

2018-2019

LEAGUE OFFICERS

President

Janet Arbuckle
*Council Member,
Grass Valley*

First Vice President

Randon Lane
Mayor Pro Tem, Murrieta

Second Vice President

John F. Dunbar
Mayor, Yountville

Immediate Past President

Rich Garbarino
*Vice Mayor,
South San Francisco*

Executive Director

Carolyn M. Coleman

May 2, 2019

The Honorable David Chiu
California State Assembly, District 17
California State Capitol, Room 4112
Sacramento, CA 95814

**RE: AB 516 (Chiu) Authority to Remove Vehicles.
Notice of Opposition**

Dear Assembly Member Chiu,

The League of California Cities[®] (League) is **Opposed** to your AB 516 (Chiu), a measure that would eliminate the ability for cities to adequately enforce state and local vehicle violations.

AB 516 would eliminate enforcement tools for cities to address motorists who disregard basic laws designed to benefit entire communities. Specifically, the measure would eliminate the ability for cities to:

- “Immobilize,” or place a boot on a vehicle, for motorists who have five or more unpaid parking tickets.
- Remove vehicles with expired registration that are operating illegally; and
- Remove vehicles in violation of parking time restrictions.

When it comes to the immobilization of a vehicle, it is key to remember that this method is only used when someone has five or more unpaid parking tickets and the payment plans offered to them by the city, as established by recently chaptered bills AB 503 (2017) and AB 2544 (2018). These payment plans can be as low as \$5 for an indigent person and \$25 for a non-indigent person. This is a fair process that allows low-income individuals to pay their outstanding parking citations without impacting their ability to maintain their livelihood.

There are a host of reasons, beyond the collection of unpaid parking tickets, for one’s inability to register a vehicle. Reasons include, but are not limited to, one’s failure to insure a vehicle, a failed smog check and vehicle theft. The authority to remove vehicles that are operating unlawfully for failing to register within six months is an essential enforcement tool for violation of state and local laws aimed at requiring insurance, keeping our air clean, our storm drains free of pollution, and our streets safe. Motorists that allow their vehicle registration to expire for more than 6 months are not only in gross violation of state law, but are rejecting

their basic responsibility to pay for the following programs and services (which are collected with vehicle registration):

- Use Taxes (especially for used or out-of-state vehicles where this may not be paid upfront)
- The California Highway Patrol
- The California Department of Motor Vehicles
- The State Highway System (including SB 1 basic maintenance and operation funding)
- The California Air Resources Board
- Local streets and roads (including SB 1 basic operation and maintenance funding)
- The State General Fund
- Service Authority for Freeway Emergencies fees (for emergency call boxes)
- Air quality fees set by air quality management districts to reduce air pollution
- The Vehicle License Fee
- Toll violations
- Other State agencies¹

While the DMV may have the authority to take other extraordinary measures, such as garnishing wages, garnishment does not solve the problem of an unregistered vehicle operating unlawfully on the public highway. The threat of impoundment and/or getting one's vehicle back from impoundment is often the strongest compliance tool proportional with these types of violations. These same tools are necessary to enforce local vehicle laws aimed at protecting the public right of way.

72-hour parking time restrictions are a key element in city efforts to protect the public right of way. Protection of the public right of way allows for residents to access the various facets of a city, including residential neighborhoods, government services, local businesses, and city attractions. Ensuring residents and visitors have access to their own homes or those of their relatives, city hall, parks, libraries, retail, restaurants, and cultural epicenters benefit from the city adequately enforcing these basic restrictions. Residential neighborhoods and major business corridors already struggle with limited parking spaces. AB 516 will only exacerbate this problem by extending this privilege to every person regardless of income or ability by eliminating parking time restrictions.

Residents, businesses, and visitors have developed an expectation that safe and reliable parking will be available to access these facets of a city. These expectations are well-established in all communities. AB 516 would be particularly punishing on low-income communities where issues of blight such as illegal dumping and abandoned vehicles can be more acute. While AB 516 may provide some financial relief to an individual who chronically ignores parking and/or commits other vehicle violations, it would come at a cost to the greater good and character of all

¹ https://www.dmv.ca.gov/portal/dmv/detail/pubs/brochures/fast_facts/ffvr34

communities. Getting a parking ticket or having a vehicle impounded can be a frustrating experience. However, it can be equally frustrating for residents, businesses, and visitors not to have safe and reliable streets and/or parking to access these neighborhoods, local businesses, attractions, and government services.

The 72-hour parking enforcement notice is usually triggered by a complaint from a local resident or business when cars appear abandoned or haven't moved for days. By the time a city responds, more than 72 hours have typically elapsed, when a notice is thereby issued for the vehicle to move. Complying with such notice typically costs nothing and compliance can simply involve moving a vehicle to a more acceptable location to avoid a tow. By the time a tow is actually enforced, a vehicle has likely remained unmoved for days and possibly weeks.

The approach in AB 516 rewards people who fail to pay their parking tickets, register their vehicles, or adhere to reasonable policies aimed at preventing abandonment and/or street storage of vehicles, regardless of income. AB 516 will exacerbate parking scarcity by creating an environment extremely vulnerable for exploitation with consequences much more serious than the problem the bill is trying to solve. This bill, coupled with efforts by the state aimed at eliminating local parking minimums, will create quality of life concerns across income demographics in California.

Finally, the proponents of AB 516 reach broad conclusions that misrepresent the law to justify the merits of this bill. The courts have consistently upheld the enforcement actions this bill seeks to eliminate since they help prevent jeopardizing public safety, promote efficient movement of vehicular traffic, are in the interests of public welfare, and prevent the illegal operation of vehicles.

For these reasons, the League is **Opposed** to AB 516. If you have any questions, please feel free to contact me at (916) 658-8283.

Sincerely,



Rony Berdugo
Legislative Representative

Cc: Members, California State Assembly