

HOUSE BILL REPORT

HB 2273

As Reported by House Committee On: Transportation

Title: An act relating to processing vehicles impounded by law enforcement for evidentiary purposes.

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

Sponsors: Representatives Clibborn and Armstrong.

Brief History:

Committee Activity:

Transportation: 1/18/12, 2/1/12, 2/6/12, 2/7/12 [DP].

Brief Summary of Bill

- Creates a procedure for when a vehicle is impounded by law enforcement for evidentiary purposes.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 29 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Fitzgibbon, Hansen, Jinkins, Johnson, Klippert, Kristiansen, Ladenburg, McCune, Moeller, Morris, Moscoso, Overstreet, Reykdal, Rivers, Rodne, Ryu, Shea, Takko, Upthegrove and Zeiger.

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

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officer; if the vehicle is on private property, the impound is at the direction of the property owner or his agent.

Operators are issued a tow truck permit by the Department of Licensing (Department), following payment of a \$100 per company and a \$50 per truck fee, plus an inspection by the Washington State Patrol (WSP). Operators must also file a surety bond of \$5,000 with the Department and meet certain minimum insurance requirements. 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.

In order for an operator to provide towing services for the WSP, an application must be approved and a letter of appointment issued by the WSP. As part of the application process, the WSP requires compliance with standards for equipment, performance, pricing, and practices.

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 of Impound.

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 WSP must adopt rules necessary to implement these provisions.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is a work in progress and is an effort to save money in the Transportation budget. When a vehicle is towed to a public facility for evidentiary purposes, it is stored in the law enforcement agency's own facility. Right now the WSP is paying the costs for these tows because there is no process in law for them to collect. Operators want to be paid the normal rate and the WSP wants to pay a wholesale rate. Work will continue to allow the WSP to save money.

(With concerns) This is an effort to be fiscally responsible. A front-line WSP employee brought up how much unbudgeted money is being spent on these tows. This money comes directly out of operations. There is a fixed rate when the WSP calls for a tow. Because of the WSP's role as a regulator of operators, the WSP has no ability to negotiate or get better rates.

(Opposed) None.

Persons Testifying: (In support) Representative Clibborn, prime sponsor; and Stu Halsen, Towing and Recovery Association.

(With concerns) Jason Berry, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.