



**FINANCE DEPARTMENT
MUNICIPAL COLLECTOR'S DIVISION
M E M O R A N D U M**

TO: Bruce K. Walden, Chief Administrative Officer
FROM: Ronald Eldridge, Comptroller
DATE: October 24, 2002
RE: Ordinance to Immobilize and Impound Vehicles With Unpaid Parking Fines

Brief Description of the Issue(s)

Response to Council's request to review the city's current collection of parking fines through driver's license suspension and court process and provide information on what other collection options are available and the advantages and disadvantages of each.

Identification of the Issue(s)

Current Collection Methods:

A brief outline of the steps of collecting a ticket:

1. A violation occurs – ticket placed on vehicle.
 - a. Opportunity given to contest.
 - i. In writing by mail or in Finance Office
 - ii. By website
 - iii. By Hearing Officer
2. Ten days ticket not paid – first notice mailed.
 - a. Opportunity given to contest.
 - b. Same options as in number one.
3. Sixty days ticket not paid – second notice mailed.
 - a. Opportunity given to contest.
 - b. Same options as in number one.
4. Accumulated 4 – 9 unpaid tickets. Letter sent signed by City Attorney.
 - a. Asks to advise if mistake in charging the tickets.
 - b. Opportunity given to contest as in number one.
5. Accumulated 10 or more unpaid tickets. Alternate paths of collection depending on situation – court or driver's license suspension.
 - a. Court Process.
 - i. A letter is sent signed by City Attorney.
 - ii. Opportunity given to contest.
 - iii. Payment required within 30 days.
 - iv. No response or payment - complaint filed in court.
 - v. Person does not appear in court – warrant issued.
 - b. Driver's License Suspension.

- i. A letter is sent signed by Parking Administrator.
- ii. Opportunity given to challenge tickets.
- iii. Payment required within 45 days.
- iv. No response or payment – suspension forwarded to Secretary of State Office.
- v. Secretary of State sends notice of pending suspension.
- vi. Payment required within 30 days or suspension effective.
- vii. Suspension active until fines are paid.

Detail of the above steps is provided in the attachment The Steps of Issuing and Collecting a Ticket.

Parking Ticket Collection Statistics:

The City of Urbana has utilized the suspension of a vehicle owner's driver's license in the collection of parking fines approximately twenty years. The following statistics were obtained using data from the last five fiscal years - July 1, 1997 through June 30, 2002.

Driver's License Suspension:

- The average number of tickets issued each year is 88,700.
- An average of 368 suspension warning letters were sent each year notifying the vehicle owner of the intent to suspend their driver's license because of outstanding parking fines.
- Approximately 56.5% of the people receiving the warning letter paid the fines before their license was forwarded to the Secretary of State for suspension.
- In the most recent fiscal year, 2001/2002, 305 intent letters were sent and 171 driver's licenses suspended.
- 88.2% of the suspensions filed during the five year period have been paid
- Errors in the filing of suspensions are extremely rare – 2 errors (.0017%) have occurred over the five-year period.
- The number of people that reach the suspension process is low in comparison with the number of tickets issued each year.

Court Action: (Situation where suspension is not possible.)

- 214 complaints were filed in circuit court against persons with out-of-state license plates or where an Illinois driver's license could not be found – an average of 42 per year.
- Approximately 76.7% of the cases filed have been paid.
- 21 complaints were filed in court in fiscal year 2001/2002 – currently 13 have paid.
- Again the percentage of vehicle owners affected by court action is low.

The combination of these two collection methods gave the City of Urbana an average collection rate of 91.0% over the five-year period. Parking ticket revenue for fiscal year 2001/2002 totaled **\$684,431**.

Advantages and Disadvantages of Collection by Court Action

Advantages:

- Court action has worked reasonably well in the past.
- Currently, this is the only collection method available for out-of-state plates, businesses and when a driver's license is not available.

Disadvantages:

- Legal Division must closely monitor a case once it has been filed.
- Nothing happens until a judge signs the summons. Can take several weeks.
- City must pay for sheriff service costs whether successfully served or not.
- Many students attending the university have vehicles registered to parents living in Cook County. Nearly impossible to get sheriff service in Cook County.
- The summons must be served on the defendant for court action to be effective.
- Legal personnel must spend time in court representing the City.
- Minimum court costs to violator if served locally is \$64.

Advantages and Disadvantages of Collection by Driver's License Suspension

Advantages:

- Suspension process easier administratively and less personnel intensive than court action.
- Majority of people want to protect their drivers license by paying fines.
- Suspension is effective even if the vehicle is no longer in the area.
- Suspension remains active for a number of years.
- The administrative process is reliable, accurate and efficient.
- Suspension has produced consistently high collection rates.

