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Angela Socci/Candice Livingston
SPD On-Vehicle Noticing for Scofflaw ORD
June 27, 2014
Version 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 118162

AN ORDINANCE relating to enforcement and timely payment of parking infractions; providing authority to provide notice through use of a vehicle notification sticker that a vehicle may be immobilized; correcting a conflicting provision with regard to the time to request administrative review; providing that any person who unlawfully removes an immobilization device and is immobilized a second time is not eligible for a payment plan; and amending Seattle Municipal Code Sections 11.35.010 and 11.35.020.

WHEREAS, on November 22, 2010, the City Council passed Ordinance 123447, which relates to enforcement and timely payment of parking infractions and provides authority for Seattle Municipal Court to notify registered owners of offending vehicles, by first class mail, that they will be placed on a Scofflaw list and deemed eligible for immobilization through the use of a "boot" after thirty days; and

WHEREAS, in some instances, no last known address can be ascertained from the Washington Department of Licensing; and

WHEREAS, in some instances, a vehicle has no Washington vehicle license number or is not registered in the State of Washington; and

WHEREAS, this has created an inequity for those with four or more tickets since those with no available registered owner address information are not placed on the Scofflaw boot list; and

WHEREAS, subsection 11.35.020.C of the Seattle Municipal Code contains an error in which it requires that the notice to be attached to a booted vehicle contain a statement that the vehicle owner may seek an administrative review of the booting by submitting a request to the Seattle Municipal Court within thirty days of the release of the boot, rather than the ten days as provided by Section 11.35.030 and it is necessary to correct the error; and

WHEREAS, it is appropriate to make persons who unlawfully remove an initial boot and are booted a second time while on the scofflaw list for the same parking infractions ineligible to participate in payment plans to pay their obligations;

NOW, THEREFORE, **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Subsection 11.35.010.A of the Seattle Municipal code, last amended by Ordinance 123563, is amended as follows;

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11.35.010 Scofflaw list

A. When there are four or more parking citations issued against a vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay amounts due for at least 45 days from the date of the filing of each of those citations, the Seattle Municipal Court shall place the vehicle on a list of scofflaws, and shall mail, by first class mail, a notice to the last known registered owner of the vehicle, as disclosed by the vehicle license number as provided by the Washington State Department of Licensing or equivalent vehicle licensing agency of the state in which the vehicle is registered. <u>If there is no last known address that can be ascertained from the Washington Department of Licensing, or if the vehicle has no Washington vehicle license number or is not registered in the State of Washington, the notice, in the form of a readily visible notification sticker, may be affixed to the vehicle while left within a public right-of-way or other publicly owned or controlled property. A notification sticker may be used in lieu of mailing even if the last known address is ascertainable for vehicles registered in the State of Washington.</u>

B. The registered vehicle owner may request an administrative review at the Seattle Municipal Court at any time that the vehicle is on the scofflaw list until the vehicle has been immobilized or impounded. The review should only examine whether the vehicle is properly on the scofflaw list and shall not review the underlying citations that caused the vehicle to be included on the scofflaw list. The vehicle shall be removed from the list only upon a showing by the registered owner that either:

1. fewer than four of the citations that caused the vehicle to be included on the scofflaw list were committed while the current registered owner was the legal owner of the vehicle; or

2. all amounts due pertaining to the citations that met the criteria for scofflaw under Section 11.35.010 A have been satisfied in full.

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C. A vehicle shall remain on the scofflaw list until all outstanding parking infraction penalties, court costs (including but not limited to collection agency remuneration authorized under RCW 3.02.045), default penalties on parking traffic infractions imposed under Section 11.31.120, immobilization release fees imposed under subsection 11.35.020.H, costs of impoundment (including removal, towing and storage fees) imposed under Section 11.30.120, towing administrative fees imposed under Section 11.30.290 and immobilization administrative fees under subsection 11.35.020.H, and interest, have been paid, or a time payment plan has been arranged with the Seattle Municipal Court or their authorized agent.

D. When a time payment plan is created, the subject vehicle shall be temporarily removed from the scofflaw list and the payment amounts shall be applied on a pro rata basis until all penalties, fines or fees owed relating to all parking citations are satisfied. A vehicle that has been temporarily removed from the scofflaw list shall be returned to the list if the owner defaults on the time payment agreement, in accordance with guidelines adopted by the Seattle Municipal Court.

