

HOUSE BILL ANALYSIS

HB 2427

Title: An act relating to driving without proof of mandatory vehicle liability insurance.

Brief Description: Authorizing impoundment of cars driven by insurance violators.

Sponsors: Representatives L. Thomas, Zellinsky, Carrell and Thompson.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: A law enforcement officer is authorized by statute to impound a motor vehicle in a variety of circumstances, including: the operator is under the influence of drugs or alcohol; when the officer arrests the driver; the person operating the vehicle does not have a valid driver's license; or the person operating the vehicle is driving with a suspended or revoked license.

A vehicle impounded by a law enforcement officer may be redeemed only by the owner of the vehicle, or a person who has the permission of the owner, and upon payment of all costs associated with the impoundment. A registered tow truck operator must give notice to a person seeking to redeem the vehicle of redemption rights and the right to a hearing on the validity of the impoundment or the costs of towing and storage. The district court has jurisdiction to hear all matters relating to impoundment, including impoundments authorized by the state or its agents. If the court determines that the impoundment was invalid, the person or agency authorizing the impoundment is liable for the towing and storage costs, and for damages for the loss of the use of the vehicle.

Washington courts interpreting the statute authorizing law enforcement to impound vehicles in specified cases have ruled that the authority granted is a discretionary authority to impound a motor vehicle that must be based on sound judgement by the officer. The courts have held that this statutory authority does not authorize impoundment unless impoundment is reasonable under the circumstances, and serves to prevent a continuing violation of a motor vehicle regulation.

A person may not operate a motor vehicle unless the person has a motor vehicle liability insurance policy with minimum liability limits as set by statute. A motor vehicle operator must have proof of insurance to provide upon the request of a law enforcement officer. Failure to provide proof of insurance upon request is a traffic

infraction subject to a penalty of \$250. The citation must be dismissed if the person provides proof of insurance to the court.

Summary of Bill: A law enforcement officer may impound a vehicle operated by the registered owner of the vehicle if the owner does not have proof of the required motor vehicle liability insurance, and the owner has been cited for failing to provide proof of insurance in the past, if the previous citation was not dismissed.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research