

**House Bill 5624 as enrolled
Public Act 268 of 2000
Second Analysis (6-23-00)**

**Sponsor: Rep. Joanne Voorhees
House Committee: Family and Civil Law
Senate Committee: Transportation and
Tourism**

THE APPARENT PROBLEMS:

Three changes to the Michigan Vehicle Code have been proposed, in order to allow cities to train volunteers to enforce certain parking violations; to incorporate into statute certain fine assessment practices now issued as guidelines by the State Court Administrative Office; and, to revise the liability of lease and rental car companies for parking tickets incurred by the clients who drive their vehicles. The changes proposed are as follows.

First, to assist local law enforcement agencies, five communities in Kent County have sponsored Retired Senior Volunteer Patrol (RSVP) programs. The senior citizens who volunteer in the programs write citations for those who violate the traffic code by parking in spaces that are clearly marked for disabled people.

In the community of Wyoming, alone, 43 senior volunteers have written more than 2,000 citations for violations of the handicapper parking laws since their program was founded. To prepare for their community service, the volunteer parking enforcement team is educated by city police and officers of the district court, to learn about safe and appropriate vehicle ticketing procedures. The senior volunteers complete a 40-hour training program at the outset of their volunteer experience, and then receive an hour of refresher training each month. The volunteers give over 1,000 hours of assistance monthly, providing the service equivalent to six full-time employees. Their exemplary community work has been recognized by the president's Points of Light Foundation, the governor's Innovative Spirit Award, and other award-granting programs sponsored by the law enforcement community.

Under current law, the volunteers who assist local police to enforce the parking laws may issue citations only for vehicles improperly parked in a space reserved for use by disabled people. They can, then, write

citations under three separate provisions of the law, noted below. (See *BACKGROUND INFORMATION*)

As the senior volunteers have undertaken their parking enforcement duties, they have observed that many people park their vehicles temporarily in fire lanes, blocking those lanes to use by emergency fire and rescue vehicles. What's more, when drivers temporarily block the fire access lanes, the volunteers note that they often leave their automobiles running, and sometimes children or pets are left inside the vehicles, unattended. Sensing the potential danger posed by these incidents, the organized volunteers have suggested to the local chief of police that they also be able to write citations when drivers park their vehicles in fire lanes. Legislation has been introduced to amend the law so they may do so.

Second, in order to prevent the potential loss of \$3 million in assessment revenue annually, and further, to increase the amount of revenue by as much as \$1.2 million each year, there has been a proposal to provide in statute for secondary road patrol and training assessments, and also for highway safety assessments. These assessments are currently collected under guidelines issued to local courts by the State Court Administrative Office. The additional revenue would result if the assessments were applied both to moving and nonmoving violations.

Third, collections for unpaid traffic tickets have customarily been the responsibility of local courts and parking enforcement agencies, rather than car rental companies. However, violations of the traffic laws are issued and fines are collected from those who are the vehicles' owners of record. Parking enforcement and court officials in local government cannot collect an overdue fine from an unknown driver of a leased vehicle since there are no records logged with the secretary of state that name those who lease and list their addresses.

To shift the responsibility for traffic fine collections from rental car companies, and to more appropriately place that responsibility with local law and traffic enforcement agencies of local government, some have argued that the law should be changed to require car leasing companies to provide local government enforcement agencies with the names and addresses of those to whom they lease when their customers' violations of the law come to light.

To address these three problems under the Michigan Vehicle Code, legislation has been proposed.

THE CONTENT OF THE BILL:

Volunteers to enforce parking violations in fire lanes. The bill would amend the Michigan Vehicle Code (MCL 257.674, 257.675d and 257.742) to prohibit parking in a place or in a manner that would block access to a space clearly designated as a fire lane, and allow volunteers other than police officers to issue citations for violations of that prohibition. The bill also specifies that a law enforcement agency of a local unit of government could not administer a volunteer parking enforcement program without the local unit's authorization.

More specifically, currently there are 26 violations in state law that restrict people from parking in particular places. House Bill 5624 would amend the Michigan Vehicle Code to add an additional violation, to restrict parking in a place or in a manner that blocks access to a space clearly designated as a fire lane. Further, current law allows a city to authorize people other than police officers to issue and serve citations for violation of its parking ordinances. In addition, a law enforcement unit or a local unit of government may implement and administer a program to authorize people other than police officers to volunteer to issue and serve citations for violating an ordinance reserving parking spaces for persons with disabilities. House Bill 5624 would expand that provision to allow volunteers to issue citations to those who park in fire lanes.

Secondary road patrol and training assessments; highway safety assessments. The bill also would amend the Michigan Vehicle Code (MCL 257.629e) to require courts to levy, in addition to any fine or cost ordered under the code, a \$5 highway safety assessment and a \$5 secondary road patrol and training assessment for each civil infraction determination "except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less".

Currently, these assessments must be imposed for each civil infraction determination "for a moving violation".

