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## Transportation Committee

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### HB 2273

**Brief Description:** Concerning the processing of vehicles impounded by law enforcement for evidentiary purposes.

**Sponsors:** Representatives Clibborn and Armstrong.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Creates a procedure for when a vehicle is impounded by law enforcement for evidentiary purposes.</li></ul>
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**Hearing Date:** 1/18/12

**Staff:** Alison Hellberg (786-7152).

**Background:**

Tow truck operators who impound vehicles from private or public property and/or tow for law enforcement agencies must be registered with the Department of Licensing (Department). Impounds, i.e., the taking and holding of a vehicle in legal custody without the consent of the owner, may only be performed by registered tow truck operators (operators). If on public property, the impound is at the direction of a law enforcement officer; if the vehicle is on private property, the impound is at the direction of the property owner or his agent.

An operator is required to file a fee schedule with the Department. An operator may not charge a fee that exceeds those filed with the Department. Fees for tow truck service must be calculated on an hourly basis, and after the first hour must be charged to the nearest quarter hour. Fees for the storage of a vehicle must be calculated on a 24-hour basis and be charged to the nearest half day.

When a vehicle is impounded, the operator must notify the legal and registered owners of the impoundment, the right of redemption, and the opportunity for a hearing to contest the validity of the impoundment or the amount of towing and storage charges. An impounded vehicle may be

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redeemed only by a registered owner of the vehicle or a legal owner (such as a lien holder) or a person who has the permission of a registered owner, and upon payment of all costs associated with the impound.

Local health officers may issue orders declaring a vehicle unfit for use due to contamination by hazardous chemicals. The vehicle may be impounded and the appropriate local government must prohibit its use, occupancy, or removal, and require demolition, disposal, or decontamination.

### **Summary of Bill:**

The last registered owner of record is responsible for the costs of impounding a vehicle. If the vehicle is impounded for evidentiary purposes and directed to be towed to a secure public storage facility, the following procedures apply. These procedures do not apply to contaminated vehicles that a local health officer has declared unfit for use.

#### Procedure Within 30 Days of Impound.

If a law enforcement agency completes an investigation of the vehicle within 30 days of impound, there are two options. The law enforcement agency may contact the operator that originally impounded the vehicle to reimpose the vehicle to the operator's storage facility. The reimpose is a continuation of the original impound and the charges must be added to those of the original impound.

The other option is for the law enforcement agency to direct the person authorized to redeem the vehicle to go to the operator that originally impounded the vehicle and pay the costs of removal and towing. Upon payment, the operator must mark a copy of the invoice as paid and give a copy to the person redeeming the vehicle. The law enforcement agency must release the vehicle to the authorized person upon proof of payment.

#### Procedure After 30 Days.

If the law enforcement agency has not completed the investigation of the impounded vehicle within 30 days of impound, the law enforcement agency is responsible for paying the costs of removal and towing of the vehicle. The governmental entity of which the agency is a part becomes subrogated to the debt and is entitled to collect the amount the entity has paid and take any legal actions that are necessary to collect the debt owed, including assigning the debt to a licensed collection agency. Recoupment of the costs from the registered owner does not terminate the evidentiary impound and the law enforcement agency may retain possession and control of the vehicle until it is no longer needed for evidentiary purposes.

The Department in consultation with the Washington State Patrol must adopt rules necessary to implement these provisions.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2012.

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