

SENATE BILL REPORT

SB 6614

As Passed Senate, February 17, 2004

Title: An act relating to damages for unauthorized impounds.

Brief Description: Removing the damages floor for unauthorized impounds.

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

Brief History:

Committee Activity: Highways & Transportation: 2/9/04 [DP].

Passed Senate: 2/17/04, 48-0.

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Kastama, Mulliken, Murray, Oke and Poulsen.

Staff: Dean Carlson (786-7305)

Background: Under current law, 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 rules the impoundment to be improper, the registered and legal owners of the vehicle do not have to pay the cost for impoundment, towing, or storage fees. The person or agency who authorized the impoundment is liable for the impoundment, towing, and storage fees. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle 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, for not less than \$50 a day, against the person or agency authorizing the impound.

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

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: In Spokane, a car was determined to be improperly impounded and due to court delays and the \$50 a day minimum, the city had to pay \$12,000 for a \$300 car that did not run.

Testimony Against: None.

Testified: Tom Parker, City of Spokane (pro).

House Amendment(s): If the Department of Licensing is unable to determine the ownership of a vehicle, and the vehicle's fair market value is less than \$500, the department shall withhold issuance of a title for a period of 90 days or until the applicant can prove ownership.