

FINAL BILL REPORT

2SSB 5341

C 139 L 94

SYNOPSIS AS ENACTED

Brief Description: Providing for forfeiture of a vehicle upon conviction for driving while under the influence of intoxicating liquor or drugs.

SPONSORS: Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Quigley, McCaslin, Vognild, Winsley, Deccio, von Reichbauer, M. Rasmussen, Roach and Oke)

SENATE COMMITTEE ON LAW & JUSTICE

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

When a person is convicted of DWI for the second time within a five-year period, the court may direct law enforcement to seize the motor vehicle the convicted person was driving at the time of the second DWI offense. The seizure automatically commences proceedings for forfeiture.

If the offense for which a person is charged with DWI occurs within five years of a previous conviction for DWI, the court is required to inform the person of the prohibition against selling the vehicle he or she owns and was driving at the time of the offense. The court will also immediately send notice of the charge to the Department of Licensing (DOL). The court is required to notify the DOL of the subsequent conviction, acquittal, or other disposition of the charge.

When the DOL receives notice of the DWI charge, it is required to withhold issuance of a certificate of ownership for the vehicle the person who is charged with DWI was driving at the time of the offense. The DOL is not required to withhold issuance of a certificate of ownership for such vehicle if the applicant is the holder of a bona fide security interest or the lessor of the vehicle.

SUMMARY:

A person who is arrested for a second DWI within five years is prohibited from transferring, selling or encumbering his or her interest in the motor vehicle the person was driving at the time of the violation until acquittal, dismissal or 60 days after conviction. Violation of this prohibition is a misdemeanor. A leased vehicle may be transferred to the lessor and a rented vehicle may be transferred to the rental agency. A vehicle encumbered by a bona fide security interest may be transferred to the secured party.

On a second or subsequent conviction for DWI committed within five years of the previous conviction, the vehicle the person was driving at the time of the offense is subject to seizure and forfeiture if the person has a financial interest in the vehicle.

The person claiming to be the legal owner of the vehicle shall have the burden of producing evidence that the vehicle should not be forfeited.

A law enforcement agency must first satisfy any bona fide security interest in a vehicle the agency may have seized before it sells the vehicle or retains it for official use.

VOTES ON FINAL PASSAGE:

Senate	44	2	
House	93	0	(House amended)
Senate	45	1	(Senate concurred)

EFFECTIVE: June 9, 1994