

# JOHN SPIROS

State Representative • 86th Assembly District

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## *Assembly Bill 882*

February 7, 2018

Testimony from Rep. Spiros

Hello, and thank you Chairman Brooks and members of the Assembly Committee on Local Government for allowing me to have the opportunity to share my testimony with you today regarding Assembly Bill 882.

This bill would allow a municipality or county to enact an ordinance to allow for the towing or immobilization, otherwise known as booting, of parked cars with five or more unpaid parking tickets, issued more than 60 days prior to towing or booting, and for which the car owner has not made arrangements to pay the tickets. The local government must have mailed to the last-known address of the owner at least one notice to inform them the manner in which each parking ticket may be paid or contested, as well as informing the owner that the vehicle may be immobilized or towed and impounded. Vehicle immobilization can often be a cheaper and less onerous method of parking enforcement for both the municipality and the car owner.

The City of Milwaukee has requested this reform as part of a broader effort to change patterns of illegal parking within the city and reduce the amount of parking violations that go to overdue collections. This proposal is partially a result of the City of Milwaukee Debt Reduction Task Force. The current parking ticket debt in the City of Milwaukee is \$34.6 million. A goal of this bill is to allow the City of Milwaukee to explore another option for collecting that debt in a way that may be less onerous and expensive than towing.

Thank you again for allowing me the opportunity to share testimony in support of this bill, and I welcome any questions.



# DUEY STROEBEL

STATE SENATOR • 20<sup>TH</sup> DISTRICT

## Testimony on AB 882

*February 7, 2018*

Good afternoon Chairman Brooks and members of the Assembly Committee on Local Government. Thank you for hearing AB 882 today. This bipartisan legislation establishes a statutory framework for municipalities looking to broaden their approach to parking enforcement.

Temporary immobilization of an illegally parked vehicle, more commonly known as “booting,” is a meaningful, behavior-changing enforcement mechanism that Wisconsin municipalities are not allowed to employ under current law. While parking tickets may be issued for violations of parking ordinances, unfortunately there are some who refuse to pay the fines. Habitual scofflaws eventually face the prospect of having their vehicle towed to a municipal lot where they must pay even more fines – in addition to the fines they have already accrued – in order to get their vehicle back.

Maintenance of a towing program and a municipal lot to hold towed vehicles can be an expensive proposition. In addition to the cost burden borne by local governments, individuals who have their vehicle towed face logistics challenges in reaching their vehicle during business hours and arranging for its release.

Booting, as opposed to towing, eliminates any need for a vehicle owner to secure transportation to a new location in order to release their vehicle. With a boot, the owner knows where the vehicle is and what number they need to call to take the boot off and use the vehicle. Additionally, booting programs cost less than a tow program to operate.

The legislation before you today does not mandate the creation of any immobilization program anywhere in Wisconsin. It merely authorizes local governments to pursue this as an option. Immobilization would only be allowed if the vehicle has five or more outstanding unpaid parking tickets, the most recent of which is at least 60 days old.

The City of Milwaukee and the League of Wisconsin Municipalities both support this legislation. The City of Milwaukee estimates that temporary immobilization is a cheaper, more cost effective alternative to towing for both the city and for those with parking offenses. It will allow for the quicker resolution of parking violations at a cost that is cheaper for both the city and the individual cited. This legislation has been introduced in a prior session when one chamber of the legislature passed it. It is partially a result of the City of Milwaukee Debt Reduction Task Force, which pegs outstanding parking debt in the city at more than \$34 million.

Thank you for considering this legislation.



Department of Administration  
Intergovernmental Relations Division

Tom Barrett  
Mayor

Sharon Robinson  
Director of Administration

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Director of Intergovernmental Relations

## City of Milwaukee Testimony on SB 712/AB 882 February 7, 2018

The City of Milwaukee requested this legislation and is in full support of SB 712/AB 882. The bill gives enabling authority to municipalities to enact an ordinance to allow for the immobilization, towing or impounding of vehicles owned by habitual parking scofflaws that are legally or illegally parked. Under current law, municipalities can tow a vehicle when it is illegally parked, but only allows for the use of immobilization devices on private parking lots and for unregistered vehicles. The bill requires the parking scofflaw to pay all outstanding tickets, make arrangements to pay through an installment plan, or schedule an appearance in court.

A habitual parking violator is defined as:

- A person who has received 5 or more citations and each one is 60 days or more outstanding
- The tickets have not been paid or a court appearance has not been scheduled

We recognize that some may see this as an overly punitive measure. However, we believe the use of an immobilization device is less punitive to the owner of the vehicle than a tow for several reasons:

- A boot fee is typically less expensive than a tow--\$50-\$70 vs. \$100-\$125 for a tow
- When a boot is used, there is no confusion about the location of the vehicle vs. the uncertainty of whether your car has been stolen or not when a car is towed
- The owner of the vehicle retains control of the vehicle. Once the boot is released (current technology allows you to do it yourself with a code after payment) vs. having to get to the towed location without your vehicle

The purpose of the bill is two-fold. First, we believe giving us this authority will lead to more compliance and getting people out of a vicious cycle that currently occurs when residents build up parking citations and do not try to resolve them either through payment or resolution in court which can eventually lead to vehicle registration suspension and/or license suspension. We hope to change this behavior which will have a secondary effect of relieving some of the current total outstanding parking citation debt in the City of Milwaukee of \$35.8 million. For parking scofflaws, total debt is \$12.9 million. Additionally, an immobilization device will act as a visual deterrent which may have a behavioral impact as well.

The bill requires that a municipality must:

- Mail to the last known address of the owner at least one notice for each ticket proving information on how to pay or contest the tickets. The notice must also warn that the vehicle may be immobilized or towed.
- Place a notice on an immobilized vehicle that explains how to get the boot removed and provide a phone number that can provide this information 24 hours a day
- Remove an immobilization device within 3 hours after the requirements for the release have been met

The City of Milwaukee supports SB 712/AB 882 because currently many violators accrue debt without trying to resolve it, and the bill gives municipalities a tool to hold those violators accountable and encourages them to take responsibility leading to greater compliance. The bill accomplishes that in a less punitive manner than is currently available to municipalities.

This bill passed the Senate in 2009 and we encourage the current Legislature to support and pass SB 712/AB 882.

Thank you for your consideration.

**For more information, please contact:**

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To: Assembly Committee on Local Government  
From: Curt Witynski, J.D., Deputy Executive Director, League of Wisconsin Municipalities  
Date: February 7, 2018  
Re: **AB 882, Immobilization or removal, impoundment, and disposal of vehicles owned by habitual parking violators**

The League of Wisconsin Municipalities supports AB 882, allowing a municipality to enact an ordinance providing for the immobilization or towing, impoundment, and disposal of vehicles owned by habitual parking violators. Municipalities in Wisconsin already have the authority to immobilize or tow, impound and dispose of unregistered or abandoned vehicles. This bill merely extends that authority to habitual parking violators.

This bill provides communities with an optional enforcement tool for dealing with parking scofflaws. The bill requires notice and provides other due process safeguards for vehicle owners.

We urge you to recommend passage of AB 882. Thanks for considering our comments.