

Response to Questions on the FY 2013 Budget

Request By: Supervisor McKay

Question: Is the County charging the maximum allowed for parking tickets?

Response: With three exceptions, the County Code currently imposes a fine of \$50 for parking violations. Handicapped accessible parking violations are at the maximum allowed at \$500 for each violation, the fine for parking a commercial vehicle in a residential area is \$100 and the fine for parking in a residential parking district without the required decal is \$75.

All parking offenses are classified by state law as traffic infractions and the maximum penalty is set by Virginia Code §§46.0-100 and 46.2-113. That maximum penalty for traffic infractions is \$250 per violation. However, while in theory the County could impose fines of up to \$250 per parking violations there is a lower practical limit, because Virginia law gives persons the option of going to court to contest a parking offense. The court is allowed to follow a payment schedule of fines established by the Virginia Supreme Court that could lower the parking violation fee to \$20 with a court processing fee of \$61 for a total amount of \$81. Any proposed increase in the fine should remain low enough to encourage most violators to prepay parking tickets in lieu of pursuing a court appeal that would consume additional staff time and potentially result in a lower fine. In addition to the parking violation fee, the Department of Tax Administration charges other legally permissible fees, when applicable, in the collection of parking tickets which may include a \$25 penalty if the violation is not paid within 21 days; a \$30 administrative collection fee; \$20 DMV Registration Hold fee; plus private collection agent fees of 20 percent. As shown in the table below, Fairfax County's current rates are at or above the rates of surrounding jurisdictions.

Parking Violation Fines

| Jurisdiction | Parking in Handicapped Reserved Space | Meter Violations | Fire Code Violations* | Residential Area Violations | Wrong Way | Stopping of the Highway | Late Fee |
|---------------------|--|-------------------------|------------------------------|---|------------------|--------------------------------|-----------------|
| Fairfax County | \$500 | \$50 | \$50 | \$75 (\$100 for commercial vehicles) | \$50 | \$50 | \$25 |
| Alexandria | \$201 | \$35 | \$48 | \$40 | \$40 | \$40 | \$25 |
| Arlington | \$500 | \$35 | \$50 | \$50 | \$50 | \$50 | \$25 |
| Loudoun | \$100 | none | \$40 | \$50 | \$50 | \$50 | \$25 |

*For example, parking too close to a fire hydrant.

The County currently imposes the maximum tax of \$100 on certain vehicles that do not display current Virginia license plates. The House and the Senate have approved an increase in this tax to \$250. If signed by the Governor, the maximum tax of \$250 would be effective July 1, 2012. At the \$250 maximum, an additional \$0.3 million in revenue is projected.