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**SENATE BILL 5139**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senators Kohl, Smith, Long, Prentice, Winsley, Heavey, Prince, Franklin, Schow, West, Oke and Rasmussen

Read first time 01/12/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to persons who patronize prostitutes; adding a new  
2 section to chapter 9A.88 RCW; creating a new section; and prescribing  
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that most law  
6 enforcement effort to prevent prostitution is directed at punishing  
7 prostitutes. The legislature also finds that many patrons of  
8 prostitutes use motor vehicles in order to obtain the services of  
9 prostitutes and that successful prevention of prostitution involves  
10 efforts to curtail the demand for services offered by prostitutes. It  
11 is the intent of the legislature to decrease the demand for  
12 prostitution services and thereby eliminate the economic foundation for  
13 the prostitution industry. It is also the intent of the legislature to  
14 eliminate traffic congestion and other concerns to neighborhoods and  
15 business areas caused by patrons cruising in motor vehicles in areas of  
16 high prostitution activity.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.88 RCW  
18 to read as follows:

1 (1) Upon determining that a person while operating a vehicle is  
2 patronizing a prostitute in violation of RCW 9A.88.110 or patronizing  
3 a juvenile prostitute in violation of RCW 9.68A.100, a law enforcement  
4 officer may immediately impound the vehicle that the person is  
5 operating.

6 (2) If the driver of the vehicle is the owner of the vehicle, the  
7 officer shall not release the vehicle impounded under subsection (1) of  
8 this section until the owner of the vehicle:

9 (a) Establishes that any penalties, fines, or forfeitures owed by  
10 the person driving the vehicle when it was impounded have been  
11 satisfied; and

12 (b) Pays the reasonable costs of such impoundment and storage.

13 (3) If the driver of the vehicle is not the owner of the vehicle,  
14 the driver shall be responsible for any penalties, fines, or  
15 forfeitures owed or due and for the costs of impoundment and storage.  
16 The vehicle shall be released to the owner immediately upon proof of  
17 such ownership.

18 (4) Whenever a vehicle has been impounded by a law enforcement  
19 officer, the officer shall immediately serve upon the driver of the  
20 impounded vehicle a notice informing the recipient of his or her right  
21 to a hearing in the district court for the jurisdiction in which the  
22 vehicle was impounded to contest the validity of the impoundment or the  
23 amount of towing or the amount of towing and storage charges. A  
24 request for a hearing shall be made in writing on the form provided for  
25 that purpose and must be received by the district court within ten days  
26 of the date of the impound. If the hearing request is not received by  
27 the district court within the ten-day period, the right to a hearing is  
28 waived and the driver is liable for any towing, storage, or other  
29 impoundment charges relating to the vehicle. Upon receipt of a timely  
30 hearing request, the district court shall proceed to hear and determine  
31 the validity of the impoundment.

32 (5)(a) The district court, within five days after the request for  
33 a hearing, shall notify the driver in writing of the hearing date and  
34 time.

35 (b) At the hearing, the person requesting the hearing may produce  
36 any relevant evidence to show that the impoundment was not proper.

37 (c) At the conclusion of the hearing, the district court shall  
38 determine whether the impoundment was proper, whether the driver was

1 responsible for any penalties, fines, or forfeitures owed or due at the  
2 time of the impoundment, and whether they have been satisfied.

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