Disadvantages:

- Fines under a driver's license suspension may not be collected until the driver's license is up for renewal, which could be a number of years.
- Can only use for persons with an Illinois drivers license.

Advantages and Disadvantages of Collection by Immobilization

Advantages:

- Could create immediate response and quicker payment of fines than suspension or court process.
- Could prevent a large number of fines from accumulating.
- Council has the ability to adjust the number of tickets that triggers immobilization depending upon payment experience.
- Vehicle owner immediately knows the vehicle is booted for outstanding fines.
- \$35 boot fee can offset the cost of immobilizers and personnel time to administer the program.
- Visibility of the boot prompts others to pay fines.

- Cheaper for offender if court is our only other option.
- If used in combination with driver's license suspension no increase in personnel needed to administer the program.

Disadvantages:

- Initial cost of purchasing immobilizers.
- Visibility of boot creates negative image to public.
- Very time consuming in identifying vehicle, placing boot on vehicle and then removing boot once fines are paid.
- Can only be used when vehicle is found parked on street, cannot be used to collect tickets on other vehicles.

The following comparable cities and colleges utilize the boot and towing in the collection of parking violations:

- City of Carbondale (Southern Illinois University) They implement at 3 or more tickets, have used the boot since 1992 and collect approximately 90% of tickets issued.
- Purdue University (West Lafayette, IN) They implement at 3 or more tickets, are in the second year of using the boot and collect approximately 90% of tickets issued.
- City of Evanston (Northwestern University) They implement at 5 or more tickets, have used the boot for 10+ years and collect approximately 80% of tickets issued.

All three use the boot/towing as their main mode of collection, were happy with their collection results and cited not being able to locate the vehicle as the main disadvantage to using the boot.

See Attachment 2 for current situations where the boot or towing would work where our collection methods have failed.

Collection by Towing

Advantages:

- Creates immediate response and quicker payment of fines than suspension or court process.
- Council has the ability to adjust the number of tickets that triggers towing depending upon payment experience.
- Less city personnel time needed to administer program.

Disadvantages:

- Increased cost to vehicle owner over booting – minimum cost of \$75 plus daily storage charges.
- Owner does not know what has happened to their vehicle. Possible perception that the vehicle was stolen.
- No City control over towing companies.

Recommendation

The success of the City of Champaign's recently approved driver's license suspension and booting program will not be known for several years. Therefore, staff does not think it should be a factor in the collection processes used by Urbana.

Staff identified what we believe is a problem in the City's collection system. There are situations where a considerable number and dollar amount of fines can accumulate and the City has no method to collect the fines due to loopholes in our system:

- Vehicle is registered out of state
- Person continues to drive on suspended license
- Violator intentionally displays invalid license plate and covers up vehicle ID #

Operating a vehicle (including parking) in Urbana is a serious problem (campus, W. Urbana neighborhood restrictions, parking for businesses) and collection of parking fines is a major part of the City's effort to encourage people to operate their vehicle in a responsible manner. A limited number of violators intentionally ignore the rules. They park wherever and whenever they please, don't bother to pay the meters and completely ignore fines.

In fairness to citizens who voluntarily pay parking meters and fines and comply with the city's parking rules (often at their inconvenience), staff recommends that the City implement a method to collect fines from these chronic scofflaws that evade our current collection methods. Either immobilization or towing is effective in these situations. We believe immobilization is a better method for the violator. In all collection methods, whether it is suspension, court, booting or towing, the vehicle owner receives multiple notices of impending action over a minimum of four months time. It is staff's opinion that current collection methods work very well and recommend no changes to the driver's license suspension and court action processes.

For various reasons, the boot cannot be used as a substitute for suspension of driver's licenses. Suspension of driver's licenses must be our main enforcement tool. Utilization of the boot or towing can be added as a mechanism for collection when suspension is not effective.

Staff recommends that council approve the attached ordinance, and budget amendment, to immobilize and/or impound the vehicles of those violators that the City has been unable to collect parking fines from through the driver's license suspension process or court action and who have a minimum of 10 tickets outstanding.

THE STEPS OF ISSUING AND COLLECTING A TICKET

For every ticket issued:

1. A violation occurs and the ticket is placed on the vehicle. The ticket advises that you can contest the violation in writing at the Finance Office, by mail, by website or by attending a parking hearing. The ticket lists our office phone number, address, website address and the days, times and location of hearings.
2. If the ticket remains unpaid, a “first notice” is mailed 10 days after the date the ticket was written or if the owner’s name and address is not in file, as soon as the registration information is received from the state. The notice advises of the possibility of driver’s license suspension and court action for non-payment of fines. The notice advises that you can contest the violation in writing by mail or by attending a parking hearing and lists our office phone number, address and the days, times and location of hearings.
3. If the ticket remains unpaid, a “second notice” is mailed 60 days after the date the ticket was written. The notice advises of the possibility of driver’s license suspension and court action for non-payment of fines. The notice advises that you can contest the violation in writing by mail or by attending a parking hearing and lists our office phone number, address and the days, times and location of hearings.

