

By Zerby

Amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Vehicle Immobilization Service.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 320 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 320.45 to read as follows:

320.45. Requirements of licensee. In addition to any other applicable regulation contained in this chapter or code, all vehicle immobilization service licensees and their employees shall operate in strict accordance with the following:

(a) All licensees shall issue a uniform to its employees providing vehicle immobilization service. The uniform must consist of, at a minimum, a jacket, a shirt or a vest. The uniform must clearly list the name of the company providing vehicle immobilization service. The uniform must clearly identify the employee providing vehicle immobilization service. The employee identification can consist of either the employee's first and last name or the employee's first name with a code that is specific to that employee. This identification can be included on the uniform itself, or on a nametag that would be worn with the uniform. This uniform must be worn while the employee is providing vehicle immobilization service.

(b) All licensees shall issue to its employees business cards that accurately reflect the employee's supervisor's name, business address and telephone number, as well as, the telephone number to be called to have the wheel locking device removed. A business card, complying with this section, must be provided to an individual upon request.

(c) The licensee and its employees shall attend a class in conflict management, which has been approved by the Director of Licenses and Consumer Services. The Director of Licenses and Consumer Services shall maintain an approved list of conflict management classes that satisfies this requirement. For current and existing licensees and employees of licensees, this requirement shall be met within 3 months of the date of passage of this ordinance. For new licensees and new employees, this requirement shall be met within 3 months of the date of approval of the license or within 3 months of the date of hire.

Section 2. That Section 320.50 of the above-entitled ordinance be amended to read as follows:

320.50. Rules of operation. In addition to any other applicable regulation contained in this chapter or code, all vehicle immobilization service licensees and their employees shall operate in strict accordance with the following:

(a) Prior to installing a locking wheel boot on any motor vehicle at the request of someone other than the vehicle's owner, the vehicle immobilization service licensee shall determine that the parking lot has entrance warning signs which are in compliance with Chapter 319.230(e) of this code, and that in the case of Class A commercial parking lots, have an ample supply of self service fee payment

supplies such as envelopes, pencils, instruction signs, and other common equipment. In the event that the parking lot lacks any such items, vehicle immobilization shall be prohibited.

~~(b) Vehicle immobilization service licensees shall use a printed order form which includes the name, address and telephone number of the licensee's business, the name of the natural person authorizing the service, printed and signed in a legible manner. The order form shall also include the time the service was performed, the name of the person installing the locking wheel boot, the location where the service is being provided, and a description of the vehicle to be immobilized. Said The person authorizing the vehicle immobilization and signing the above order form must be present when the locking wheel boot is attached to the vehicle and must be an owner of the property, or the license holder of the parking lot license for the property, or a bona fide employee of the owner or parking lot license holder, or a duly licensed protective agent, licensed under Minnesota Statutes, Chapter 326, hired by the owner or parking lot licensee. The vehicle immobilization service licensee shall have this authorized order form signed, fully completed and in personal possession before installing the locking wheel boot. The amount charged for the service, including any parking fees due, shall be included on this order form and a copy of this form shall be given to the person reclaiming the vehicle. The original copy of the completed order forms shall be maintained at the licensee's place of business for a period of not less than two (2) years and shall be made available for review by the Director of Licenses and Consumer Services or their designated representative during all common and reasonable business hours.~~

(c) Vehicle immobilization service licensees shall use a printed order form that includes the name, address and telephone number of the licensee's business. A completed order form must include the name of the natural person authorizing the service, set forth in paragraph (b). The name of the person authorizing the service, and the date and time that the service was provided, must be stamped on the form. The person authorizing service shall sign the completed order form. The order form shall also include the name of the person installing the locking wheel boot, the location where the service is being provided, and a description of the vehicle to be immobilized. The vehicle immobilization service licensee shall have this authorized order form signed, fully completed and in personal possession before installing the locking wheel boot. The amount charged for the service, including any parking fees due, shall be included on this order form and a copy of this form shall be given to the person reclaiming the vehicle. All of the information on the order form must be legible. The original copy of the completed order forms shall be maintained at the licensee's place of business for a period of not less than two (2) years and shall be made available for review by the Director of Licenses and Consumer Services or their designated representative during all common and reasonable business hours.

