

SENATE BILL REPORT

SHB 1074

As Reported By Senate Committee On:
Judiciary, March 26, 2003

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: House Committee on Transportation (originally sponsored by Representatives Bush, O'Brien, Shabro, Kirby, Armstrong, Mielke, Pearson, Anderson, Campbell, Miloscia, Sullivan and Carrell).

Brief History:

Committee Activity: Judiciary: 3/20/03, 3/26/03 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: When the driver of a vehicle is arrested for driving under the influence of alcohol or any drug or arrested for driving while his or her driver's license is in a suspended or revoked status, the vehicle is subject to impoundment pursuant to local ordinance or state agency rule. The owner of the vehicle or a person authorized in writing by the owner may redeem the impounded vehicle and must first pay all towing removal and storage fees. If the vehicle is impounded because the operator was driving while his or her license was suspended or revoked due to failure to pay a notice of traffic infraction, the vehicle will not be released until the owner satisfies any penalties, fines, or forfeitures owed by him or her. These provisions regarding impoundment apply to both privately owned vehicles as well as vehicles owned by businesses.

Summary of Amended Bill: When a person is arrested for driving with a suspended or revoked license and is not the owner of the vehicle he or she was driving, the police officer must attempt to contact the owner of the vehicle in a reasonable and timely manner. The officer may release the vehicle to the owner if it is a clearly marked commercial vehicle and the owner is reasonably available and was not in the vehicle at the time of the stop. This provision is applicable only if the owner has not received a prior release.

A commercial vehicle, impounded following the arrest of a driver for driving with a suspended or revoked license, may be released to the owner of the vehicle if he or she was not the driver and did not know that the person driving the vehicle had a suspended or

revoked license. This provision is available only if the owner has not obtained a prior release.

In order to avoid discriminatory application, a law enforcement agency is directed to deny release in all other circumstances unless the release conforms to the above exceptions.

Amended Bill Compared to Substitute Bill: The amended bill clarifies that when an arrest is made for driving with a suspended or revoked license, before a vehicle impoundment is ordered, the officer will attempt to contact the owner of the vehicle and may release the vehicle to the owner if, among other things, the vehicle is a clearly marked commercial vehicle.

An agency may issue an order to release an impounded vehicle to the owner of the vehicle if it is a commercial vehicle and the owner was not the driver, did not know that the driver had a suspended or revoked license, and the owner had not received a prior release.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This allows people who unknowingly loan their car to someone with a suspended or revoked license to have one bite at the apple. In those cases, the law enforcement officer will attempt to contact the owner of the vehicle and may release the vehicle to the owner if he or she was not in the vehicle at the time of the arrest and has not had a prior release. This bill conforms to a recent Supreme Court case which held that law enforcement needs to have some degree of discretion on the issue of impounding a vehicle. This bill provides some discretion and also provides some guidelines.

Testimony Against: None.

Testified: PRO: Stu Halsan, WA Tow Truck Assn; Glenn Cramer, Captain, WA State Patrol; Rick Jensen, Troopers Assn.