

# FINAL BILL REPORT

## E2SHB 2817

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C 201 L 08

Synopsis as Enacted

**Brief Description:** Concerning contaminated motor vehicles, vehicles, and vessels.

**Sponsors:** By House Committee on Transportation (originally sponsored by Representatives Campbell, Green, Morrell, Hudgins and McCune).

**House Select Committee on Environmental Health**

**House Committee on Transportation**

**Senate Committee on Water, Energy & Telecommunications**

**Senate Committee on Transportation**

### **Background:**

Hazardous chemicals associated with the illegal manufacture of controlled substances can contaminate vehicles, motor vehicles, and vessels. Vehicles and vessels are not required to be identified as contaminated when offered for sale, including vehicles sold at public auction under towing and impoundment statutes. When a vehicle or vessel is sold and used without decontamination, individuals that come in contact with the vehicle or vessel can be harmed by the chemical residue.

Law enforcement agencies are required to notify local health officers when they become aware that a property (including a boat, motor vehicle, or trailer) has been contaminated with hazardous chemicals used to manufacture illegal drugs. Local health officers must post notices of contamination, inspect property, and report all cases of contaminated property to the Department of Health (DOH). If, after inspection, a local health officer finds a property is contaminated, then the local health officer must issue an order declaring the property unfit and prohibiting its use due to immediate or long-term safety hazards.

An owner of contaminated property is responsible for the costs to have the property decontaminated, demolished, or disposed of and must use the services of a contractor who is certified by the DOH to perform the service unless otherwise authorized by the local health officer. A city or county may also process contaminated property through the use of an authorized contractor.

### **Summary:**

After a local health officer has issued an order declaring a vehicle or vessel unfit and prohibiting its use due to contamination by hazardous chemicals, the city or county in which the property is located must prohibit its use, occupancy, or removal, and require demolition, disposal, or decontamination. The city, county, or local law enforcement agency may impound the vehicle or vessel.

The owner of a contaminated vehicle or vessel must have the property demolished, disposed of, or decontaminated by an authorized contractor, or under a written work plan approved by the local health officer within 30 days of receiving an order declaring the property unfit and prohibited from use. After all procedures granting the right of notice and the opportunity to appeal have been exhausted, if the property owner has not acted, then the local health officer or the local law enforcement agency may demolish, dispose of, or decontaminate the property. If the local health officer or local law enforcement agency has taken responsibility for demolition, disposal, or decontamination, then all rights, title, and interest in the property are forfeited to the local health jurisdiction or the local law enforcement agency.

The property owner is responsible for the costs of the property's demolition, disposal, or decontamination, as well as all costs incurred by the local health officer or the local law enforcement agency, except:

- the legal owner of a vehicle or a vessel whose sole basis of ownership is a bona fide security interest is responsible for costs only if the legal owner had knowledge of or consented to any act or omission that caused contamination of the vehicle or vessel; and
- if the vehicle or vessel has been stolen and the property owner neither had knowledge of nor consented to any act or omission that contributed to the theft and subsequent contamination of the vehicle or vessel, the owner is not responsible for costs, except:
  - (1) if the registered owner is insured, the registered owner must, within 15 calendar days of receiving an order declaring the property unfit and prohibiting its use, submit a claim to his or her insurer for reimbursement of costs; and
  - (2) must provide proof of claim to the local health officer or the local law enforcement agency.

The Department of Licensing must place notification on the title of contaminated vehicles and vessels declared unfit and prohibited from use by order of the local health officer. The Department of Licensing must also place notification on the title when vehicles or vessels have been decontaminated and released for reuse.

A person is guilty of a gross misdemeanor if he or she advertises for sale or sells a contaminated vehicle or vessel that has been declared unfit and prohibited from use by the local health officer when:

- the person has knowledge that the local health officer has issued an order declaring the vehicle or vessel unfit and prohibiting its use; or
- a notification has been placed on the title that the vehicle or vessel is contaminated.

A person may advertise for sale or sell a vehicle or vessel after a release for reuse document has been issued by the local health officer or a notification has been placed on the title that the vehicle or vessel has been decontaminated and released for reuse.

A tow operator who contracts with a law enforcement agency for transporting an impounded vehicle must only remove a contaminated vehicle to a secure public facility and is not required to store or dispose of the vehicle. The vehicle must remain in the care, custody, and control of the law enforcement agency to be demolished, disposed of, or decontaminated. The law

enforcement agency must pay for all costs incurred as a result of the towing if the vehicle owner does not pay within 30 days. The law enforcement agency may seek reimbursement from the owner.

If funding is not provided for the purposes of the bill, the bill becomes null and void.

**Votes on Final Passage:**

House	94	0	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

**Effective:** June 12, 2008