

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

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

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

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

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

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

22 In accordance with the authority provided by California Government Code sections 53150-
23 53158, any individual who is under the influence of alcohol or drugs, or the combined influence of
24 alcohol and drugs, and whose negligent operation of a motor vehicle, boat or vessel caused by that
25 influence proximately causes any incident resulting in an appropriate emergency response, and any

Mayor's Office, Supervisor *Mu*, Supervisor *Mirkarimi*

1 individual whose intentionally wrongful conduct proximately causes any incident resulting in an
2 appropriate emergency response, shall be liable for and shall pay to the City and County of San
3 Francisco the costs of such appropriate emergency response. In no event shall an individual's liability
4 under this section exceed the maximum allowable under state statute.

5 Sec. 10H.2. Appropriate Emergency Response Defined

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

14 (1) Stopping a motorist or operator of a boat or vessel upon the reasonable suspicion
15 that he or she is under the influence of alcohol or drugs, or the combined influence of alcohol and
16 drugs; determining whether a motorist or operator of a boat or vessel is under the influence of alcohol
17 or drugs, or the combined influence of alcohol and drugs; preventing a motorist or operator of a boat
18 or vessel who is under the influence of alcohol or drugs, or the combined influence of alcohol and
19 drugs, from operating or continuing to operate a motor vehicle, boat or vessel; placing under arrest a
20 motorist or operator of a boat or vessel who is under the influence of alcohol or drugs, or the combined
21 influence of alcohol and drugs; arranging for the transport of a motorist or operator of a boat or vessel
22 under the influence of alcohol or drugs, or the combined influence of alcohol and drugs; or arranging
23 for the transport of his or her vehicle, boat or vessel to an appropriate location; or

1 (2) Responding to the scene of a vehicular or maritime accident involving injury to
2 persons or property; responding to the scene of any other incident involving injury to persons or
3 property; assisting persons injured, whether by the intentionally wrongful conduct of others, or by the
4 negligent operation of a motor vehicle, boat or vessel while under the influence of alcohol or drugs or
5 the combined influence of alcohol and drugs; transporting injured persons to an appropriate location;
6 or performing any other acts at the scene of the incident or accident that are designed to prevent or
7 alleviate harm or injury to persons or property.

8 SEC. 10H.3 Collection of Costs

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

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

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

6 SEC. 10H.4 Severability

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

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

14 By:

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16 Mariam M. Morley
17 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 051004

Date Passed:

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

File No. 051004

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.

JUL 29 2005

Date Approved

Kay Helbinger

for
Gloria L. Young
Clerk of the Board

[Signature]

Mayor Gavin Newsom