

RESOLUTION NO. 104 -2012

ASKING REPUBLICAN SENATE MAJORITY LEADER DOMINIC PILEGGI TO MOVE HOUSE BILL 1803, WHICH ALLOWS 3rd CLASS CITY PARKING AUTHORITIES TO HOLD ADMINISTRATIVE APPEAL HEARINGS, FORWARD TO THE SENATE AGENDA.

WHEREAS, Parking Authorities were authorized by the Municipalities Authority's Act in 1947 and the PA Vehicle Code, in turn, specifically limits and controls enforcement and adjudication of parking regulations by authorities and municipalities; and

WHEREAS, the PA Vehicle Code presently allows for cities of the 1st and 2nd Class (Philadelphia and Pittsburgh) to adjudicate parking enforcement matters by either summary criminal process or civil administrative process; and

WHEREAS, the PA Vehicle Code limits City governments and Authorities in 3rd Class Cities, including Allentown, Bethlehem, Erie, Lancaster, and Reading, requires the adjudication of parking ticket disputes through the summary criminal process. Those disputes are processed by the Administrative Office of Pennsylvania Courts and the Magisterial District Justice Court system, all as prescribed by the Rules of Criminal Procedure. Non-paying and non-compliant parking "customers" are, therefore, put through often an expensive and cumbersome system imposed upon the Courts by the unnecessary and strict criminal process; and

WHEREAS, House Bill 1803, as drafted by Representative Thomas Caltagirone, would allow (but not require) the adjudication of parking tickets through an administrative hearing process, removing disputes from the formal court system and utilizing administrative hearing officers instead. Upon request, hearing of a disputed ticket could be promptly scheduled and, if the citizen is not satisfied with the decision, a second hearing could be convened. Ultimately, the individual may appeal the ticket to the Court of Common Pleas as a civil, administrative appeal. Delinquent accounts may also be processed through an accounts recovery system and local ordinances may continue to support delinquency enforcement through a sanctioned "vehicle booting" program. This is, essentially, the system in place in the City of Pittsburgh

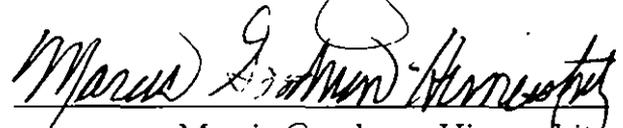
NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

1st and 2nd Class Cities are afforded with many more liberal rights and abilities in numerous areas such as taxation and the adjudication of parking tickets. The House of Representatives recognized the need to level the playing field for 3rd Class Cities when they adopted House Bill 1803, legislation that would allow parking authorities to adjudicate parking ticket appeals and disputes through administrative hearings, rather than through the Magisterial District Justice court system, which is expensive for the both "customer" and for the taxpayers of Pennsylvania. However, this Bill was withdrawn from the Senate consideration by Republican Senate Majority Leader Dominic Pileggi, due to pressure applied by individuals who lobbied against this important piece of legislation.

Approval by the State Senate could provide significant savings for the Pennsylvania Court System resulting in approximately 1,500 less cases per month and 18,000 cases per year, for the Magisterial District Justices in Reading alone, reduce the burden on Court staff by eliminating the requirement to track tickets, schedule hearings and assess the costs of service of warrants and summons. Adopting House Bill 1803, will allow for an administrative hearing process that will provide flexibility, reduced costs, prompt resolution of disputes and appeals, and a decriminalized, less onerous approach to resolving simple parking violations. Approval of House Bill 1803 would bring help cities like Reading generate approximately \$500,000 in revenue annually and would greatly reduce the amount of overtime paid to police officers to attend hearings at the MDJ offices.

The City of Reading City Council respectfully asks Republican Senate Majority Leader Dominic Pileggi and the Pennsylvania Senate to move House Bill 1803 forward to the Senate agenda for adoption as quickly as possible as it is time for all cities to be treated equally.

Adopted by Council Aug 13, 2012



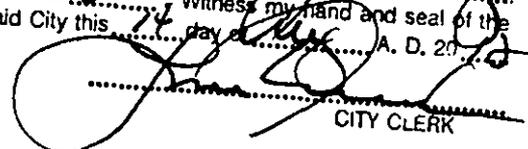
Marcia Goodman-Hinnershitz
Vice President of Council

Attest:



Linda A. Kelleher CMC
City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 13 day of Aug, A. D. 2012. Witness my hand and seal of the said City this 14 day of Aug, A. D. 2012.



CITY CLERK