

2011 - 2012 Statement of Legislative Intent

Approved

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Budget Action Title: Parking scofflaw program (Transportation, Municipal Court, Police, General Subfund revenue)

Councilmembers: Burgess; Licata; O'Brien

Staff Analyst: Peter Harris; Ben Noble

Budget Committee Vote:

Date	Result	SB	BH	SC	TR	JG	NL	RC	TB	MO
11/12/2010	Pass 9-	Y	Y	Y	Y	Y	Y	Y	Y	Y

Statement of Legislative Intent:

In approving C. B. 117025 and creating a parking scofflaw program, it is the Council's intent that the new program be administered in a just and fair manner that (1) allows for the owner/operator of a vehicle to gain its immediate release, (2) allows for credit card, cash and time-payment plans, and (3) includes an advance-of-implementation public notification effort designed to alert violators that continued non-compliance will result in vehicle booting, towing, and possible sale of the vehicle.

For informational purposes, the Council requests that the Executive provide a draft copy of any RFI or RFP to the Public Safety and Education Committee prior to its release. The Council also requests that the executive provide a business plan for implementation of the program prior to implementation and subsequent quarterly reports for the first year of the program.

Because of the complexity of the proposed program, and because the potential impact on vehicle owners is significant, the Council requests that an interdepartmental team be formed to address planning, implementation, public notification and education, and issues related to the race and social justice impacts of the program. This interdepartmental team should be led by the Finance and Administrative Services department and include representatives from SPD, Municipal Court, SDOT and the Office for Civil Rights.

Background

C. B. 117025 creates a new program to boot and impound vehicles in parking scofflaw status. Scofflaws are vehicle owners with four or more outstanding parking infractions who have failed to respond to multiple Municipal Court instructions and warnings. In almost all cases, the past due accounts have been sent to a collection agency for action. The ordinance allows a scofflaw's vehicle to be immobilized with a boot. If the vehicle owner pays the past-due infractions and the booting fee within 48 hours of the boot being applied, the boot contractor will enable the owner to release the boot. If not, the vehicle will be towed. Full payment must be made or a time-payment

arrangement agreed upon before the vehicle will be released. Per RCW 46.55, if the vehicle is not redeemed within 15 days the tow company may sell it. Overall, the scofflaw booting program is intended to increase parking availability, increase the incentives for scofflaws to pay their outstanding tickets, and increase compliance with parking regulations.

Currently over 25,000 vehicles are in scofflaw status. About 85% of scofflaw vehicles owe less than \$1,000 in fines and penalties to the City. Current code allows the Police Department to tow for scofflaw if the vehicle is found in violation of another parking rule. Police Department research has found that nine out of ten vehicles, when found in scofflaw status, are not violating another parking rule. With the few that can be towed for scofflaw, owners often remove the required impound notice before the tow can be completed. If impounded, scofflaw violators are not required to pay any citations prior to vehicle release. Consequently, parking citations are often ignored and accumulate because there is little incentive for payment, resulting in reduced opportunities for effective parking management. Vehicles in scofflaw often are found parked in dense business and residential areas including downtown, Capitol Hill, and the University District, contributing to parking shortfalls for law-abiding residents.

The new program calls for time payment options at several points: first when the scofflaw receives the notification of scofflaw status and the vehicle's vulnerability to boot and impound; then if and when the vehicle is booted; and then, if the boot is not released, after the vehicle is impounded.

The Council's intent

The Council believes all drivers should follow the City's parking regulations. The Council also believes the Municipal Court provides good opportunities for someone cited for a parking violation to contest the citation, request reduction of the fine, request community service as an alternative to the fine, or make time payments. Parking scofflaws are persons who have failed to take these opportunities at least four times. The new program is intended to be a more effective means for enforcing parking citations and thus for enforcing parking regulations, and the Council concurs with this intent.

The new program nevertheless contains the potential of impounding and selling the vehicles of low-income persons who cannot immediately pay their outstanding parking fines and who use their vehicles for work or basic family responsibilities. In such cases the penalty may be greater than is justified by the offense. The Council wants to ensure that those who in good faith want to pay their outstanding parking fines are able to do so, and do not lose their vehicles from lack of opportunity to fulfill this obligation.

There are two points at which this opportunity is especially important. One is when the vehicle is booted, before it is towed. The program should provide a means for arranging time payments at this point, and for paying with cash. The other is after the vehicle is towed if the boot is not removed. The program should again provide adequate opportunity to arrange time payments before the vehicle is sold.

The Council requests the Executive to include detailed plans for time payments and cash payments as part of the business plan due to Council prior to implementation of the program. This report should also explain how the process by which persons returning a boot to the boot contractor after

being allowed to release it will comply with the Americans with Disabilities Act, and what the most convenient options can be for returning the boot (for example, whether the boot could be left at a fire station).

The business plan should also include a description of the scope of the problem with scofflaw violators, including a listing of the number of individuals by the number of parking infractions and the outstanding financial value of the penalties, fees, and fines owing. This listing should have three columns as follows:

Number of Outstanding Parking Infractions	Number of Individuals	Financial Value of Penalties, Fines and Fees
1	000	\$00,000
2	000	\$00,000

The column titled “Number of Individuals” should report an individual only once in the report in the row that accurately reflects the highest number of outstanding parking infractions.

The Council also requests the Executive to report on the actual implementation of the program on a quarterly basis for one year following implementation. This report should include:

The number of vehicles booted, the number subsequently towed, and the number subsequently sold;

The number of persons who paid with cash to remove the boot;

The number of persons successfully arranging for time payments to remove the boot, and the number successfully arranging for time payments to remove the vehicle from impound;

The geographic distribution of vehicle bootings and tows under the program, and, if possible, the geographic distribution of residences of those whose vehicles were immobilized, both in comparison to the current geographic distribution of scofflaws;

The number of parking scofflaws who paid their outstanding fines after the program was announced or upon being notified of their scofflaw status, without having their vehicles booted;

The number of parking scofflaws who paid their outstanding fines after having their vehicles booted;

How the parking scofflaws who paid their outstanding fines compare in the number of outstanding fines to those not paying their fines; and

The estimated overall effect of the program on the number of parking scofflaws and the total outstanding parking fines owed to the City.

Date Due to Council: Business Plan sixty days prior to implementation; subsequent quarterly reports during 2011 and 2012.