

From: **RECEIVED** Austin Hood <Austin.Hood@house.state.tx.us>
Sent: Wednesday, February 18, 2015 10:02 AM
To: FEB 18 2015 Opinion_Committee
Subject: Opinion Request on Transportation Code
Attachment: **OPINION COMMITTEE** Transportation Code Privileged Parking Letter.pdf

FILE # ML-47700-15
I.D. # 47700

On behalf of the City of Rowlett, Chairwoman Button would like to request an opinion on a piece of the Transportation Code.

Under the Transportation Code; Title 7; Subtitle H; Chapter 681 Privileged Parking, the code currently states that a person may volunteer to enforce privileged parking laws including handicap parking. We would like to know if that section also applies to a group or to a business, or if it prohibits them from enforcing those laws.

I have attached the letter that was sent to us by the City of Rowlett and the person who brought this issue up to them. He would like to start a business that enforces privileged parking laws for cities that are unable to do so. Some cities are worried that the current code does not allow private businesses to enforce those laws even if the business is trained under the programs required by the code.

Please let me know if I need to include anything else with the request or if you have any questions. Additionally, we have been in contact with Rowlett Mayor Todd Gottel who would be happy to answer any questions you may have. He may be contacted at 972-412-6115.

Thank you so much,

Austin Hood
Legislative Aide
State Representative Angie Chen Button
(512)463-0486
Capitol Extension E2.910

February 5, 2015

RE: Handicapped and Fire Lane Parking Enforcement

Dear Representative Button:

Rowlett Mayor Todd Gottel suggested that I write you regarding this matter. I understand only Chairpersons can request a ruling from the AG office.

I'm writing you, in hopes that you can assist us with a matter that is very important to us. My wife & I have a son with Special Needs. One of the most frustrating things as a parent is having someone park in one of the designated parking spaces designated for handicapped citizens. Over the years, I have personally witnessed people with no sign of a physical disability parking in a handicapped parking space. I have even confronted some of them and was basically laughed at and asked what I was going to do about it.

I have contacted the police departments many times over the years with no visible change in enforcement. The real issue is having enough resources to effectively monitor and enforce the handicapped and fire lane parking laws. Police departments have limited resources and monitoring parking lots for handicapped parking violators is far down on their list of important issues they are faced with on a daily basis. I have actually been told by some cities that they do not enforce it at all unless there is an officer standing there when the violation occurs.

After being challenged multiple times, I decided to create a company, Parking Enforcement Specialists, dedicated to monitoring and enforcing handicapped and fire lane parking laws. We have deployed the latest technologies making ticket writing fast, effective and automated eliminating manual entry into their respective court management systems.

We have run into an issue with some of the cities regarding the interpretation of a law regarding paying a company to assist the police department with enforcement. I am hoping that you can provide some clarification on the law so that we can move forward with helping Cities with their much needed enforcement of their Handicap Parking Violations.

I have been in discussions with the City Manager – Brian Funderburk at The City of Rowlett. He brought up the issue of how they could work out the Service Agreement. The City Attorney had questioned whether the City could pay our Business for these services, because he understood that the code was intended to include businesses. I met with Municipal Judge Owen G. Lokken

and he believed the law was clearly meant for individuals that were volunteering. Under The Transportation Code Title 7. Subtitle H. Chapter 681 Privileged Parking,

Sec. 681.0101. ENFORCEMENT BY CERTAIN APPOINTED PERSONS. (a) A political subdivision may appoint a person to have authority to file a charge against a person who commits an offense under this chapter.

(b) A person appointed under this section must:

(1) be a United States citizen of good moral character who has not been convicted of a felony;

(2) take and subscribe to an oath of office that the political subdivision prescribes; and

(3) successfully complete a training program of at least four hours in length developed by the political subdivision.

(c) A person appointed under this section:

(1) is not a peace officer;

(2) has no authority other than the authority applicable to a citizen to enforce a law other than this chapter; and

(3) may not carry a weapon while performing duties under this section.

(d) A person appointed under this section is not entitled to compensation for performing duties under this section or to indemnification from the political subdivision or the state for injury or property damage the person sustains or liability the person incurs in performing duties under this section.

(e) The political subdivision and the state are not liable for any damage arising from an act or omission of a person appointed under Subsection (a) in performing duties under this section.

It is our belief that this chapter was intended to cover individuals wanting to volunteer.

We do not believe it is intended to prevent businesses, such as ours from doing business with a municipality.

We are a Corporation, whose purpose is to handle violations that cities do not have the manpower, resources or available funds to dedicate to this cause. We will have our own training program, approved by the cities, our own vehicles, Equipment, Insurances and will only be paid when the violations are paid through the Courts. The Cities win, by having the needed coverage, but most of all the Persons with Special Needs win by having someone to look out for them. I wish I could show you just how bad the problem is.

As I stated earlier, I have a Son with Special Needs. His life is impacted on a daily basis, along with millions of others. I would be more than happy to sit down with you, anytime to discuss some of the ways I believe we can make a difference in these people's lives.

I have not spoken with a single person that doesn't believe this is a wonderful plan. I hope you will see it the same way.

Thank you again for taking the time to look into this.

Sincerely,