

SENATE BILL REPORT

ESHB 2565

As of February 26, 2010

Title: An act relating to mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence of alcohol or drugs or being in physical control of a vehicle while under the influence of alcohol or drugs.

Brief Description: Mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Ericksen, Simpson, Smith, Van De Wege, Sells, Orwall, Goodman, Morrell and Moeller).

Brief History: Passed House: 2/13/10, 95-0.

Committee Activity: Transportation: 2/25/10.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Amanda Cecil (786-7429)

Background: Law enforcement officers may impound a vehicle when the driver is arrested for driving under the influence of alcohol or drugs (DUI). There is no requirement that the vehicle be impounded and if a reasonable alternative can be found, such as parking the car in a parking lot or other location off of the highway, the vehicle will not be impounded.

When a vehicle is impounded, the impounding towing 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 redeemed only by a registered owner of the vehicle or a person who has the permission of a registered owner, and upon payment of all costs associated with the impound.

The district or municipal court where the vehicle was impounded has jurisdiction over the hearings. If an impound is found proper, the impound costs and the court costs must be assessed against the person or persons requesting the hearing. If, however, the impound is found to be in violation of the impound chapter, the person or agency that authorized the impound is responsible for costs associated with the impound, the filing fee, and reasonable damages for loss of use of the vehicle. Where the impound arose from a violation of the law surrounding driving with a suspended, revoked, or invalidated license, and the impound was

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found to be improper, the law enforcement officer and the government employing the officer are not liable for damages for loss of use of the vehicle if the officer relied in good faith and without gross negligence on the records of the Department of Licensing.

Summary of Bill: Requires that the vehicle operated by a person arrested for DUI be impounded for 12 hours, unless the operator is not the registered owner, in which case the vehicle may be released to the registered owner upon impound.

Requires that the impounding police officer notify the driver of the time the vehicle may be released from impound.

Releases a registered tow truck owner who complies with these impound requirements from liability for injuries or damages sustained from the operator's intoxicated state.

Relieves the arresting officer and the officer's government employer from damages for loss of use of the vehicle for an improper impound, under certain conditions.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is for public safety. It will allow the police to impound a car and reduce the risk that a drunk driver will drive before they have had a chance to sober up.

Persons Testifying: PRO: Stu Halsan, Dan Johnson, Towing and Recovery Association; Jason Berry, Washington State Patrol.