Revise leased vehicle owners' liability for parking violations. Further, the bill also would amend the Michigan Vehicle Code (MCL 257.675a, 257.675b, and 257.675c) to provide that if a vehicle were leased or rented for 30 days or less, the vehicle owner could avoid liability for a state or local parking violation if the owner provided the lessee's or renter's name, address, and driver's license number, and a copy of the signed rental or lease agreement (or an expedited rental agreement without a signature as part of a master rental agreement), to the court or parking violations bureau that issued the violation within 30 days of being notified of the violation. The vehicle owner would remain liable if this information were not provided, or if the court issuing the violation proceeded against the lessee or renter and the lessee or renter were not convicted of or found responsible for the violation.

Finally, the bill would define "leased vehicle owner" to mean a person in the business of renting or leasing leased vehicles or an affiliate of the person, if the person or the affiliate is the registered owner of a standing or parked leased vehicle involved in a violation of a local ordinance or state statute. The bill also would define "affiliate" to mean "a person that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with another person".

Effective dates. The amendment concerning assessments would take effect upon the bill's enactment. The remainder of the bill would take effect on October 1, 2000.

BACKGROUND INFORMATION:

Currently there are three violations for parking in handicapper spaces that are part of the Vehicle Code. It is a violation for those without proper placard or registrations to park:

- in a parking space clearly identified by an official sign as being reserved for use by disabled persons which is on public property or private property available for public use;
- in a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities; or

- on a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, to the extent that citations for parking violations increased due to this bill, revenue for the various entities which receive funds from the fines and courts costs associated with such citations would increase. Entities that receive revenue from fines under such citations include local units of government, district court funding units, and local and county law libraries. Entities that receive revenue from court costs under such citations include local units of government, district court funding units, the legislative and judicial retirement systems, the Court Equity Fund, and the State Court Fund.

Current guidelines issued by the State Court Administrative Office recommend a fine of \$11 and court costs of \$34 to \$39 for parking violations, other than those written to violators who improperly park in a space reserved for use by disabled people. However, actual fines and court costs vary widely from these guidelines. (4-14-00)

According to the Senate Fiscal Agency, the revisions to the section that provide for secondary road patrol and training assessments and highway safety assessments would clarify and codify the current practice under State Court Administrative Office guidelines, thereby preventing the potential loss of \$3 million annually. Also, the elimination of the distinction between moving and nonmoving violations for the purposes of assessments would increase revenue to the two funds by an estimated additional \$1.2 million.

Further and according to the Senate Fiscal Agency, the provisions regarding responsibility for certain violations involving leased vehicles would have an indeterminate impact on fine revenue collections by local units of government. Provisions that would expand the type of parking violation citations that volunteers can issue would result in an indeterminate increase in the number of parking citations issued. (6-5-00)

During testimony before the House Transportation Committee on House Bill 5675 on May 9, 2000, the deputy parking director of the Detroit Parking Violations Bureau testified that the Detroit parking bureau is owed more than \$2 million from car leasing and rental companies for fines that have been assessed

against the vehicles driven by their clients but that have not been collected by the vehicles' owners of record.

ARGUMENTS:

For:

It should be illegal to park a vehicle in a fire access lane, denying access by fire and emergency vehicles to the buildings the lanes are designed to protect. Further, when drivers park their vehicles in fire access lanes they pose a danger to the community and should be cited. This legislation would make blocking fire access lanes unlawful, and it also would enable local units of government to train citizen volunteers to assist the police as they enforce the new parking law, issuing citations to those who violate it.

For:

The Senate amendments to the bill that provide for secondary road patrol and training assessments, and also for highway safety assessments, are important in order to clarify, as well as to codify, current practices that are issued to local courts as guidelines by the State Court Administrative Office. According to the Senate Fiscal Agency, these provisions would prevent the potential loss of \$3 million in revenue annually. Further, because these provisions eliminate the distinction between moving and nonmoving violations, and would apply the assessment to both, the new revenue collected from these assessments is expected to increase by \$1.2 million.

Against:

The Senate amended the bill to incorporate House Bill 5675, a bill that was under consideration by the House Transportation Committee earlier in the legislative session. That committee heard testimony on May 9, 2000 from the deputy director of the Detroit Parking Violations Bureau, that auto leasing companies owed the city more than \$2 million in outstanding and unpaid tickets. The bill was tabled to ensure that the fines lawfully owed to the city would not be forgone, if and when this proposed change to the law was enacted.

Committee testimony revealed that customarily parking enforcement is undertaken by a city parking violations bureau. In order to collect outstanding fines and penalties, the municipal parking bureau works with auto registration information that is a matter of public record, in order to identify a vehicle's owner, and then mail to that owner a copy of any parking tickets issued against the vehicle. Since the drivers of leased or rental vehicles are not the owners of record, the tickets that those vehicles incur are mailed to the owners, who in

turn collect the overdue fines from their clients. According to committee testimony, rental car companies in the City of Detroit, alone, are assessed about \$250,000 in tickets each month. The companies pay the city about \$100,000 each month. However, most tickets are ignored by rental and leased car companies so that little, if any, collections are pursued. When this bill was amended to incorporate House Bill 5675, it did not ensure that fines owed to cities for outstanding parking violations would continue to be owed.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.