

**Legislative Department  
Seattle City Council  
Memorandum**

**To:** Councilmember Bruce Harrell, Chair  
Public Safety, Civil Rights, and Technology Committee  
**From:** Mark Baird, Council Central Staff  
**Subject:** On Vehicle Notification (OVN) Amendment to Scofflaw Ordinance  
**Date:** July 23, 2014

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The Executive has proposed an amendment to the existing scofflaw ordinance. The amendment will be discussed at the July 30, 2014 Public Safety, Civil Rights, and Technology Committee meeting. This memo provides an overview of the proposed ordinance changes to Chapter 11.35, Sections 11.35.010 and 11.35.020 (scofflaw and immobilization). It offers a brief background of the issue, summarizes the proposed changes, and notes considerations.

**Background**

The current scofflaw ordinance allows scofflaw list vehicles to be immobilized using “SmartBoot” devices when they are parked either legally or illegally on Seattle city streets. Vehicles are added to the list of scofflaw when there are four or more outstanding parking tickets associated to them.<sup>1</sup> A notice is mailed – first class mail – to the last known registered owner informing them of this status. If all scofflaw-related parking infractions and corresponding fees are not paid in full within 48 hours (excluding weekends), then the vehicle may be towed and impounded. When Seattle Municipal Court (SMC) cannot obtain registered owner information from the Department of Licensing (DOL) because the vehicle is registered out-of-state or there is no registered owner information, these motorists cannot be held accountable using the existing scofflaw ordinance. As a result, some ticketed vehicles are held accountable by parking enforcement officers while other similarly ticketed vehicles are not.

**Summary**

This ordinance added the ability of the Seattle Police Department (SPD) to leave an on vehicle notification (OVN) on scofflaw list vehicles. It adds the following language to Section 11.35.010 A:

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.

It also makes a technical correction to Section 11.35.020 C, changing the number of days one has to seek an administrative review from the SMC from within thirty days to within ten days.

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<sup>1</sup> Outstanding tickets are those where the individual has failed to respond, failed to appear at a requested hearing, or failed to pay a parking citation within 45 days of its issue date.

Finally, it adds an element to Section 11.35.020 D as follows:

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.

### **Analysis**

This ordinance will ensure that all motorists in a similar situation are treated the same. The technical correction - reducing the current administrative review window from 30 days to 10 days - makes it consistent with Revised Code of Washington (RCW) 46.55.120(2)(b) and SMC 11.35.030 – both of which require the 10 day time period. The RCW pertains to the right to an impound hearing and says that any request for a hearing “shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days” of the date the individual was given written notice that their vehicle was impounded. SMC 11.35.030 states that a registered vehicle owner may seek a post-deprivation review of the immobilization by submitting a written request to the Seattle Municipal Court within ten days of the placement of the notice on the vehicle, as established by the notice date.

The additional language in Section 11.35.020 subsection D is an effort to safeguard the ‘smartboot’ equipment and offer additional incentive for those who have parking citations to pay them or contact the court for other options. The City is responsible for the equipment and the unauthorized removal of it can damage it. For its part, SPD does not foresee any additional workload issues.

### **Considerations**

OVN is an important part of being able to fully realize the revenue projections associated with the scofflaw list. The change will impact 2015 scofflaw revenues. It is also an important equity issue – ensuring that all those with four or more outstanding citations are treated in the same manner. The language pertaining to the ‘Smartboot’ removal does limit payment options – but only after an individual illegally removes the device and is booted again for scofflaw.