

# HOUSE BILL ANALYSIS

## HB 2716

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**Title:** An act relating to vehicle impounds.

**Brief Description:** Changing provisions relating to vehicle impounds.

**Sponsors:** Representatives Delvin, Lovick, O'Brien and Hurst.

### Brief Summary of Bill

- Authorizes suspended license impounds throughout the state by removing the requirement that a local jurisdiction adopt an authorizing ordinance.
- Authorizes vehicle impounds when the driver is arrested for an alcohol-related offense.

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### HOUSE COMMITTEE ON JUDICIARY

**Staff:** Edie Adams (786-7180).

#### Background:

In 1997, the Legislature authorized local jurisdictions to adopt ordinances permitting a law enforcement officer to impound the vehicle of a person arrested for driving with a suspended or revoked license (DWLS). The vehicle impound may be for varying lengths of time, up to a maximum of 90 days, depending on the driver's current degree of DWLS and the driver's prior DWLS history.

A person who wants to redeem a vehicle at the end of the suspended license impound must pay a security deposit to the tow truck operator, of no more than half of the cost of the proposed impound, within five days of the impound. If the tow truck operator does not receive a security deposit, the operator may sell the vehicle at auction under the current statutory time limits. The registered owner may redeem the vehicle up to 24 hours before the beginning of the auction. The registered owner may not purchase the vehicle at auction.

A suspended license impound may only be released by the agency that ordered the impound or a court having jurisdiction. The person redeeming the vehicle must pay all towing and storage fees and, if the driver is the owner, must establish with the agency that ordered the impound that all fines, penalties, and forfeitures owed by the owner have been paid. An agency may order the release of a vehicle on the basis of

economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, such as the operator's criminal history and driving record.

A rental car business and motor vehicle dealer or lender may immediately redeem a vehicle under a suspended license impound upon paying the impound and storage costs. The debtor may not redeem the vehicle from the dealer or lender without proof from the impounding authority or court that all fines and penalties have been paid. It is unlawful for a motor vehicle dealer to knowingly engage in collusion with the registered owner of a vehicle to repossess the vehicle and return or resell it to the registered owner in an attempt to avoid a suspended license impound.

A person arrested for driving under the influence (DUI) may have his or her vehicle impounded. The person may not sell, transfer, or encumber the vehicle pending acquittal, or dismissal of the charges, or until 60 days after a conviction. If the person is convicted of the DUI and has had a prior DUI within 5 years, the vehicle is subject to seizure and forfeiture.

**Summary of Bill:**

The requirement that a local jurisdiction adopt an ordinance authorizing suspended license impounds is removed so that suspended license impounds are authorized throughout the state.

A law enforcement officer may impound the vehicle of a driver who is arrested for an alcohol-related offense. The vehicle may be held for 30 days if the person has no prior alcohol-related offenses, 60 days if the person has one prior alcohol-related offense within the past five years, and 90 days if the person has two or more such prior offenses. "Alcohol-related offense" means driving under the influence, physical control of a vehicle under the influence, and vehicular assault and vehicular homicide if committed while under the influence.

The same requirements and procedures that apply to suspended license impounds are applicable to alcohol-related impounds, including requirements relating to redemption, posting of security deposits, rights to notices and hearings, rental car businesses and motor vehicle dealer redemption rights, and unlawful collusion between a motor vehicle dealer and vehicle owner.

**Fiscal Note:** Not requested.

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

Office of Program Research