Section 2. Subsections 11.35.020.C and D of the Seattle Municipal Code, last amended by Ordinance 123563, is amended as follows;

11.35.020 Immobilization

* * *

C. The person installing the boot shall leave under the windshield wiper or otherwise attach to the vehicle a notice advising the owner that the vehicle has been booted by the City of Seattle for failure to respond, failure to appear at a requested hearing, and failure to pay amounts due for four or more adjudicated parking infractions for at least 45 days from the date of the last such adjudication issued against the vehicle; that release of the boot may be obtained by paying all outstanding penalties, fines, or forfeitures owed relating to all adjudicated violations, plus all booting, removal, towing, and storage charges and administrative fees; that unless such payment

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is made within two business days of the date of the notice, the vehicle will be impounded; that it is unlawful for any person to remove or attempt to remove the boot, to damage the boot, or to move the vehicle with the boot attached, unless authorized by the Seattle Police Department or an authorized agent of the City; and that the owner may seek an administrative review of the booting by submitting a request to the Seattle Municipal Court within ((~~thirty~~)) ten days of the release of the boot. The notice shall further state that the vehicle remains subject to impoundment regardless of whether the owner requests an appeal.

D. The vehicle may be released from immobilization when the vehicle owner or an agent of the owner pays all outstanding parking infraction penalties, court costs (including but not limited to collection agency remuneration authorized under RCW 3.02.045), default penalties on parking traffic infractions imposed under Section 11.31.120, immobilization release fees imposed under subsection 11.35.020.H, costs of impoundment (including removal, towing and storage fees) imposed under Section 11.30.120, towing administrative fees imposed under Section 11.30.290 and immobilization administrative fees under subsection 11.35.020.H, and interest, or enters into a time payment agreement for the payment thereof. Upon full payment or upon entry into a time payment agreement, the Seattle Police Department or other authorized agent of the City shall promptly remove or enable the removal of the boot from the vehicle. If payment is made in full, the vehicle shall be removed from the scofflaw list and shall not be subject to immobilization or impoundment for the paid citations. Upon entry into a time payment agreement, the vehicle shall be temporarily removed from the scofflaw list and shall not be subject to immobilization, provided, however, that the vehicle shall be returned to the scofflaw list and be subject to immobilization if the owner defaults on the time payment agreement. A registered owner who defaults on a time payment agreement shall not be given another opportunity to make a time payment arrangement and therefore, payment for all outstanding amounts above shall be made in full before the vehicle may be removed from the scofflaw list or

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released from immobilization or impound. Any person who has previously removed or enabled removal of a booting device in violation of subsection E while on the scofflaw list for any four or more parking infractions, and subsequently is booted a second time while on the scofflaw list for the same parking infractions, shall not be eligible for a time payment plan.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2014, and signed by me in open session in authentication of its passage this _____ day of _____, 2014.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2014.

_____

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

_____

Monica Martinez Simmons, City Clerk

(Seal)

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Form revised: June 18, 2014

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
SPD (Seattle Police Department)	Angela Socci, 615-1230	Candice Livingston, 233-7274

Legislation Title: AN ORDINANCE relating to enforcement and timely payment of parking infractions; providing authority to provide notice through use of a vehicle notification sticker that a vehicle may be immobilized; correcting a conflicting provision with regard to the time to request administrative review; providing that any person who unlawfully removes an immobilization device and is immobilized a second time is not eligible for a payment plan; and amending Seattle Municipal Code Sections 11.35.010 and 11.35.020.

Summary of the Legislation:
This legislation amends Seattle Municipal Code (SMC) 11.35.010, as it pertains to Scofflaw violators and the boot program to enable on-vehicle notification as formal notice of boot eligibility. This notice method will capture currently exempt vehicles due to the lack of a mailing address or out-of-state plate, limiting the use of first class mail to inform violators that they are on the scofflaw list. The legislation also reduces the current administrative review window from 30 days to 10 days to be consistent with Revised Code of Washington 46.55.120(2)(b) and SMC 11.35.030. In addition, it adds language to exclude individuals who illegally remove the initial boot from their vehicles and are subsequently booted a second time for the same violations from participating in court offered payment programs.

Background:
The Scofflaw ordinance (11.35.010) states that the ***Seattle Municipal Court shall place the vehicle on a list of scofflaws, and shall mail, by first class mail, a notice to the last known registered owner of the vehicle, as disclosed by the vehicle license number as provided by the Washington State Department of Licensing or equivalent vehicle licensing agency of the state in which the vehicle is registered.*** The Court is not able to reliably obtain registered owner information for vehicles registered in other states, and has identified some Washington vehicles that have no registered owner information available through DOL. These motorists cannot be held accountable using the existing scofflaw ordinance. This results in unequal treatment of similarly ticketed vehicles by parking enforcement. The Scofflaw ordinance needs to be amended to reflect the multiple methods of notifying owners of their Scofflaw status.

