

# SENATE BILL REPORT

## SB 6020

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As Reported By Senate Committee On:  
Judiciary, February 4, 2004

**Title:** An act relating to restricting access to motor vehicles for persons arrested for alcohol offenses.

**Brief Description:** Restricting access to motor vehicles for persons arrested for alcohol offenses.

**Sponsors:** Senators Jacobsen and Rasmussen.

**Brief History:**

**Committee Activity:** Judiciary: 1/29/04, 2/4/04 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

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

**Staff:** Lidia Mori (786-7755)

**Background:** Current law provides whenever the driver of a vehicle is arrested for driving or being in physical control of a vehicle while under the influence of intoxicating liquor or any drug (DUI) or for driving with a suspended or revoked license, the vehicle is subject to impoundment at the direction of a law enforcement officer. The Washington Supreme Court has interpreted this statute to mean that the law enforcement officer has discretion on whether to impound the vehicle.

There is concern that, on occasion, a person has been arrested for DUI and booked in jail. The person has then posted bail, gone to the tow lot, retrieved his or her vehicle, and been rearrested for DUI due to still being intoxicated. There is also concern that third parties, who have had an intoxicated person released to their custody, have allowed the person to resume control of a motor vehicle.

New Jersey and Maryland recently passed legislation that authorizes the arresting law enforcement agency to impound the vehicle operated by a person arrested for DUI for a period of 12 hours.

**Summary of Bill:** When the driver of a vehicle is arrested for DUI, the vehicle is subject to impoundment at the direction of a law enforcement officer. The vehicle may not be redeemed until 12 hours have passed since the time of arrest and all fees related to the towing are paid. A rental car business may immediately redeem a rental vehicle after payment of the related towing fees. A motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or repossess an impounded vehicle immediately by payment of the related towing fees.

A law enforcement officer may not release a person arrested for DUI to a third person until the officer has served notice in writing on the third person advising him or her of potential civil and criminal liability if the person allows or facilitates the arrested person to resume operation of a motor vehicle while still intoxicated. This notice must be acknowledged in writing by the third person. If the person refuses to sign the acknowledgment, the officer is directed to retain the arrested person in custody.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2004.

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

**Testimony For:** This bill addresses a bigger problem than most people realize. Keeping the car detained for 12 hours is good, but keeping the drunk driver detained for 12 hours would be even better. This bill takes the liability off law enforcement and shifts it to the person taking responsibility of the drunk driver.

**Testimony Against:** None.

**Testified:** Senator Ken Jacobsen, prime sponsor (pro); Pete Youngers, Director of Public Policy for Mothers Against Drunk Driving (MADD) (pro); Karen Minahan, Chair of MADD (pro); Deputy Chief Glenn Cramer, Washington State Patrol (pro); Larry Erickson, WA Assn. of Sheriffs and Police Chiefs (pro).