



Department of Public Works

Jeffrey J. Mantes
Commissioner of Public Works

James P. Purko
Director of Operations

MEMORANDUM

To: Ashanti Hamilton, Chair Judiciary and Legislation Committee
Terry Witkowski, Vice-Chair Judiciary and Legislation Committee
Members of Judiciary and Legislation Committee

From: Cindy Angelos 
Parking Financial Manager

Date: February 2, 2009

Re: Progress Report on Recommendations of the Outstanding Debt Task Force

The Department of Public Works is working on a number of initiatives to encourage the payment of outstanding parking citations. All these initiatives were discussed and supported by the Outstanding Debt Task Force. These initiatives are as follows:

Legislative Initiatives

File 051150 adopted by the Common Council directed the Intergovernmental Relations Division to seek introduction of state legislation to implement the recommendations of the Outstanding Debt Task Force. Two legislative initiatives relating to the payment of outstanding parking citations were being sponsored and introduced by Representative Peggy Krusick in the 2007-09 legislative session. The initiatives were drafted to be sponsored by Rep. Krusick. Both of them are currently on hold.

The first initiative that would have established a time frame to adjudicate parking citations for cities of the first class was removed from the legislative package by an alderman who has concerns about it. The language would have allowed the city to adopt an ordinance requiring a person who had been issued a parking citation to either pay the citation or arrange with the city to contest the citation within a maximum of 180 days after issuance or face a guilty judgment. DPW continues to favor this change. We will be happy to meet with any Council member to describe the benefits resulting from the passage of this legislation, namely to encourage people to either pay outstanding parking citations or to adjudicate the citations in a timely manner.

The second initiative would allow a municipality to adopt an ordinance to allow booting and/or towing of a legally or illegally parked vehicle which has three or more unpaid parking citations and refuse to release the vehicle until all outstanding parking citations are paid or adjudicated. However, there appears to be concerns in the State Senate that require further discussion before this legislation goes forward.

The purpose of this legislation is to tow vehicles that are legally parked and to boot those vehicles that are legally or illegally parked that have three or more outstanding parking citations. As of September 2008, there were 101,075 in-state license plates with three or more outstanding parking citations valued at \$30.4 million and nearly 7,700 out-state license plates with three or more outstanding parking citations valued at \$2.2 million.

Although the City does not currently have the authority to boot or tow legally parked vehicles for unpaid parking citations, the City does have the authority to tow illegally parked vehicles for unpaid citations. Since Fall 2008, the City of Milwaukee tows vehicles that are illegally parked that have three or more outstanding parking citations, down from four citations that initiated a tow before that time. In 2008, 16,590 illegally parked vehicles were towed for unpaid citations, a number that has been steadily increasing. In addition, another 3,568 vehicles were towed for being unregistered in 2008, most of which would have been towed for open citations had this new ordinance not been passed in May of 2006.

Once a vehicle has been towed and has four or more outstanding parking citations, the vehicle owner is issued a summons and complaint whereby the owner is scheduled to appear in court to adjudicate outstanding citations. In 2007, 6,113 summons and complaints were issued on 48,904 citations valued at approximately \$2.1 million. In 2008, 5,308 summons and complaints were issued on 43,525 citations totaling approximately \$1.8 million. This is one of the few techniques DPW can use to encourage payment and adjudication of outstanding parking citations in a timely manner.

Batching Vehicle Registration Holds

The Outstanding Debt Task Force endorsed an initiative of the Department of Public Works to work with the WisDOT regarding the placement of vehicle registration holds on outstanding parking citations.

Previously, the City paid \$5 to place a registration hold on a vehicle that had at least one parking citation 58 days overdue. If there were multiple citations overdue, the City placed a registration hold only on the oldest citation. When a registration hold is placed, the statute of limitations to adjudicate the citation increases from two to six years. In the past, the City requested over 100,000 registration holds per year.

In 2005, the Municipal Court judges issued an order requiring the City Attorney to prevent the filing of any actions in the Municipal Court that contained parking citations more than two years old unless the citations had been submitted to the WisDOT for registration holds. Because it was cost prohibitive for the City to place a registration hold

on every outstanding citation, the City negotiated with the WisDOT to allow the City to bundle all existing overdue citations under one registration hold at one \$2.50 fee. Any subsequent citations issued to the same vehicle after the bundled hold is placed requires an additional batch hold to be placed. To be cost-efficient, DPW waits until there are three or more subsequent unpaid citations before placing another hold.

Accessing Driver’s License Numbers

A 2006 change in state law and a cooperative working relationship with the WisDOT has allowed the City to obtain driver’s license number information as of August 2006. This information is now provided as part of the vehicle registration information received from the WisDOT.

The goal of receiving a driver’s license number is to enhance the City’s collection rate for the Tax Refund Intercept Program (TRIP). Previously, the Department of Revenue (DOR) would only accept social security numbers, which were difficult to obtain and had to be purchased from third party vendors. The City was only able to receive this data on approximately 52% of all vehicle owners and was only able to certify 47% of those eligible under TRIP. Under a change in state law, the DOR will now accept driver’s license numbers.

On several occasions, DPW has testified publicly that if the City could obtain the driver’s license number, we believe we could certify over 90% of those eligible under TRIP. In recent years, we have been able to certify approximately 93% of those eligible for TRIP. The following table provides information about TRIP experience for the past two years:

TRIP COLLECTIONS		
	<u>2007</u>	<u>2008</u>
Number Certified	102,760	164,428
\$ Amt Certified	\$4,856,592	\$9,529,552
Number Paid	45,870	64,604
\$ Amt Received	\$2,017,760	\$3,013,908

A tax refund can only be intercepted if all the following occurs: (1) the person intercepted files a State Income Tax Form; (2) the person receives a state income tax refund; and (3) the City of Milwaukee DPW is listed first on the intercept list. If the tax refund is not sufficient to cover the total amount of outstanding debt, the person remains certified until all the debt is paid.