Display Parking Station must have individually numbered and clearly marked parking spaces. The RCE must upon the payment of Rent issue a Parking Ticket or Receipt to the Occupant that states the time and date issued, the amount of Rent prepaid, and the Occupancy Period. The RCE must be able to record the identification number of the parking space occupied by the Occupant's vehicle to track period of Occupancy.

(a) An Operator of an Unattended Parking Station must either (1) use Pay and Display RCE that issues a Parking Ticket to be displayed in the Occupant's Motor Vehicle, or, (2) use RCE that utilizes a method of Electronic Payment acceptable to the Enforcing Agency that records the Occupant's Motor Vehicle's license number, parking space number, or some other means of identifying the Occupant as having paid Rent.
(b) An Unattended Parking Station that uses Electronic Payment must have individually numbered and clearly marked parking spaces. The RCE must be able to record the identification number of the parking space occupied by the Occupant’s vehicle to track period of Occupancy and confirm Payment of Rent.

(c) Pay and Display RCE must upon the payment of Rent issue a Parking Ticket or Receipt to the Occupant that states the time and date issued, the amount of Rent prepaid, and the Occupancy Period. The Parking Ticket or Receipt must contain a statement instructing the Occupant to display it on the dashboard of his or her vehicle, and must warn the Occupant that his or her vehicle may be towed for failing to display the Parking Ticket or Receipt as required.

(d) The Operator of an Unattended Parking Facility shall post a sign, which is at least 10 inches by 15 inches in size, and in type at least one inch high and 3/4 inches wide, at every location where the Occupant pays Rent or in at least two places that are otherwise conspicuous and obvious to any Occupant, instructing the Occupant how to pay Rent and warning the Occupant that his or her Motor Vehicle may be towed for failure to display the Parking Ticket as instructed and/or failure to pay Rent.

(e) Pay and Display RCE must upon the payment of Rent issue a Parking Ticket or Receipt to the Occupant that states the time and date issued, the amount of Rent prepaid, and the Occupant Occupancy Period. The Parking Ticket or Receipt must contain a statement instructing the Occupant to display the Parking Ticket or Receipt on the dashboard of his or her Motor Vehicle, and must warn the Occupant that his or her Motor Vehicle may be towed for failing to display the Parking Ticket or Receipt as required.

(f) Where an Operator has met the requirements of this Section 2208, and the Occupant fails to pay Rent or fails to display the Parking Ticket as instructed, the Operator may in its discretion tow the Motor Vehicle in accordance with California Vehicle Code Sections 22658, 22952, 55953 or
other applicable law or charge additional Rent. Such additional rent must be clearly stated in the rate posting signage required by Section 2220(b) of this Article.

(eg) The Enforcing Agency may issue such rules and regulations as are required to provide for the remote payment of Rent at Unattended Parking Stations through the use of telephones, cellular telephones, smart cards, debit cards or other electronic devices, consistent with the purposes and provisions of this Article.

(dh) An Operator of an Unattended Parking Station shall not tow or charge additional Rent to any Motor Vehicle vehicle that entered the Unattended Parking Station while the RCE was not fully operational and for a period of eight hours after the RCE is restored to full function.

SEC. 2209. EQUIPMENT REQUIREMENTS FOR PUBLIC EVENT PARKING STATIONS.

(a) An Operator of a Public Event Parking Station shall at each vehicle entrance to the Parking Station utilize an Automatic Vehicle Counter to record every Motor Vehicle vehicle entering the Parking Station for purposes of parking.

(b) Automatic Vehicle Counters shall display the total number of Motor Vehicles vehicles that entered the Parking Station utilizing a non-resettable mechanical or electronic counter.

(c) An Operator of a Public Event Parking Station shall provide a Parking Ticket to each Occupant upon entry to the Parking Station, and the Operator shall instruct the Occupant to place the Parking Ticket on the dashboard of the Motor Vehicle vehicle or other conspicuous place in the Motor Vehicle vehicle. Every Parking Ticket must display a unique, preprinted sequential identification number, the date of the event, and the address of the Parking Station.
(d) Automatic Vehicle Counters used in a Public Event Parking Station must be capable of issuing a Journal Tape or Log File report or other record of the number of Motor Vehicles that entered the Parking Station at the point where the Automatic Vehicle Counter was located. The Automatic Vehicle Counter must state on the report the date of the activities reported and the time period in which it was in operation.

(e) The Operator of a Public Event Parking Station must reconcile the number of Motor Vehicles registered by Automatic Vehicle Counters with the number of Parking Tickets issued to Occupants for every day that the Parking Station provides public event parking. An Operator must document and explain in writing any discrepancies or differences between the total number of Parking Tickets used and the number of Motor Vehicles counted by the Automatic Vehicle Counters.

