
Commerce & Labor Committee

HB 1464

Brief Description: Regulating commercial parking businesses.

Sponsors: Representatives O'Brien, Lovick, Kirby, Sommers and Chase.

Brief Summary of Bill

- Prohibits a parking charge unless the commercial parking business conspicuously posts a sign on the parking lot indicating the times and circumstances in which a parking charge will be charged.
- Provides for fees and penalties for unauthorized parking.

Hearing Date: 2/7/05

Staff: Rebekah Ward (786-7106).

Background:

Cities are authorized to establish the method of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation. Additionally, under some circumstances a city may by ordinance create a parking commission for the purpose of establishing and operating off-street parking facilities. The parking commission if established by a city, consists of five members appointed by the mayor and confirmed by the city council, and is authorized to own and operate off street parking facilities as well as contract with private persons and organizations for the management and/or operation of parking facilities under its control, and related services, including leasing the facilities or portions of the facilities. State law also permits private businesses to operate commercial parking facilities.

Summary of Bill:

The commercial parking business is regulated, including requirements relating to posting signs, disclosing parking fees, and collecting charges for unauthorized parking.

A commercial parking business is defined as the ownership, lease, operation, or management of a commercial parking lot with a purpose of parking motor vehicles for a fee. Parking fees may be charged for monthly parking, reserved parking, parking for a given amount of time, or a specific event, fees for unauthorized parking, late fees, and collection fees.

Posting Requirements

Charging a parking fee is prohibited unless the commercial parking business posts a sign conspicuously stating the times and circumstances in which a fee will be charged, the amount of the charge, or a schedule of different rates or different schedules, and the name, address, and telephone number of the commercial parking business. A commercial parking business need not post the fee sign if the commercial parking business:

- has an agreement for the parking services between the commercial parking business and the customer; and
- gives the customer the required information in written form when they enter the parking lot; or
- for event parking, an attendant or signage gives the customer the required information upon entry into the lot.

Charges for Unauthorized Parking

A customer whose parking is unauthorized is liable to the commercial parking business for a reasonable parking charge if notice of the charge is given to the customer. Where a customer fails to pay within fifteen days after notice is given, the registered owner of the vehicle is liable to the commercial parking business for the reasonable fee. Additionally, charges may include a late fee up to a maximum of \$25, any collection agency fees, and/or statutory costs and reasonable attorney fees that are incurred if court action is taken.

Notice of Parking Charges

Reasonable parking charges may not exceed the posted price or \$50. If a fee other than the posted fee will be charged, or if a late fee or collection fee is to be charged, then the amount of the charge must be stated in a sign conspicuously posted on the parking lot. In addition, written notice of a violation must be either affixed to the windshield of the car in violation, mailed via first class mail postage prepaid, to the registered owner of the car in violation, or delivered in another commercially reasonable medium to the registered owner. The notice must describe how the reasonable fee was calculated, the date(s) of the unauthorized parking, the license number of the vehicle, and the name and address of the commercial parking business. The notice must be mailed within 90 days of the unauthorized parking or within 90 days of the bill's effective date, whichever is later.

Where a collection fee is assessed, the commercial parking business must provide notice to the registered owner of the vehicle of the possibility of assignment of the debt to a collection agency at least fifteen days prior to the assignment. A fee of up to \$100 or 50% of the debt over \$100 is presumed reasonable.

A parking business may give the registered owner of the unauthorized parked vehicle more than fifteen days prior to assessing a late or collection fee or from discounting the parking charges if they are paid within a certain amount of time.

Presumption of Liability for Parking Charges

A registered owner is presumed liable for his or her vehicle in a commercial parking lot unless the owner can prove by clear and convincing evidence that the person who parked the vehicle in the commercial parking lot was unauthorized to do so. Notice provided to the registered owner of the vehicle will be presumed to have been provided to any party responsible for the parking charges associated with the vehicle.

Other

These provisions do not preclude a claim being taken to small claims court.
These provisions apply to all parking charges that are owing on or after the bill's effective date.

Rules Authority: The bill contains no provisions regarding agency rule making.

Appropriation: None.

Fiscal Note: Requested on February 2, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.