

# HOUSE BILL REPORT

## HB 1951

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### As Reported by House Committee On: Public Safety

**Title:** An act relating to clarifying the authority of local law enforcement agencies to use unmarked vehicles.

**Brief Description:** Clarifying the authority of local law enforcement agencies to use unmarked vehicles.

**Sponsors:** Representative Pike.

#### **Brief History:**

##### **Committee Activity:**

Public Safety: 2/10/15, 2/13/15 [DP].

#### **Brief Summary of Bill**

- Provides that vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes are not subject to certain vehicle marking requirements.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 7 members: Representatives Goodman, Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Moscoso, Pettigrew and Wilson.

**Minority Report:** Do not pass. Signed by 1 member: Representative Griffey.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Orwall, Vice Chair.

**Staff:** Cassie Jones (786-7303).

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

All publicly owned vehicles used in public business operating on public highways must be marked with the name of the public body and the name of the department which is using the vehicle. The markings must be in a contrasting color, of a certain size, and in a conspicuous place on the right and left sides of the vehicle. This marking requirement does not apply to:

- vehicles operated by a sheriff's office, local police department, or vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes;
- municipal transit vehicles operated for purposes of providing public mass transportation;
- motorcycles, vehicles over 10,000 pounds gross vehicle weight, or other vehicle that for structural reasons cannot be so marked; or
- motor vehicles on loan to a school district for driver training purposes.

Passenger motor vehicles owned or controlled by the State of Washington must be plainly and conspicuously marked on the lower left-hand corner of the rear window with the name of operating agency or other identifying labels. This marking requirement does not apply to vehicles used by the Washington State Patrol (WSP) for general undercover or confidential investigative purposes. Traffic control vehicles of the WSP may be exempt from the marking requirement at the discretion of the Chief of the WSP.

Markings must be maintained in a legible condition.

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**Summary of Bill:**

Vehicle marking requirements for publicly owned vehicles used in public business on public highways do not apply to any vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes.

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**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) There are two competing interpretations of the statute for unmarked vehicles. Some attorneys' general and city attorneys' opinions conflict. Agencies believe the statute is unclear. The central issue is what the word "or" means. There are three very clear exemptions to the vehicle marking requirements. This is more than just an academic exercise because there are people doing citizen traffic stops on police vehicles on-duty. These are dangerous situations. This bill would eliminate the ambiguity in the law. This bill gives some discretion to local law enforcement chiefs. The intent of the bill was not to allow the

police to use unmarked vehicles for traffic enforcement. Most police chiefs and their command staff are using unmarked vehicles for their own use on official business. The purpose is to give them discretion to use unmarked vehicles. This bill helps create respect for law enforcement. Some interpret the current statute as limiting the use by police of unmarked vehicles. This bill makes it clear that the existing practice in law enforcement is a legal practice. The existing practice is discretionary use of marked and unmarked vehicles. This bill has no fiscal impact. The bill would legalize current law enforcement practices.

(Opposed) There is no ambiguity in the law. This bill would require citizens to stop for every vehicle that displays flashing lights. Individuals who want to impersonate a police vehicle can buy realistic lights for their vehicle. The current bill will facilitate impersonators of police. All uses of unmarked vehicles are to be for undercover or investigative purposes. Police who do traffic stops in unmarked cars are breaking the law.

**Persons Testifying:** (In support) Representative Pike, prime sponsor; Mitch Lackey, City of Camas; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

(Opposed) Kevin Schmadeka.

**Persons Signed In To Testify But Not Testifying:** None.