If 4-9 tickets outstanding:

4. A warning letter signed by our city attorney is sent advising of the accumulated tickets. The letter advises it is our policy to collect tickets, that as the registered owner of the vehicle you are responsible for the tickets and if there is a mistake in charging the tickets to you please advise me in writing. Gives a date approximately 30 days from the date of the letter to pay by or advise me of your position in the matter.

For 10 or more tickets outstanding there are two alternate paths: Court and driver’s license suspension. Used most often is the driver’s license suspension path. The court process is used for out-of-state license plates, business names or when we are unable to locate the driver’s license number of the registered owner of an Illinois license plate.

Court Process Path:

5. In addition to the notices and letter above, another letter is sent signed by our city attorney advising of the accumulated tickets. The letter advises that you can directly pay the Finance Dept. by a stated date that is 30 days after the date of the letter. If not paid by that date a complaint will be filed in court.
6. If the tickets remain unpaid, a complaint is filed in circuit court and a summons issued advising of the charge and court date. The court date is approximately 60 days after the due date of the above letter. Service of the summons is attempted

by a sheriff's office or by certified mail. The Legal Division's address and phone number are listed on the complaint.

7. If the person is served with the summons and does not appear on the stated court date a warrant may be issued. If the summons was not served, the complaint will remain on hold in the court system while we attempt to find a current address. In both situations, if the person has left the area and we are unable to locate them, after a reasonable search period the cases will be dismissed.

Driver's License Suspension Process Path:

8. After the 10th ticket is 60 days old, a letter is sent from the Parking Administrator advising of the accumulated tickets. The letter advises of the potential driver's license suspension and requests payment within 45 days of the date of the letter. The letter advises of the opportunity to challenge the tickets and lists the Finance Department address and phone number.
9. If the tickets remain unpaid after the 45-day period, within a week a suspension request is forwarded to the Secretary of State's Office. Within 1-2 weeks the Secretary of State sends a letter to the person advising of the pending suspension of their driver's license. The effective date of the suspension is 30 days from the date of their letter. If the person does not contact us and pay the tickets within the 30-day period their driver's license will be suspended on the Secretary of State effective date.
10. If the tickets remain unpaid, the file will remain active until such time the person must renew their driver's license and is unable to do so until the fines are paid. If the person moved and obtained a driver's license in another state, the file will remain active for a reasonable period of time.

In all collection processes the fine amount does not increase from the initial late fine amount. A person paying their ticket after the 72-hour period but before receiving additional notices from the city, pays the same fine amount as someone who goes through all of the processes listed above.

ORDINANCE NO. 2002-02-013

AN ORDINANCE TO IMMOBILIZE AND IMPOUND VEHICLES WITH UNPAID
PARKING FINES

WHEREAS, the City of Urbana estimates it is unable to collect fines from one in ten repeat parking violators, resulting in approximately \$30,000 per year in lost revenue from unpunished offenses;

WHEREAS, current collection procedures have proven ineffective against violators whose vehicle is registered out of state, whose driver's license number is unknown or suspended, and/or whose vehicle displays no license plate or fictitious plate numbers;

WHEREAS, immobilization of vehicles will require the violator to pay fines in a more timely fashion with minimum expense and delay for the City;

WHEREAS, impoundment, following proper notice and response time, will also reduce the opportunities for repeat violators to continue to violate parking ordinances, by immediately removing such vehicles from the street and by preventing their release until prior violations are addressed;

NOW THEREFORE, BE IT ORDAINED BY THE URBANA CITY COUNCIL
THAT:

Section 1. The following new section is hereby added to the Urbana City Code:

"Sec. 23-219. Vehicle Immobilization.

(a) Authorization. The City Police Department is hereby authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that has ten (10) or more unpaid parking tickets issued to the vehicle by the City of Urbana and if one or more of the following conditions exist:

(1) The vehicle is registered out-of-state and the City is unable to notify or serve a summons to the registered owner; or

(2) The driver's license number of the registered owner is unknown or suspended; or

(3) The vehicle displays no license plates, displays fictitious plate numbers or the vehicle identification number of the vehicle is covered or unreadable.

(4) A parking ticket is considered unpaid if the registered owner or lessee of the vehicle has not:

- a. Paid the full amount of the fine within seventy-two (72) hours of the ticket's issuance, if no informal notice of dispute is filed with the city following the procedures in Subsection (c)(2); or
- b. Paid the full amount of the fine within ten (10) days of the city sending notice that the grounds for contesting the ticket were rejected; or
- c. Successfully contested the citation through the petition procedure set forth in Sec. 23-212 of the Local Traffic Code.