(d) Vehicle immobilization service licensees shall not perform parking lot patrol activities. Parking lot patrol activities shall be defined to include, but not limited to, determining which vehicles have not paid a parking fee or which vehicles are on the premises without the property owners' permission. Vehicle immobilization service licensees shall not enter a parking lot for the purpose of immobilizing a vehicle unless requested by the natural person authorizing the service, set forth in paragraph (b). Vehicle immobilization service licensees shall not have any employee waiting in any parking lot for which they are providing immobilization services. Waiting shall be defined to include any time in which the employee is not actively involved in providing vehicle immobilization services.

~~(e)~~(e) The licensee shall maintain a chronological log or record of the vehicles that have been immobilized. The log shall indicate a description of the vehicle, location that the service was performed, time of service, and time of vehicle release. A copy of this log or record shall be delivered to the Director of Licenses and Consumer Services each month.

~~(e)~~(f) Immediately upon installing the locking wheel boot, a blaze orange warning decal at least forty-seven (47) square inches in size shall be prominently placed in the center of the drivers side window or on the front windshield directly in front of the vehicle steering wheel. The specific language on the warning sign shall be subject to approval by the Director of Licenses and Consumer Services and shall clearly and legibly inform the operator of the vehicle that a locking device has been installed on the front left wheel of the vehicle and that attempting to move the vehicle will cause serious damage to the vehicle. This decal shall display the telephone number and address of the licensee. Upon payment of the service fee, the licensee shall offer to remove the decal and shall have in possession the appropriate materials needed to remove all parts of the decal and residue.

~~(e)~~(g) Vehicle immobilization service licensees shall maintain a telephone line that is answered by a natural person twenty-four (24) hours a day. The licensee is required to ensure that this telephone number is accurately printed on the warning decal attached to the vehicle. In addition, the licensee shall ensure that no inaccurate phone numbers are displayed on signs at the parking lot location where the vehicle immobilization occurred, on the business cards required by section 320.45 (b), or on any other medium that is viewable by the public. ~~telephones and wheel locking device removal services, and shall respond to a request to remove a wheel locking device within sixty (60) minutes. If a licensee does not appear to remove the wheel locking device within sixty (60) minutes of a customer request, the locking device shall be removed at no charge.~~

(h) Vehicle immobilization service licensees shall respond to a request to remove a wheel-locking device within sixty (60) minutes. If a licensee does not appear to remove the wheel-locking device within sixty (60) minutes of a customer request, the locking device shall be removed at no charge.

~~(f) Vehicle immobilization service licensees shall not perform parking lot patrol activities such as determining which vehicles have not paid a parking fee or which vehicles are on the premises without the property owners permission.~~

~~(g)~~(i) Vehicle immobilization service licensees shall not install a wheel locking boot on any vehicle displaying tax exempt plates, any marked emergency vehicle, any United States military vehicle, or any vehicle displaying a handicap vehicle permit without a Minneapolis police officer being present and duly notified.

(j) To prevent personal injury, damage to property, disorderly conduct, or other criminal activity, vehicle immobilization service licensees shall comply with all police officers' requests to remove a wheel-locking device and shall remove the wheel-locking device at no cost.

~~(h)~~(k) In the event that a vehicle is not claimed within twenty-four (24) hours, the licensee shall notify the Minneapolis impound lot of the vehicle's description and location. If the vehicle was reported as stolen, the licensee, at the direction of a police officer, shall remove the vehicle immobilization device free of charge.

~~(i)~~(l) The vehicle immobilization service licensee may not attempt to collect service fees or parking lot fees after a vehicle has been impounded by a Class A motor vehicle service licensee.

Section 3. That Chapter 320 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 320.90 to read as follows:

320.90. Remuneration prohibited. (a) It is unlawful for a licensee to pay or offer to pay any remuneration to a person for providing vehicle immobilization service pursuant to that person's authorization.

(b) It is unlawful for any person authorizing vehicle immobilization service to receive or to solicit remuneration from a licensee for providing that service pursuant to that person's authorization.