The OVN revision to the Scofflaw ordinance will allow parking enforcement officers to place on-vehicle notices informing a motorist that they are in scofflaw status and have 30 days to address outstanding tickets. This notice will serve as a formal notice for motorists that do not have addresses available for first class mail notices. To reduce disparate impacts

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of this change, outreach efforts to persons living in their vehicles will occur prior to program implementation.

Seattle Municipal Court will be the lead agency for maintaining and updating the list of vehicles eligible for on-vehicle notices. Seattle Police Department will identify non-addressed or out-of-state plate vehicles eligible for scofflaw using existing license plate reader technology currently used for Scofflaw enforcement. Once the notice has been placed on the vehicle, the vehicle owner would be given 30 days to address outstanding tickets before becoming eligible to be booted. The City's contracted collection agency and Seattle Municipal Court will be the lead agencies in working with vehicle owners/drivers who received on-vehicle notices to resolve outstanding tickets.

The legislation also makes changes to be consistent with the Revised Code of Washington 46.55.120(2)(b) and SMC 11.35.030 with regard to administrative hearings and prevent individuals who unlawfully remove a scofflaw boot and are subsequently booted again for the same initial boot violations from participating in court payment programs.

____ **This legislation does not have any financial implications.**

_X_ **This legislation has financial implications.**

Appropriations Notes:

At this time, SPD and Seattle Municipal Court do not expect there to be additional costs associated with this project. On-vehicle Notices are provided at no cost by a contractor of the City.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2014 Revenue	2015 Revenue
General Fund - 00100	Seattle Municipal Court	Fines and Fees	TBD	TBD
TOTAL			**TBD**	**TBD**

Revenue/Reimbursement Notes:
The 2014 Adopted Budget included some assumptions about revenue from this program. CBO is currently evaluating whether this revenue will be feasible given the timing of this legislation. Revenue assumptions for 2015 and beyond will be evaluated during the 2015-16 Biennial Budget Process.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact: None.

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Spending/Cash Flow: None.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
On-Vehicle Noticing is expected to bring in increased revenue after full implementation.

b) **What is the financial cost of not implementing the legislation?**
Some vehicles who are Scofflaw eligible will not be booted which results in reduced fine revenue for the City than is currently due.

c) **Does this legislation affect any departments besides the originating department?**
Seattle Municipal Court.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
None.

e) **Is a public hearing required for this legislation?**
No.

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.

g) **Does this legislation affect a piece of property?**
No.

h) **Other Issues:** N/A.

List attachments to the fiscal note below: None.

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City of Seattle
Edward B. Murray
Mayor

July 8, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

In consultation with Seattle Municipal Court and the On-Vehicle Noticing Interdepartmental Team, with representatives from the Seattle Police Department, Law, and City Budget Office, I am pleased to transmit the attached proposed Council Bill for On-Vehicle Noticing (OVN) which amends Seattle Municipal Code Section 11.35.010 as it relates to Scofflaw notification, illegal boot removal and administrative matters. This amendment will enable the City to use multiple methods to notify owners of their Scofflaw status based on their registered address availability and increase compliance with court orders.

Municipal code authorizes the City to mail a notice to the registered owner of any vehicle that has four or more unpaid parking tickets, formally notifying them that they are in scofflaw status and will become boot eligible in 30 days unless tickets are addressed. If no payment arrangements are made within 30 days from the date of the notice, the vehicle may be immobilized with a boot device and ultimately impounded. Registered owner addresses for Washington plates are obtained from the Washington Department of Licensing (DOL). The Court has identified some Washington vehicles that have no registered owner information available through DOL and is not able to reliably obtain similar information for out-of-state vehicles. Without valid mailing addresses, these motorists cannot be held accountable using the existing scofflaw ordinance resulting in unequal treatment of similarly ticketed vehicles by parking enforcement.

The OVN revision to the Scofflaw ordinance enables parking enforcement officers to place formal notice on vehicles for which a valid mailing address cannot be obtained to notify the driver that the vehicle is in scofflaw status. This notice may serve as the official notice of potential booting and impoundment. To reduce disparate impacts of this change, outreach efforts to persons living in their vehicles will occur prior to program implementation.

This Council Bill also contains revisions to exclude people who unlawfully remove an initial boot placement and subsequently are booted again for the same violations as the initial boot from engaging in a payment plan with the Court. It also make revisions to standardize the dates of administrative review hearings to be consistent with the Revised Code of Washington 46.55.120(2)(b) and SMC 11.35.030. Thank you for your consideration of this legislation. If you have questions, please contact Angela Socci at (206) 615-1230.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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