

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 24, 2008
TO: THE HONORABLE MAYOR AND MEMBERS OF COUNCIL
FROM: JAMES K. HARTMAN, CITY MANAGER
SUBJECT: BUDGET MEMO 40 : ENFORCEMENT OF VEHICLE REGISTRATION

This budget memo responds to Councilmen Gaines and Krupicka's requests for information regarding the City's enforcement of the requirement that all residents register their vehicles with the Virginia Department of Motor Vehicles (DMV). Due to the relationship between the two, we have also included information on City decal enforcement procedures for comparison purposes.

ENFORCEMENT OF VEHICLE REGISTRATION

Many taxpayers retain out-of-state plates until they expire despite the State requirement that residents title and register their vehicles with DMV within 30 days of moving to Virginia. Others are able to renew out-of-state plates by mail to their prior state of residence, avoiding their obligation to register with Virginia's DMV. There are currently over 2,800 vehicles in Alexandria's personal property tax system with out-of-state license plates. All of these vehicles are registered with the City. Due to the large number residents who stay for a short period of time and move out of the City, it is difficult to determine how many out-of-state vehicles are considered to be in the City for registration and taxation purposes. Some residents, including active duty members of the military and out-of-state students attending college in Virginia, are exempt from the State registration requirement. Many residents may also fail to register with the City for personal property taxation.

Enforcement Authority and Practices

Under the authority granted by Code of Virginia Section 46.2-1313, Alexandria City Code Section 10-3-613 incorporates Code of Virginia Section 46.2-613, which states that no person shall operate a vehicle which is not properly titled and registered, which does not have displayed on it the proper license plates or decals, or which has displayed on it fictitious, revoked, suspended, expired or altered plates or decals.

City Code Section 10-4-37 permits the Police Department to issue citations to any person who operates or parks a vehicle in the City without displaying the required City decal, which must be purchased and displayed within 30 days of moving into the City or purchasing a vehicle. In keeping with City Code Section 10-4-37.1 and the City's commitments through the Northern

Virginia Local Motor Vehicle License Compact, officers also issue citations to vehicles in violation of other jurisdictions' decal regulations.

Currently, Tag Enforcement officers patrol at night, tracking vehicles lacking a City or county decal. On first sighting, the officers place a warning on the vehicle's windshield. After sighting a noncompliant vehicle four times within a 30-day period, officers issue a citation for failure to display a decal, which carries a \$40 fine. Taxpayers must register with the City and pay all personal property taxes due before they can pay the parking fine. Through the DMV Vehicle Registration Withholding Program, the Finance Department is also able to withhold registration renewals for taxpayers with outstanding parking fines, but this program cannot be used for out-of-state vehicles. Approximately 5,700 parking citations for failure to display a City decal were issued in fiscal year 2007. With a 66 percent collection rate, these citations generated approximately \$0.2 million in revenue. Based on the average personal property tax bill, staff estimates that citation-related tax collections produce approximately \$0.9 million in revenue per year.

Since City Tag Enforcement Officers cannot cite a parked vehicle as opposed to a moving vehicle for failure to register with DMV, the warning notice placed on parked vehicles without City decals also informs the resident that they are required to register with DMV and that they may be cited in the future for failure to do so. In most cases, enforcement of state vehicle registration requirements takes place as part of normal traffic enforcement. When a vehicle with out-of-state plates is stopped for a traffic infraction, the officer will request the resident's address and if relevant, the amount of time that the resident has been located in the City. If this information shows that the resident is in violation of the 30-day registration requirement, the officer will issue a City citation for failure to register. Approximately 2,500 citations were issued in fiscal year 2007 under City Code Section 10-3-613 and Code of Virginia Section 46.2-613. It is not possible to determine how many of these were issued specifically to taxpayers with out-of-state plates for failing to register with DMV; however, in most cases, these citations are issued for "dead" or expired plates. Assuming a 66 percent collection rate, staff estimates that all State plate and tag citations by City officers combined produce approximately \$0.1 million.

Revenue from Enforcement of City Decal and State Plate/Tag Regulations--FY 2007			
	Number of Citations	Fee	Revenue Collected
City Decal	5,728	\$40	\$0.2 million
Citation-Related Tax Collections	N/A	N/A	\$0.9 million
State Plates/Tags	2,543	\$86	\$0.1 million

Restrictions and Limitations

In addition to the absence of legal authority to enforce State registration requirements on parked vehicles, vehicle registration enforcement is complicated by a number of restrictions and limitations.

City Police Officers are not permitted to patrol on private property and are limited to citing vehicles operating or parked on City streets. An informal survey of two apartment complexes in the City conducted by City Police Officers showed that seven percent of the vehicles had out-of-

state plates and eight percent had either no City decal or an expired decal. Managers or owners of apartment complexes may request a letter of authorization from the Police Department, which grants officers permission to patrol and issue City parking citations on these properties. While the letter of authorization is valid until rescinded by the manager or owner of the property, changes in management and/or ownership or complaints by property residents can lead to the letter of authorization being rescinded. Several apartment complexes in the City have established this type of agreement.

Results of Police Department Survey				
	Number of Vehicles	With Out-of-State Plates	Without Decals	With Expired Decals
Building 1:	1,584	118 (7%)	108 (7%)	23 (1%)
Building 2:	2,142	148 (7%)	164 (8%)	11 (0.5%)
Total	3,726	266 (7%)	272 (7%)	34 (1%)

The City does attract a large number of tourists. This makes it difficult to determine when an out-of-state vehicle is considered to be in the City for registration and tax purposes or when the owner may be just visiting the City. Since some Virginia jurisdictions have eliminated the windshield decal, it is also difficult to determine if a vehicle is in violation of decal regulations. Due to this uncertainty, the courts have established that neither out-of-state plates nor the absence of a decal constitute probable cause for a traffic stop. In the case of City decal regulations, officers have adjusted their enforcement methods to compensate by patrolling at night, when most residents are home, and tracking vehicles over a period of 30 days. However, due to the prohibition on citing parked cars for failure to register with DMV, officers cannot use this method to track vehicles with out-of-state plates.