

Memorandum



CITY OF DALLAS

DATE March 20, 2009

TO Members of the Transportation and Environment Committee:
Linda L. Koop (Chair), Sheffie Kadane (Vice Chair), Jerry R. Allen, Carolyn R. Davis, Vonciel Jones Hill, Angela Hunt, Pauline Medrano and Ron Natinsky

SUBJECT City Regulation of Private Parking Lot Booting Briefing

Attached is the "Dallas Vehicle Immobilization (Booting) Ordinance" briefing that will be presented to you March 23, 2009.

Please contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'R. Miguez'.

Ramon F. Miguez, P.E.
Assistant City Manager

c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest Turner, Interim Assistant City Manager
David Cook, Chief Financial Officer
Jeanne Chipperfield, Director, Budget and Management Services
Edward Scott, Director, Controller's Office
Helena Stevens-Thompson, Assistant to the City Manager – Council Office
Rick Galceran, P.E., Director, Public Works and Transportation

Dallas Vehicle Immobilization (Booting) Ordinance

Chapter 48C of the Dallas City Code

Briefing to the Transportation and Environment Committee

Prepared by
Transportation Regulation Program
Public Works and Transportation
March 23, 2009





Purpose of Briefing

- Brief the Committee on a proposed ordinance adding new Chapter 48C to the Dallas City Code – Vehicle Immobilization (Booting) Service Ordinance
- Obtain Committee feedback on the proposed new ordinance and identify a schedule for consideration by the full Council



Background

- Use of immobilization, or “booting,” is a relatively new practice being employed by private parking lot operators to enforce payment in their lots
- Booting is being used as an alternative to nonconsent towing that is currently allowed and regulated by state statute and Chapter 48A of the Dallas City Code
- Booting is not currently regulated by the state or City – Houston passed an ordinance in September 2008 regulating booting in response to citizen complaints



Background

- The City has received a growing number of complaints from patrons of pay parking lots regarding the use of vehicle immobilization devices
- Without state or local regulation, there is an increased opportunity for fraudulent and predatory practices that negatively impact the health and safety of the public
- Staff is drafting a new Chapter 48C of the Dallas City Code to regulate vehicle immobilization (booting) service companies and operators on privately operated pay parking lots



Licensing of Companies

Proposed New Chapter 48C of the Dallas City Code

- Allow for the licensing of companies that provide vehicle immobilization services:
 - Review company ownership – check for any conflicts with parking lot operators
 - Check for any delinquent taxes
 - Perform criminal background checks
 - Ensure proper amounts of commercial general liability insurance are maintained
 - Authority provided to suspend or revoke the license
 - Annual application fee – fee study is being conducted
 - Annual renewal each year prior to June 30th



Permitting of Operators

Proposed New Chapter 48C of the Dallas City Code

- Allow for the permitting of operators – individuals who place immobilization devices on vehicles:
 - Perform criminal background checks
 - Require operator to be employed by a licensed vehicle immobilization service company
 - Requirement that operator conspicuously display City-issued permit on the clothing of their upper body
 - Authority provided to suspend or revoke the permit
 - Annual application fee of \$10
 - Annual renewal prior to date of issuance



Service Requirements

Proposed New Chapter 48C of the Dallas City Code

- Identify service requirements for companies that provide vehicle immobilization:
 - Establish maximum rates that may be charged – \$100 fee for boot removal
 - Establish requirements for posting of signs – visible at driveway entrances and posted for at least 24 hours prior to booting
 - Must accept credit cards
 - Must be available 24 hours-a-day and 7 days-a-week to remove the immobilization device
 - Must arrive at the location within one hour after notice to remove the immobilization device



Service Requirements

Proposed New Chapter 48C of the Dallas City Code

- Identify service requirements for companies that provide vehicle immobilization:
 - Prohibit vehicle immobilization except on pay parking lots where a patron is issued a receipt (showing the date, time, and location) to be displayed on the dash of the parked vehicle – receipts must be dispensed by electronic pay stations installed on the parking lot and/or by a uniformed parking attendant wearing a badge or insignia issued by the parking lot
 - Parking lot operators would be allowed to tow or boot, but not both



Industry Review

- A early draft of the proposal was emailed to industry representatives on 3/11/09
- A written response was received (attached) from two enforcement companies and two operator companies with detailed comments
- Email was received from a parking operator asking that additional time be provided for the industry to work with staff on a review of the draft ordinance



Industry Review

- Staff reviewed the written comments received and is working on how to incorporate staff recommendations and industry comments into an ordinance
- Staff identified three key industry issues with the proposed ordinance that need further discussion:
 - Requirement for an electronic pay station or attendant – industry wants to continue to use slot boxes with video evidence to support enforcement
 - Limitation to pay lots only – industry wants booting to be allowed for retail, office or other uses with free parking
 - Limitation to use of one enforcement method (booting OR towing) – industry wants to be able to use both enforcement methods on the same lot



Next Steps

- City staff will meet with industry representatives to review the proposal and return to the Transportation and Environment Committee on April 27, 2009 with a final recommendation
- Full Council consideration would be scheduled for May 13, 2009



Attachment

- March 16, 2009 letter from Hawkeye Parking Enforcement, Premier Parking Enforcement, Parking Company of America, and LAZ Parking providing comments on the draft ordinance