

HOUSE BILL REPORT

HB 1074

As Reported by House Committee On:
Transportation

Title: An act relating to release of vehicles to vehicle owners in cases involving suspended license vehicle impounds.

Brief Description: Allowing release of impounded vehicles to owners.

Sponsors: Representatives Bush, O'Brien, Shabro, Kirby, Armstrong, Mielke, Pearson, Anderson, Campbell, Miloscia, Sullivan and Carrell.

Brief History:

Committee Activity:

Transportation: 2/5/03, 2/20/03 [DPS].

Brief Summary of Substitute Bill

- If a person is arrested for driving while their driver's license is suspended or revoked, the vehicle may be impounded. However, if it is found that the driver under arrest is not the owner of the vehicle, the police officer must attempt to contact the owner before the vehicle is impounded and may release the vehicle to them, provided that the subject vehicle is a commercial vehicle.
- The release of a vehicle to its owner under these circumstances shall be allowed to occur only one time.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, Vice Chair; Jarrett, Assistant Ranking Minority Member; Anderson, Armstrong, Bailey, Campbell, Clibborn, Cooper, Dickerson, Flannigan, Hankins, Hatfield, Hudgins, Kristiansen, Lovick, Mielke, Morris, Nixon, Romero, Schindler, Shabro, Sullivan, Wallace, Wood and Woods.

Staff: Reema Griffith (786-7301).

Background:

Under current law, a law enforcement officer may have a vehicle impounded for several reasons, including if the driver of the vehicle is arrested or if it is determined that the driver is operating the vehicle without a valid driver's license. There are no provisions requiring or authorizing law enforcement to contact the owner of the vehicle in situations where the driver under arrest is not the owner. Because of this fact, current law allows for the vehicle to be impounded upon the arrest of the driver with no communication or opportunity for the owner to take possession of their vehicle.

Depending on how many times the arrested driver has had their license suspended or revoked in the past, the vehicle could end up being impounded for up to 90 days during which time impound charges are accruing. In order for the owner to get their vehicle released to them, they must pay all towing, removal, and storage fees associated with the impoundment of their vehicle. These provisions apply to both privately owned vehicles as well as vehicles owned by businesses.

Summary of Substitute Bill:

If a person is arrested for driving while their driver's license is suspended or revoked, the vehicle may be impounded. However, if it is found that the driver under arrest is not the owner of the vehicle, the police officer must attempt to contact the owner before the vehicle is impounded and may release the vehicle to them, provided that the subject vehicle is a commercial vehicle.

The release of a vehicle to its owner after an officer has arrested the operator of the vehicle for driving with a suspended or revoked driver's license, shall only be allowed to occur one time. After this single opportunity, the provisions under current law would be carried out.

If a vehicle is impounded because the driver had a suspended or revoked driver's license, the release of the vehicle to the owner may occur on the basis that the owner did not know the driver's license was suspended, the owner was not the driver, and the owner has not received a prior release.

Outside the above two instances where a vehicle could be released to the owner one time, an officer may deny the release of an impounded vehicle in cases where the impoundment is the result of a DUI or driving with a suspended license arrest.

Substitute Bill Compared to Original Bill:

Clarifies that the officer is required to make a roadside call to the vehicle's owner only in cases where the vehicle involved is a commercial vehicle. Further clarifies that, outside the two instances where a vehicle could be released to the owner one time, an officer may deny the release of an impounded vehicle in cases where the impoundment is the

result of a DUI or driving with a suspended license arrest.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill gives vehicle owners a one-time break and ensures that businesses are not unfairly paying the prices of a dishonest employee who may not disclose that they don't have a valid driver's license.

Testimony Against: Requiring an officer to place a call to the owner from the roadside will compromise the officer's safety and is not a reasonable expectation.

Testified: (In support) Representative Bush, prime sponsor; Stu Halson, Washington Tow Truck Association; Rick Jensen, Washington State Patrol Troopers Association; and Jay Lawley, Washington Trucking Association.

(With concerns) Glenn Cramer, Washington State Patrol.