

1 6475-S AMS ROAC S4683.1

2 SSB 6475 - S AMD - 642

3 By Senators Roach, Kline and Fairley

4 ADOPTED; MADE MOOT BY #650 2/13/98

5 On page 33, beginning on line 12, after "bona fide" strike all  
6 material through "fees" on line 20, and insert "security interest to  
7 which the vehicle is subject (~~(under subsection (1)(a) or (c) of this~~  
8 ~~section)), and provided further that where the ownership interest~~  
9 subject to forfeiture is bona fide community property, the value of the  
10 undivided community property interest of the spouse who was not  
11 operating the vehicle in violation of RCW 46.61.502 or 46.61.504 shall  
12 not be forfeited nor subject to reduction for towing, removal, or  
13 storage charges associated with the forfeiture action. The value of  
14 the undivided community property interest not subject to forfeiture or  
15 reduction is one-half of the value of the vehicle as defined in  
16 subsection (12) of this section after deducting the cost of satisfying  
17 any bona fide security interest"

18 EFFECT: Clarifies that a spouse's community property interest in  
19 the proceeds of selling a forfeited vehicle is subordinate to the  
20 interest of a secured party, such as a lender. The spouse receives  
21 half the proceeds of the sale after deducting the amount owed to the  
22 lender.

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