

HOUSE BILL REPORT

HB 2595

As Passed House:

February 5, 1996

Title: An act relating to court procedures following impoundment of vehicles.

Brief Description: Harmonizing procedures for vehicle impoundment.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives Robertson and Scott).

Brief History:

Committee Activity:

Transportation: 1/22/96 [DP].

Floor Activity:

Passed House: 2/5/96, 97-0.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 26 members: Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott; Sterk and Tokuda.

Staff: Jennifer Joly (786-7305).

Background: Currently, when a police officer has ordered an impound for the operation of a motor vehicle without a valid driver's license, a license that has been expired for 90 days or more, or a suspended or revoked license, the officer must immediately serve upon the driver of the impounded vehicle a notice of the right to a hearing in district court to contest the validity of the impound or the amount of towing and storage fees. In other situations where impounds are authorized, RCW 46.55, the towing and impoundment chapter, prescribes that the registered tow-truck operator give written notice of the opportunity for a hearing to persons redeeming impounded vehicles.

Under RCW 46.55, when a district court finds that an improper impound has occurred, the agency that authorized the impound is liable for any towing, storage or other impoundment fees.

Summary of Bill: When a police officer has ordered an impound for the operation of a motor vehicle without a valid driver's license, a license that has been expired for 90 days or more, or a suspended or revoked license, the registered tow-truck operator performing the impound, rather than the police officer ordering the impound, must give written notice of the opportunity for a hearing to persons redeeming impounded vehicles.

At a hearing to contest the validity of an impound or the amount of towing and storage fees, in lieu of the impounding officer's personal appearance, the court may consider a written report made under oath by the officer who authorized the impoundment.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: HB 2595 will decrease the amount of on-the-scene paperwork to be processed by law enforcement officers ordering impounds. Additionally, the legislation will save law enforcement agencies money because less monies will be paid out for proper impounds ruled improper because of an officer's unavailability to testify in district court.

Testimony Against: None.

Testified: Stu Halsan, Washington Tow Truck Association.