



# Kaiserslautern (Kleber Kaserne) Legal Assistance Office

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## PRIVATE PARKING TICKETS

### What is a private parking ticket?

If you receive a notification for a parking violation issued by Park&Control, Contipark, ParkTimes or any other private company, this is not a traffic ticket issued by a government agency but rather a demand letter from a private company asking you to pay a penalty. It is a private claim and as such enforcement could only happen by bringing a civil action in court for failure to pay.

### What is the background and the reason for private parking tickets?

You will receive these tickets if you parked on a private parking lot that belongs to the owner of a supermarket, gas station, or any other private businesses, and for which the owner established certain rules for parking. These rules must be clearly posted near the entrance of the parking lot, must explain the parking rules, and advise on potential penalties for unlawful use.

### What are the most common parking violations?

It is non-payment of the parking fees, overstay of the posted time limit, not using the blue parking disc, or just parking in the wrong spot. If you park there, you are deemed to have accepted the posted rules, which often state that violators will be assessed a penalty of 30 EUR or more.

### Who is responsible for the penalty?

As this private claim is based on a contract, the owner of the parking lot can claim the penalty only from the person who accepted the contract, which is the *actual* user of the parking lot. There is no legal basis to make you *automatically* responsible for the penalty, just because you are the registered owner; rather, you must be the actual user of the parking lot.

### What responsibilities does the registered owner have?

There is no legal obligation to pay the penalty or to provide the name of the actual driver. At the end of the day, the owner of the parking lot would have to start legal action against you. This could of course be risky, as the owner has no knowledge of the actual driver and thus, might not be able to prove that he has a contract with you.

However, courts have decided that you cannot just simply dispute the claim saying that you were not the driver. You need to come up with a reasonable explanation why this is not possible (*i.e.*, disclose the actual driver, prove your absence, *etc.*). Otherwise, you would most likely lose the case in court. In addition, there is a potential risk that the owner requests a declaration to cease and desist, stating that you will make sure the car will not be wrongfully parked there anymore.

### What should be done?

In general, it is not a good idea to just ignore those notes and invoices, since the companies will sooner or later send it to a collection agency or sue you. Your legal assistance office can advise you accordingly.