

1221-S

Sponsor(s): House Committee on Law & Justice (originally sponsored by Representatives Ballasiotes, Sheahan, Robertson, Chandler, Cody, Crouse, K. Schmidt, Costa, Scott, Buck, Kessler, Schoesler, Chopp, Johnson, Honeyford, O'Brien, Wensman, Sheldon, McDonald, Zellinsky, Thompson, H. Sommers and Mason)

Brief Title: Impounding vehicles driven by a person with a suspended or revoked license.

HB 1221-S.E - DIGEST

(DIGEST AS ENACTED)

Provides that, whenever a motor vehicle is found to be operated by a person with a suspended or revoked driver's license in violation of RCW 46.20.342 or 46.20.420, the vehicle is subject to impoundment at the direction of a law enforcement officer.

Repeals RCW 46.20.344.

VETO MESSAGE ON HB 1221-S

March 30, 1998

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 7 and 13, Engrossed Substitute House Bill No. 1221 entitled:

"AN ACT Relating to the impoundment and forfeiture of vehicles being operated by persons who have a suspended or revoked driver's license;"

ESHB 1221 expands the law governing impoundment of vehicles driven by a person with a suspended or revoked license. I agree with the purpose of this legislation, however some sections are problematic.

Section 7 of ESHB 1221 is technically flawed. That section would authorize local governments to use "home impoundment" to immobilize vehicles driven by drunk drivers. This would be done by locking a "boot" or similar device on the vehicle. Unlike the rest of the bill, this section would not require that the driver's license have been suspended or revoked previously. It also would not specify how long the "boot" could remain on the vehicle. Under existing law, which the bill does not amend, vehicles impounded on a DUI arrest may be recovered at any time by paying towing and storage fees. But section 7 refers to a "period of home impoundment" without specifying any period. It also prohibits release of a vehicle if a "boot" is unlawfully removed, but once the "boot" is removed the question of release is moot. "Booting" cars is a useful alternative to towing them to impound lots, especially in rural areas. Regrettably, however, this section would not create a workable mechanism for that purpose.

Section 13 of ESHB 1221 would require that the Office of Financial Management verify claims from local governments for increased levels of services mandated by the act. This section

would add an unnecessary additional bureaucratic layer to the existing statutory and procedural process for handling these claims. I will direct the Office of Financial Management and the Department of General Administration to work collaboratively with the appropriate legislative committees to ensure that timely and accurate information is provided to the Legislature.

For these reasons, I have vetoed sections 7 and 13 of Engrossed Substitute House Bill No. 1221.

With the exception of sections 7 and 13, Engrossed Substitute House Bill No. 1221 is approved.

Respectfully submitted,
Gary Locke
Governor