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HOUSE BILL 1316

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State of Washington

60th Legislature

2007 Regular Session

By Representatives Hudgins, Lovick, Hankins and Kenney; by request of Washington State Patrol, Department of Licensing and Washington Traffic Safety Commission

Read first time 01/17/2007. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing police officers to impound vehicles  
2 operated by drivers without specially endorsed licenses; and amending  
3 RCW 46.55.113.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.55.113 and 2005 c 390 s 5 are each amended to read  
6 as follows:

7 (1) Whenever the driver of a vehicle is arrested for a violation of  
8 RCW 46.61.502, 46.61.504, 46.20.342, or 46.20.345, the vehicle is  
9 subject to summary impoundment, pursuant to the terms and conditions of  
10 an applicable local ordinance or state agency rule at the direction of  
11 a law enforcement officer.

12 (2) In addition, a police officer may take custody of a vehicle, at  
13 his or her discretion, and provide for its prompt removal to a place of  
14 safety under any of the following circumstances:

15 (a) Whenever a police officer finds a vehicle standing upon the  
16 roadway in violation of any of the provisions of RCW 46.61.560, the  
17 officer may provide for the removal of the vehicle or require the  
18 driver or other person in charge of the vehicle to move the vehicle to  
19 a position off the roadway;

1 (b) Whenever a police officer finds a vehicle unattended upon a  
2 highway where the vehicle constitutes an obstruction to traffic or  
3 jeopardizes public safety;

4 (c) Whenever a police officer finds an unattended vehicle at the  
5 scene of an accident or when the driver of a vehicle involved in an  
6 accident is physically or mentally incapable of deciding upon steps to  
7 be taken to protect his or her property;

8 (d) Whenever the driver of a vehicle is arrested and taken into  
9 custody by a police officer;

10 (e) Whenever a police officer discovers a vehicle that the officer  
11 determines to be a stolen vehicle;

12 (f) Whenever a vehicle without a special license plate, placard, or  
13 decal indicating that the vehicle is being used to transport a person  
14 with disabilities under RCW 46.16.381 is parked in a stall or space  
15 clearly and conspicuously marked under RCW 46.61.581 which space is  
16 provided on private property without charge or on public property;

17 (g) Upon determining that a person is operating a motor vehicle  
18 without a valid and, if required, a specially endorsed driver's license  
19 (~~(in violation of RCW 46.20.005)~~) or with a license that has been  
20 expired for ninety days or more;

21 (h) When a vehicle is illegally occupying a truck, commercial  
22 loading zone, restricted parking zone, bus, loading, hooded-meter,  
23 taxi, street construction or maintenance, or other similar zone where,  
24 by order of the director of transportation or chiefs of police or fire  
25 or their designees, parking is limited to designated classes of  
26 vehicles or is prohibited during certain hours, on designated days or  
27 at all times, if the zone has been established with signage for at  
28 least twenty-four hours and where the vehicle is interfering with the  
29 proper and intended use of the zone. Signage must give notice to the  
30 public that a vehicle will be removed if illegally parked in the zone.

31 (3) When an arrest is made for a violation of RCW 46.20.342, if the  
32 vehicle is a commercial vehicle and the driver of the vehicle is not  
33 the owner of the vehicle, before the summary impoundment directed under  
34 subsection (1) of this section, the police officer shall attempt in a  
35 reasonable and timely manner to contact the owner of the vehicle and  
36 may release the vehicle to the owner if the owner is reasonably  
37 available, as long as the owner was not in the vehicle at the time of

1 the stop and arrest and the owner has not received a prior release  
2 under this subsection or RCW 46.55.120(1)(a)(ii).

3 (4) Nothing in this section may derogate from the powers of police  
4 officers under the common law. For the purposes of this section, a  
5 place of safety may include the business location of a registered tow  
6 truck operator.

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