

SUBJECT: Allowing municipal employees to immobilize and remove parked vehicles

COMMITTEE: Transportation — committee substitute recommended

VOTE: 8 ayes — Alexander, Hawley, Y. Davis, Edwards, Hill, Noriega, Pickett, Swinford

0 nays

1 absent — Hamric

WITNESSES: For — Steve Lyons, Houston Police Department

Against — None

DIGEST: CSHB 996 would allow municipalities to designate employees to immobilize and remove vehicles from public roadways in order to enforce parking-control ordinances.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS SAY: Under current law, only peace officers and Department of Public Safety license and weight inspectors may remove illegally parked vehicles from public roadways. Depending on how and where vehicles are parked, this restriction can cause delays and safety hazards until appropriate authorities arrive. It also consumes valuable time that police and other law enforcement officers could spend better on other duties.

CSHB 996 would allow cities to authorize municipal parking management and control personnel to immobilize vehicles (by affixing wheel boots, for example) and/or order towing of vehicles that already are immobilized, if those vehicles were parked illegally. Cities could delegate this authority only to city employees who enforce parking regulation ordinances, not to parking-lot owners or attendants or to towing company personnel.

The criteria for immobilizing and towing illegally parked vehicles vary from city to city. The City of Houston's parking managers work for the municipal court. They may issue parking citations and boot vehicles but may not have them towed. Vehicles are subject to booting and towing when the owner fails to dispose of five parking tickets. Typically, however, notices are mailed giving owners 15 days to pay outstanding fines before towing occurs, unless the vehicle is creating a traffic hazard. Allowing parking managers to tow vehicles with expired notices would expedite the process and promote public safety. Houston annually tows about 1,000 booted vehicles, half of which are not parked downtown. Delegating towing authorization to parking managers would be more cost-efficient and would allow police to focus on more serious crimes.

OPPONENTS
SAY:

Towing a motorist's vehicle is a serious matter, because it deprives the owner or operator of mobility and a major personal asset. Towing should be authorized and supervised by a professional law enforcement officer well versed in parking ordinances and traffic statutes, not by a less experienced or possibly untrained "meter maid" or "ticket writer," who might not be fully cognizant of motorists' rights under the law.

OTHER
OPPONENTS
SAY:

Ambiguity in the bill's language could allow municipalities to designate any employee, not just those who work in parking control, to immobilize and tow vehicles in violation of parking ordinances.

NOTES:

The bill as filed would have allowed parking-facility owners or towing companies to remove vehicles from public roadways under the direction of a municipal employee operating under a parking control ordinance.

The companion bill, SB 750 by Ellis, has been referred to the Senate Intergovernmental Relations Committee.