

HOUSE BILL REPORT

SB 6614

As Passed House:

March 4, 2004

Title: An act relating to damages for unauthorized impounds.

Brief Description: Removing the damages floor for unauthorized impounds.

Sponsors: By Senators Poulsen, Murray, Hewitt, Sheahan and Brown.

Brief History:

Committee Activity:

Transportation: 2/25/04, 3/1/04 [DP].

Floor Activity:

Passed House: 3/4/04, 92-3.

Brief Summary of Bill

- Removes the \$50 per day minimum damage award for loss of use of a vehicle during an improper impound.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 26 members: Representatives Murray, Chair; Rockefeller, Vice Chair; G. Simpson, Vice Chair; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong, Bailey, Campbell, Clibborn, Cooper, Dickerson, Flannigan, Hankins, Hatfield, Hudgins, Kristiansen, Lovick, Mielke, Morris, Rodne, Romero, Schindler, Shabro, Wallace, Wood and Woods.

Minority Report: Without recommendation. Signed by 1 member: Representative Nixon.

Staff: Page Scott (786-7301).

Background:

If a person believes that his or her vehicle has been impounded in violation of state law, he or she has a right to a hearing in district or municipal court to contest the impoundment. If the court finds the impoundment to be improper, the vehicle owner

does not have to pay the cost for impoundment, towing, or storage fees. Instead, the person or agency who authorized the impoundment is liable for these fees.

In addition to impoundment, towing and storage fees, the court shall enter judgment in favor of the vehicle owner for the amount of the filing fee as well as reasonable damages for loss of the use of the vehicle during the time the vehicle was impounded. The minimum amount of damages the court must award for loss of use of the vehicle is \$50 per day.

The Department of Licensing (DOL) is responsible for registering vehicles and issuing certificates of ownership. Applicants for registration and certificates of ownership must provide proof of ownership to the DOL. If the DOL is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the DOL may register the vehicle but shall withhold issuing a certificate of ownership until certain conditions are met. These conditions include either 1) a three year waiting period; 2) applicant presents documents reasonably sufficient to establish the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or 3) applicant files a bond, valid for three years, equal to one and one-half times the value of the vehicle.

Summary of Bill:

The \$50 per day minimum is removed from a court judgment for loss of use of the vehicle during an improper impound.

Certificates of ownership for vehicles with a fair market value less than \$500 may be issued after ninety days or sooner if the applicant provides documents reasonably sufficient to establish the applicant's ownership of the vehicle and that there are no undisclosed security interests. For vehicles with a fair market value of \$500 or greater, the current law applies.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.