(f) The Operator of a Public Event Parking Station must retain the documentation of the number of Parking Tickets used and any written explanation of the difference between the number of Parking Tickets used and the number of Motor Vehicles counted by its Automatic Vehicle Counters for not less than five years from the date of the public event.

(g) Notwithstanding the requirements of Section 2213 of this Article, a Public Event Parking Station may but is not required to accept Electronic Payment. The Operator must issue a Parking Ticket to each Occupant, notwithstanding the method of payment of Rent electronic payment of Rent. If the Operator of a Public Event Parking Station accepts Electronic Payment, it must comply with the requirements of Section 2213.

SEC. 2210. EQUIPMENT REQUIREMENTS FOR VALET PARKING STATIONS.

(a) An Operator of a Valet Parking Station that charges Rent at a flat rate and does not charge Rent to any Occupant by the hour or the fraction of an hour is not required to comply with Sections 2205(a), 2205(b)(1), 2205(b)(2), 2205(d)(1), 2205(d)(2), 2205(d)(4) and 2205(i) of this Article, but shall comply with all other provisions of Section 2205. An Operator
that provides valet services and charges Rent for Occupancy by the hour or the fraction of an hour is subject to all provisions of Section 2205. The requirements of this Article as to Valets are in addition to and do not alter the requirements set out in Section 853 of this Code, Sections 1216 through 1223 inclusive of Article 17 of the Police Code, or other applicable ordinances. An Operator that provides Attendant Parking is not subject to the exemptions of this Section.

(b) An Operator of a Valet Parking Station must provide a Parking Ticket issued by the RCE to the Occupant at the time the Operator accepts the keys or otherwise assumes control of the Occupant’s Motor Vehicle. The Parking Ticket must state the date of entry, the time of entry if Rent is charged by time, and the name and address of the Operator. Each Parking Ticket issued must contain a unique identification number that corresponds and is traceable to a transaction number generated by the RCE.

(c) In a Valet Parking Station, for any Transaction that utilizes Electronic Payment, the Operator is exempt from the following requirements of this Article: (1) to issue a Parking Ticket as required by Section 2210(b), and, (2) to retain Parking Tickets as required by Section 2218(b).

(d) An Operator of a Valet Parking Station must comply with the requirements of Section 2203. Where an Operator of a Valet Parking Station utilizes an off-street facility (lot or garage) to park Motor Vehicles, the owner or operator of said off-street facility is not required to issue a separate Parking Ticket for said Motor Vehicles. An owner or operator of an off-street parking facility that is used only by an Operator of a Valet Parking Station, and is not otherwise used as a Parking Facility open to the public, is not required to comply with the provisions of Section 2203.

SEC. 2211. MULTIPLE OPERATIONS PARKING STATIONS.

An Operator shall comply with all applicable provisions of this Article at all times. In particular, Operators shall meet the specific requirements of this Article applicable to different Parking Station operation modes, such as Attended Lot Parking Station, Unattended Parking...
Station, Flat Rate Parking Station, and Public Event Parking Station, during any time that such Parking Station is being operated in such mode.

SEC. 2212. NEW PARKING TECHNOLOGY.

The Enforcing Agency, by exercise of its rulemaking authority under this Article, may issue rules, determinations and interpretations consistent with the purposes of this Article as may be necessary and appropriate to apply or enforce this Article relating to new or emerging technologies applicable to RCE, including but not limited to Electronic Payment and other forms of RCE that record and process a Transaction without use of a Parking Ticket or that utilize other paperless means of recording and processing a Transaction.

SEC. 2213. ELECTRONIC PAYMENT.

(a) Unless specifically exempted in this Article otherwise provided in Section 2204, an Operator must accept electronic payment of Rent through at least one of the following Electronic Payment methods that comply with the requirements of this Section: a-credit card, bank debit card, prepaid account card, cellular telephone, QR code, smartcard, or other means of electronic money transfer that meets the requirements of this Section 2213 and is acceptable to the Enforcing Agency widely used by or generally available to the public.

(b) Where an Operator utilizes Electronic Payment, the Electronic Payment method must create an Electronic Payment Record for every Transaction that assigns a unique identification number to the Transaction and states the location of the Parking Facility, the amount of Rent charged, and the date(s) and Occupancy Period, which information must be transmitted to the Occupant either through a billing statement or receipt. Any method of Electronic Payment must be administered by a third party payment processor that is not affiliated with the Operator of the Parking Station. An Operator that accepts Electronic Payment must post the business telephone and address of the Operator or the Operator's agent responsible for addressing complaints concerning incorrect charges and other issues concerning payment of Rent.
SEC. 2215. MANUAL REVENUE CONTROL PROCEDURES REQUIRED WHEN
REVENUE CONTROL EQUIPMENT IS NOT OPERATIONAL.