(5) When a vehicle has been issued ten (10) or more unpaid parking tickets, the registered owner, or lessee shall be sent a warning that the vehicle may now be subject to immobilization. All such notices will be delivered by first class mail and shall be deemed served as of the date of deposit in the U.S. mail.

(6) If the vehicle subject to immobilization cannot be fitted with device because of the vehicle's size or shape, then the City Police Department may instead impound the vehicle in accordance with the procedures for impoundment set forth in Article XX of the Local Traffic Code.

(b) Notice of Procedures for Release of the Vehicle. When a vehicle is immobilized, a notice shall be affixed to the vehicle, advising the registered owner or lessee of the procedures and requirements to have the immobilization device removed. Such notice shall include:

- (1) A caution not to attempt to move the vehicle or remove the immobilization device without City authorization and assistance;
- (2) The date and time when the immobilization device was affixed to the vehicle;
- (3) The signature and identification number of the person who affixed the immobilization device to the vehicle;
- (4) The state registration number, if known, and make of the vehicle;
- (5) The number and amount of unpaid parking tickets and fines;
- (6) A statement that payment of the fines along with a removal charge will be required for removal of the device and final disposition of the matter;

(7) A statement that the opportunity to contest the grounds for the immobilization is available, but must be written and filed with the municipal collector's office at 400 South Vine Street in Urbana, Illinois within seventy-two (72) hours of the time at which the immobilization device was affixed to the vehicle;

(8) The contact name, telephone number, and daytime hours of the City office where payment of the fines can be made or information regarding the procedures for filing a protest can be obtained;

(9) The contact name and telephone number of a City official responsible for providing after-hours assistance; and

(10) A warning that if the vehicle remains immobilized for seventy-two (72) hours, it will be subject to impoundment.

(c) Procedures Following Immobilization. The registered owner or lessee of an immobilized vehicle may pursue one of three courses of action, the outcome of any of which shall be considered a final determination of liability on the case:

(1) Payment by the registered owner or lessee of the fines and removal charge at any time before impoundment of the vehicle; (payment does not preclude subsequent contesting of the violation(s) pursuant to 2 or 3 below); or

(2) An informal notice of dispute filed with the municipal collector's office within seventy-two (72) hours of the immobilization. Informal notices of dispute under this section shall entail an affidavit, signed by the owner and made subject to the penalties of perjury, wherein the owner denies there are ten (10) or more unchallenged, unpaid parking violations outstanding against the license plate on the vehicle at the time of the immobilization. The immobilization device shall remain affixed to the vehicle pending the outcome of the dispute and/or payment of the fines and removal charge. Informal notices of dispute shall be evaluated by the City parking administrator on the basis of the affidavit and established city policy; or

(3) A request for a hearing on the immobilization by the city hearing administrator, which shall be conducted according to the procedures for challenges to parking violations set forth in Sec. 23-211(7) of the Local Traffic Code. The sole issue to be determined by the hearing officer at a hearing under this section will be whether there were ten or more unchallenged and unpaid parking violations issued to the registered owner of the vehicle at the time of the immobilization. The immobilization device shall remain affixed to the vehicle pending the outcome of the hearing and/or payment of the fines and removal charge.

(d) Vehicle Impoundment. After an immobilized vehicle has been impounded under this section, a notice shall be sent to the registered owner or lessee within forty-eight (48) hours of the vehicle's removal. The procedures for the towing and disposition

of an immobilized vehicle shall thereafter be the same as the procedures for the towing of other vehicles pursuant to police order, as set forth in Article XX of the Local Traffic Code.

(e) Unauthorized Removal of Vehicle or Device Prohibited.

(1) No person shall move or cause to be moved any vehicle that has an immobilization device attached thereto, except as authorized by a police officer or a City parking enforcement officer.

(2) No person shall remove or cause to have removed from any vehicle an immobilization device placed thereon by a City parking enforcement officer or police officer.

(3) Penalty. Any person who is found to have violated this section shall be fined a maximum amount of seven hundred and fifty dollars (\$750) for each offense.”

Section 2. The following fee is added to the Schedule of Fees as provided for in Section 14-7 of the Urbana City Code:

- Immobilized device removal fee \$35.00

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this _____ day of _____, 2002.

AYES:

NAYS:

PRESENT:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2002.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

*I certify that on the _____ day of _____, 20____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled **“AN ORDINANCE TO IMMOBILIZE AND IMPOUND VEHICLES WITH UNPAID PARKING FINES”**, which provided by its terms that it should be published in pamphlet form.*

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 20____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 20_____.

(SEAL)

CITY CLERK