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HOUSE BILL 2499

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Scott, Campbell, Chappell, Appelwick, Johanson, Brumsickle, B. Thomas, Dyer, Talcott, Forner, Chandler, Foreman, Backlund and Wood

Read first time 01/17/94. Referred to Committee on Transportation.

1 AN ACT Relating to removal of vehicles by police officers; and  
2 amending RCW 46.55.113.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.55.113 and 1987 c 311 s 10 are each amended to read  
5 as follows:

6 Whenever the driver of a vehicle is arrested for a violation of RCW  
7 46.61.502 or 46.61.504, the arresting officer shall take custody of the  
8 vehicle and provide for its prompt removal to a place of safety. In  
9 addition, a police officer may take custody of a vehicle and provide  
10 for its prompt removal to a place of safety under any of the following  
11 circumstances:

12 (1) Whenever a police officer finds a vehicle standing upon the  
13 roadway in violation of any of the provisions of RCW 46.61.560, the  
14 officer may provide for the removal of the vehicle or require the  
15 driver or other person in charge of the vehicle to move the vehicle to  
16 a position off the roadway;

17 (2) Whenever a police officer finds a vehicle unattended upon a  
18 highway where the vehicle constitutes an obstruction to traffic or  
19 jeopardizes public safety;

1 (3) Whenever a police officer finds an unattended vehicle at the  
2 scene of an accident or when the driver of a vehicle involved in an  
3 accident is physically or mentally incapable(~~(, or too intoxicated, to~~  
4 ~~decide)) of deciding upon steps to be taken to protect his or her  
5 property;~~

6 (4) Whenever the driver of a vehicle is arrested and taken into  
7 custody by a police officer(~~(, and the driver, because of intoxication~~  
8 ~~or otherwise, is mentally incapable of deciding upon steps to be taken~~  
9 ~~to safeguard his or her property))~~);

10 (5) Whenever a police officer discovers a vehicle that the officer  
11 determines to be a stolen vehicle;

12 (6) Whenever a vehicle without a special license plate, card, or  
13 decal indicating that the vehicle is being used to transport a disabled  
14 person under RCW 46.16.381 is parked in a stall or space clearly and  
15 conspicuously marked under RCW 46.61.581 which space is provided on  
16 private property without charge or on public property.

17 Nothing in this section may derogate from the powers of police  
18 officers under the common law. For the purposes of this section, a  
19 place of safety may include the business location of a registered tow  
20 truck operator.

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