(a) During any time that RCE is not functioning, the Operator may continue to
operate the Parking Station subject to the following conditions:

(1) The Operator and/or the Operator's agent shall not tow any Motor Vehicle
vehicle that entered the Parking Station during the time that the RCE is unable to issue legible
Parking Tickets or legible Receipts and for eight hours after the RCE is restored to full
function.

(2) The Operator shall manually record in ink on preprinted sequentially
numbered tickets the following information:

(A) Time and date of the entry of the Occupant's Motor Vehicle to the
Parking Station;

(B) Time and date of the exit of the Occupant's Motor Vehicle from the
Parking Station;

(C) Total amount Operator charged Occupant, including Rent and
Parking Tax;

(D) Parking Station address; and

(E) Business telephone and address of Operator or Operator's agent
responsible for addressing consumer complaints.

(3) The Operator shall maintain a log written in ink recording the dates and
times and reasons that it utilized manual revenue control procedures. The Operator shall
maintain said log and all manually issued Parking Tickets for not less than five years after
their creation.
(4) The Operator shall issue to every Occupant an individually and sequentially numbered Receipt stating the date, the Occupancy Period, and the amount charged, including Rent and Parking Tax.

(b) The Operator shall use good faith efforts to maintain and repair the RCE so that it operates in conformance with the requirements of this Article. If malfunctioning RCE is not restored to full function within 72 hours of the time that it ceased to operate in conformance with this Article (excluding Sundays and holidays if the Operator uses a service repair company), the Enforcing Agency may determine that the Operator has not made a good faith effort to maintain or repair the RCE and is in willful violation of this Article. A determination that the Operator has not attempted in good faith to maintain RCE or repair malfunctioning RCE may be rebutted by the Operator's presentation of proof, that the Enforcing Agency in its sole and absolute discretion deems to be credible, to establish the Operator's good faith efforts to maintain or repair the RCE.

SEC. 2218. REQUIRED BUSINESS PRACTICES FOR ALL PARKING STATIONS.

(a) Auditable Record. An Operator shall implement and utilize appropriate business practices that, in conjunction with RCE, create an auditable record of the following information for every Transaction each Occupant:

(1) Rent charged and paid;

(2) Rent discount, if given;

(3) Occupancy Period (or entry and exit times) for Rent charged; and

(4) Parking Tax collected.

(b) Maintenance of Parking Tickets. An Operator must keep in San Francisco each issued or cancelled Parking Ticket for not less than five years from the date the Parking
Ticket was issued. Parking Tickets must be provided to any City auditor or other auditor authorized by the Enforcing Agency immediately upon request.

(c) Maintenance of Log Files. An Operator shall keep in San Francisco each Log File in an accessible read-only electronic storage format, for not less than five years from the date of the earliest Transaction recorded in said Log File. An Operator must also maintain a printout of all Log Files for not less than five years. Upon request, the Operator shall immediately provide to any City auditor or other auditor authorized by the Enforcing Agency, the Log File in an electronic format readable by the City.

(d) Maintenance of Journal Tapes. An Operator shall keep in San Francisco each Journal Tape for not less than five years from the date of the earliest Transaction recorded in said Journal Tape. The Journal Tape must be provided to any City auditor or other auditor authorized by the Enforcing Agency immediately upon request.

(e) Improper Use of Discount Parking. An Operator that provides Discount Parking or Flat Rate Parking must establish business practices and control measures to prevent its employees and managers from using a discount Parking Ticket to avoid reporting the full amount of Rent collected or to avoid remitting the correct amount of Parking Tax due.

(f) Reconciliation of Transaction Records. No less than monthly, for every day that the Parking Station provides parking to the public in exchange for Rent, an Operator shall reconcile the number of Parking Tickets issued and received, and the number of Motor Vehicles that utilized Electronic Payment, with the number of Motor Vehicles vehicles that the RCE recorded as having entered the Parking Station, and shall create a Periodic Report setting out that information for every Transaction that occurred during that period.

(g) Training in Use of RCE. An Operator shall train its employees and managers in the required uses of RCE, including but not limited to: recording Transactions; maintaining Parking Tickets, Log Files, and Journal Tapes; and reconciling the count and identification
numbers of Parking Tickets used and Electronic Payment records with the number of Motor Vehicles that parked in the Parking Station, and the amount of Rent received in any given period.

