

- SUBJECT:** Denying motor vehicle registrations for failure to pay parking fines
- COMMITTEE:** Public Safety — committee substitute recommended
- VOTE:** 6 ayes — B. Turner, Berman, Carter, Gutierrez, P. King, Najera
2 nays — Keel, Driver
1 absent — Hupp
- WITNESSES:** For — Joe Paniagua, Fort Worth City Council; Jon Rose, City of Dallas
Against — None
- BACKGROUND:** Counties act as agents of the Texas Department of Transportation (TxDOT) in renewing vehicle registrations and collecting annual vehicle registration fees. Registrations are renewed at county assessor-collector offices. Two-thirds of the revenue generated by the fees goes to Fund 6, the State Highway Fund, and one-third is kept by the counties.
- DIGEST:** CSHB 19 would allow TxDOT or a county assessor-collector to refuse to register a motor vehicle if either entity received under a contract information from a city that the owner of the vehicle had failed to pay a fine for a parking, standing, or stopping violation.
- The bill would allow a city to contract with TxDOT or the county in which the city was located to provide information about vehicle owners who had such unpaid violations. Such a contract would be subject to the ability of the parties to provide or pay for services under that contract. A city could report an unpaid fine for these kinds of violations only if:
- ! the fine was past due and the individual had failed to challenge the imposition of the fine in time;
 - ! the person owed the city more than \$100 in past-due fines for violations of ordinances regulating parking, standing, or stopping of a vehicle; and
 - ! the city had notified the person by first-class mail that the person could be denied registration for a motor vehicle because of past-due fines.
- A city with the kind of contract described in the bill would have to notify the

county or TxDOT if the people about whom they had reported had paid their unpaid fines and any late fees associated with those fines or if the city had dismissed the fines. If this were the case, the county assessor-collector or TxDOT could not refuse to register that person's motor vehicle.

A city with this kind of contract would have to include warnings in parking-violation citations stating that if someone failed to pay the associated fine, he or she could be denied registration of any motor vehicle.

CSHB 19 would take effect September 1, 1999, and would apply only to violations that occurred on or after that date.

**SUPPORTERS
SAY:**

CSHB 19 would give cities another tool to collect unpaid parking tickets from drivers who repeatedly ignore parking rules and regulations. The bill would not obligate counties or county assessor-collectors to do anything. Any contract between a city and a county to deny registrations because of unpaid parking tickets would be a permissive contractual arrangement.

Unpaid parking fines are no laughing matter for cities. Many cities are owed millions of dollars in unpaid parking fines, and those revenues should be used to benefit law-abiding residents. For example, in Dallas, unpaid fines amount to about \$11 million, while in Houston, they approach \$32 million. El Paso has about \$16 million in unpaid parking fines outstanding, and Austin and Fort Worth each have more than \$1 million in unpaid fines.

The public would be informed clearly about the change in policy because those with unpaid fines would receive notices by mail stating the new policy, and it also would be clearly stated in parking-violation citations.

Most cities have limited practical options for collecting these fines. Some cities are limited to placing a locking boot on a car that has multiple tickets or sending citations by mail. Neither method has proven very effective. Diverting law enforcement officers to try to catch parking scofflaws is neither feasible nor practical.

Those who park illegally not only inconvenience businesses for whom available parking spaces can spell the difference between profit and loss, but also law-abiding citizens looking for limited parking in busy areas.

CSHB 19 would help protect those who unwittingly buy a second-hand car with a record of parking violations and are surprised to find themselves unjustly accused, or their car booted, for parking violations racked up by the former owner.

OPPONENTS
SAY:

Refusing to renew a vehicle registration because a person has not paid parking tickets would be a disproportionate punishment. Many people depend on vehicles for their livelihood. Taking away someone's ability to work would not encourage them to pay unpaid fines.

CSHB 19 would result in some county tax assessor-collectors acting as law enforcement officers — a role for which they are not equipped and which they do not welcome. When denied the ability to renew their vehicle registration, vehicle owners can become violent and irrational — a fact known only too well to county employees who now must refuse to register vehicles when owners cannot show proof of insurance.

The program would be an administrative nightmare for county assessor-collectors, since it is doubtful that cities could provide up-to-the-minute, cross-referenced information on who has or has not paid fines.

Although the bill's language is permissive, powerful cities could pressure counties to enter into contracts with them or could offer them substantial incentives to do so. Tax assessor-collectors, whose budgets are controlled by counties, would have little choice in the matter.

Other legislative proposals this session would require county assessor-collectors to refuse to register vehicles for those who miss child-support payments or who lack an automobile emissions certificate in certain areas. County tax assessor-collectors are not equipped to be the primary enforcers of city ordinances or any other laws or rules.

Cities should use city employees to enforce their ordinances. Cities are perfectly capable of issuing arrest warrants and rounding up people with unpaid parking fines if they so choose.

NOTES:

The original bill differed substantially from the committee substitute. HB 19 as filed would have allowed cities to contract with the Texas Department of Public Safety (DPS), rather than with a county or with TxDOT, to provide

information necessary for DPS to deny renewal of a driver's license, rather than renewal of a motor vehicle registration, to someone who had unpaid parking tickets.