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HOUSE BILL 1892

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Goodman, Rodne, O'Brien, Jarrett, Lovick and Priest

Read first time 01/31/2007. Referred to Committee on Transportation.

1            AN ACT Relating to the impoundment of vehicles by police officers;  
2 and amending RCW 46.55.113 and 46.16.010.

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

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

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

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

14            (a) Whenever a police officer finds a vehicle standing upon the  
15 roadway in violation of any of the provisions of RCW 46.61.560, the  
16 officer may provide for the removal of the vehicle or require the  
17 driver or other person in charge of the vehicle to move the vehicle to  
18 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 driver's license in violation of RCW 46.20.005 or with  
19 a license that has been expired for ninety days or more;

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

30 (i) When a vehicle with an expired registration of more than sixty  
31 days is parked on a public street.

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

1 available, as long as the owner was not in the vehicle at the time of  
2 the stop and arrest and the owner has not received a prior release  
3 under this subsection or RCW 46.55.120(1)(a)(ii).

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

8 **Sec. 2.** RCW 46.16.010 and 2006 c 212 s 1 are each amended to read  
9 as follows:

10 (1) It is unlawful for a person to operate any vehicle over and  
11 along a public highway of this state without first having obtained and  
12 having in full force and effect a current and proper vehicle license  
13 and display vehicle license number plates therefor as by this chapter  
14 provided.

15 (2) Failure to make initial registration before operation on the  
16 highways of this state is a traffic infraction, and any person  
17 committing this infraction shall pay a penalty of five hundred twenty-  
18 nine dollars, no part of which may be suspended or deferred.

19 (3) Failure to renew an expired registration before operation on  
20 the highways of this state is a traffic infraction.

21 (4) The licensing of a vehicle in another state by a resident of  
22 this state, as defined in RCW 46.16.028, evading the payment of any tax  
23 or license fee imposed in connection with registration, is a gross  
24 misdemeanor punishable as follows:

25 (a) For a first offense, up to one year in the county jail and  
26 payment of a fine of five hundred twenty-nine dollars plus twice the  
27 amount of delinquent taxes and fees, no part of which may be suspended  
28 or deferred;

29 (b) For a second or subsequent offense, up to one year in the  
30 county jail and payment of a fine of five hundred twenty-nine dollars  
31 plus four times the amount of delinquent taxes and fees, no part of  
32 which may be suspended or deferred;

33 (c) For fines levied under (b) of this subsection, an amount equal  
34 to the avoided taxes and fees owed will be deposited in the vehicle  
35 licensing fraud account created in the state treasury;

36 (d) The avoided taxes and fees shall be deposited and distributed

1 in the same manner as if the taxes and fees were properly paid in a  
2 timely fashion.

3 (5) These provisions shall not apply to the following vehicles:

4 (a) Motorized foot scooters;

5 (b) Electric-assisted bicycles;

6 (c) Off-road vehicles operating on nonhighway roads under RCW  
7 46.09.115;

8 (d) Farm vehicles if operated within a radius of fifteen miles of  
9 the farm where principally used or garaged, farm tractors and farm  
10 implements including trailers designed as cook or bunk houses used  
11 exclusively for animal herding temporarily operating or drawn upon the  
12 public highways, and trailers used exclusively to transport farm  
13 implements from one farm to another during the daylight hours or at  
14 night when such equipment has lights that comply with the law;

15 (e) Spray or fertilizer applicator rigs designed and used  
16 exclusively for spraying or fertilization in the conduct of  
17 agricultural operations and not primarily for the purpose of  
18 transportation, and nurse rigs or equipment auxiliary to the use of and  
19 designed or modified for the fueling, repairing, or loading of spray  
20 and fertilizer applicator rigs and not used, designed, or modified  
21 primarily for the purpose of transportation;

22 (f) Fork lifts operated during daylight hours on public highways  
23 adjacent to and within five hundred feet of the warehouses which they  
24 serve: PROVIDED FURTHER, That these provisions shall not apply to  
25 vehicles used by the state parks and recreation commission exclusively  
26 for park maintenance and operations upon public highways within state  
27 parks;

28 (g) "Trams" used for transporting persons to and from facilities  
29 related to the horse racing industry as regulated in chapter 67.16 RCW,  
30 as long as the public right-of-way routes over which the trams operate  
31 are not more than one mile from end to end, the public rights-of-way  
32 over which the tram operates have an average daily traffic of not more  
33 than 15,000 vehicles per day, and the activity is in conformity with  
34 federal law. The operator must be a licensed driver and at least  
35 eighteen years old. For the purposes of this section, "tram" also  
36 means a vehicle, or combination of vehicles linked together with a  
37 single mode of propulsion, used to transport persons from one location  
38 to another;

1 (h) "Special highway construction equipment" defined as follows:  
2 Any vehicle which is designed and used primarily for grading of  
3 highways, paving of highways, earth moving, and other construction work  
4 on highways and which is not designed or used primarily for the  
5 transportation of persons or property on a public highway and which is  
6 only incidentally operated or moved over the highway. It includes, but  
7 is not limited to, road construction and maintenance machinery so  
8 designed and used such as portable air compressors, air drills, asphalt  
9 spreaders, bituminous mixers, bucket loaders, track laying tractors,  
10 ditchers, leveling graders, finishing machines, motor graders, paving  
11 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,  
12 lighting plants, welders, pumps, power shovels and draglines, self-  
13 propelled and tractor-drawn earth moving equipment and machinery,  
14 including dump trucks and tractor-dump trailer combinations which  
15 either (i) are in excess of the legal width, or (ii) which, because of  
16 their length, height, or unladen weight, may not be moved on a public  
17 highway without the permit specified in RCW 46.44.090 and which are not  
18 operated laden except within the boundaries of the project limits as  
19 defined by the contract, and other similar types of construction  
20 equipment, or (iii) which are driven or moved upon a public highway  
21 only for the purpose of crossing such highway from one property to  
22 another, provided such movement does not exceed five hundred feet and  
23 the vehicle is equipped with wheels or pads which will not damage the  
24 roadway surface.

25 Exclusions:

26 "Special highway construction equipment" does not include any of  
27 the following:

28 Dump trucks originally designed to comply with the legal size and  
29 weight provisions of this code notwithstanding any subsequent  
30 modification which would require a permit, as specified in RCW  
31 46.44.090, to operate such vehicles on a public highway, including  
32 trailers, truck-mounted transit mixers, cranes and shovels, or other  
33 vehicles designed for the transportation of persons or property to  
34 which machinery has been attached.

35 (6) The following vehicles, whether operated solo or in  
36 combination, are exempt from license registration and displaying  
37 license plates as required by this chapter:

1 (a) A converter gear used to convert a semitrailer into a trailer  
2 or a two-axle truck or tractor into a three or more axle truck or  
3 tractor or used in any other manner to increase the number of axles of  
4 a vehicle. Converter gear includes an auxiliary axle, booster axle,  
5 dolly, and jeep axle.

6 (b) A tow dolly that is used for towing a motor vehicle behind  
7 another motor vehicle. The front or rear wheels of the towed vehicle  
8 are secured to and rest on the tow dolly that is attached to the towing  
9 vehicle by a tow bar.

10 (c) An off-road vehicle operated on a street, road, or highway as  
11 authorized under RCW 46.09.180.

12 (7)(a) A motor vehicle subject to initial or renewal registration  
13 under this section shall not be registered to a natural person unless  
14 the person at time of application:

15 (i) Presents an unexpired Washington state driver's license; or

16 (ii) Certifies that he or she is:

17 (A) A Washington resident who does not operate a motor vehicle on  
18 public roads; or

19 (B) Exempt from the requirement to obtain a Washington state  
20 driver's license under RCW 46.20.025.

21 (b) For shared or joint ownership, the department will set up  
22 procedures to verify that all owners meet the requirements of this  
23 subsection.

24 (c) A person falsifying residency is guilty of a gross misdemeanor  
25 punishable only by a fine of five hundred twenty-nine dollars.

26 (d) The department may adopt rules necessary to implement this  
27 subsection, including rules under which a natural person applying for  
28 registration may be exempt from the requirements of this subsection  
29 where the person provides evidence satisfactory to the department that  
30 he or she has a valid and compelling reason for not being able to meet  
31 the requirements of this subsection.

32 (8) A vehicle with an expired registration of more than sixty days  
33 parked on a public street may be impounded by a police officer under  
34 RCW 46.55.113(2).

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