**SEC. 2219. TITLE AND PURPOSE.**

Sections 2219 through 2219.11 of this Article This Ordinance shall be known as the "Revenue Control Equipment Compliance Fee Ordinance" and the Fee imposed herein shall be known as the "Revenue Control Equipment Compliance Fee" or "Fee." The purpose of this Fee is to recover the City's costs to ensure that all parking operators Operators and Parking Stations meet the requirements of this Article.

**SEC. 2219.6. COLLECTION AND ENFORCEMENT.**

(a) The Revenue Control Equipment Compliance Fee shall be due to the Tax Collector annually on December 31 and shall be remitted by the Operator.

(b) The Fee is payable, when due, at the office of the Tax Collector, and if not paid within 30 days after the same becomes due, the Tax Collector shall add 10 percent to the amount of the Fee as a penalty for nonpayment. If the Fee is not paid within 60 days after the same becomes due, the Tax Collector shall add 15 percent to the amount of the Fee as a penalty for nonpayment. If the Fee is not paid within 90 days after same becomes due, the Tax Collector shall add 25 percent to the amount of the Fee, as a penalty for nonpayment; provided, however, when an Operator has failed for a period of six months or more to pay the Fee, and has allowed the Fee to become delinquent for this or a longer period, the Tax Collector shall, in such instance, impose a penalty of 25 percent on the total amount of the Fee delinquent. The Tax Collector may refer delinquent accounts and refer the Operator to the Bureau of Delinquent Revenue for further collection and enforcement.

**SEC. 2219.10. SEVERABILITY.**
If any of the provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Chapter, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Section are severable.

SEC. 2221. RESERVED—SEVERABILITY.

Severability. If any section, subsection, sentence, clause, phrase, or word of this Article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Article. The Board of Supervisors hereby declares that it would have enacted this Article and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Article would be subsequently declared invalid or unconstitutional.

SEC. 2226. CIVIL PENALTIES.

(a) Civil Penalties and Enforcement. Violation of this Article shall be subject to a civil penalty of up to $25,000 per violation. In addition to the enforcement authority and powers granted to the Tax Collector in the San Francisco Business and Tax Regulations Code, the City and County of San Francisco may initiate a civil action against any person to compel compliance or to enjoin violations of this Article.

(b) Recovery of Attorney’s Fees. If the City and County of San Francisco initiates a civil action against any person to compel compliance or to enjoin violations of this Article, at the time the action is filed, the City may elect to seek recovery of attorney’s fees and costs incurred in that enforcement action. Where the City makes this election, the prevailing party shall be entitled to recover attorney’s fees. In no event shall the
award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action.

Section 2. The Business and Tax Regulations Code is hereby amended by revising Article 9, Section 607 to read as follows:

SEC. 607. OPERATOR CERTIFICATION OF REVENUE CONTROL EQUIPMENT, RCE RECORD REVIEW, AND UNACCOUNTED TICKET RATIO.

* * * *

(b) Operator's RCE Certification. Concurrent with remittance of Parking Taxes to the City pursuant to Business and Tax Regulations Code Section 6.7-1, an Operator shall certify in writing under penalty of perjury that it has utilized RCE that complies with the applicable provisions of Article 22 of this Code during the period for which the Operator remits the Parking Taxes. If the Operator remits Parking Taxes to the City on a monthly basis, then the Operator shall certify that during the immediately preceding month it utilized RCE that complies with all applicable provisions of this Article.

(c) Operator's RCE Records Review Certification. Concurrent with remittance of Parking Taxes to the City pursuant to Business and Tax Regulations Code Section 6.7-1, an Operator shall also certify in writing under penalty of perjury that it has reviewed the RCE Records, as defined at Section 2201(b) 2201(c) of this Code, as to amounts of gross revenue, Rent received, Parking Tax collected and remitted, discounts provided, and Unaccounted Ticket Ratio for each Parking Station that it operated in the period reported. The Operator shall further certify that it has reconciled those RCE Records with its books and records of accounts of Rent received and Parking Tickets used, such that the Operator's certifications made under this Article are informed and correct.

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

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance would be subsequently declared invalid or unconstitutional.

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

By: ROBERT K. STONE
Deputy City Attorney
City and County of San Francisco

Tails

Ordinance

File Number: 141053  Date Passed: December 16, 2014

Ordinance amending the Business and Tax Regulations Code to authorize methods of electronic payment for parking; reduce parking ticket requirements; increase small lot exemptions; amend valet parking requirements; and clarify revenue control equipment requirements.

December 03, 2014 Budget and Finance Committee - RECOMMENDED

December 09, 2014 Board of Supervisors - PASSED ON FIRST READING
Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

December 16, 2014 Board of Supervisors - FINALLY PASSED
Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang and Wiener
Excused: 1 - Yee

File No. 141053

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/16/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved