

1 **ESSB 6431** - H AMDS TO H AMD (H-5517.1) **1135 WITHDRAWN**

2 By Representative Carrell

3 On page 7, after line 8 of the amendment, insert the following:

4 "NEW SECTION. Sec. 4. A new section is added to chapter 46.55 RCW
5 to read as follows:

6 (1) This section applies to any impoundment of a vehicle when a
7 driver is arrested for a violation of RCW 46.61.502 or 46.61.504, or of
8 RCW 46.61.520 or 46.61.522 if committed while under the influence, as
9 provided for in RCW 46.55.113 and 46.55.120.

10 (2) Any local government ordinance or state agency rule that
11 provides for impoundment and redemption of vehicles may allow for
12 alternative home impoundment of vehicles for all or part of the
13 impoundment periods authorized in RCW 46.55.120. Home impoundment is
14 an alternative to impoundment by a registered tow truck operator. Home
15 impoundment consists of removing a vehicle to the registered owner's
16 residence or other property, or to another place authorized by the
17 ordinance or rule, and placing a boot or other device on the vehicle to
18 render it immobile. The rule or ordinance of a jurisdiction
19 authorizing home impoundment may provide for implementation of the home
20 impoundment program through the jurisdiction's own agencies and by
21 means of its own impoundment devices or through registered tow truck
22 operators and by means of devices provided by registered tow truck
23 operators, or by some combination of such methods. The rule or
24 ordinance of a jurisdiction authorizing home impoundment shall allow
25 the driver of the vehicle to elect whether to be subject to impoundment
26 under RCW 46.5.120 or home impoundment under this section.

27 (3) Before any home impoundment is begun, the vehicle must be
28 redeemed as provided for in RCW 46.55.120 if any impoundment has
29 occurred under that section, and any towing fee incurred in getting the
30 vehicle to the place of home impoundment must be paid.

31 (4) At the end of the period of home impoundment, the vehicle may
32 be released only after all applicable fees have been paid and only
33 after all other obligations imposed by rule or ordinance have been met,
34 and only to a person who would qualify to redeem an impounded vehicle
35 under RCW 46.55.120.

1 (5) A local ordinance or state agency rule may provide for
2 impoundment by a registered tow truck operator if at the end of the
3 period of home impoundment there is no qualified person to whom the
4 vehicle may be released.

5 (6)(a) A local ordinance or state agency rule may provide that if
6 the boot or other device on a vehicle in home impoundment is tampered
7 with, damaged, removed or rendered inoperative, the vehicle may be
8 immediately impounded and held for an additional period of time, not to
9 exceed the maximum time for which the vehicle could have been held
10 initially by a registered tow truck operator.

11 (b) Any person seeking to redeem a vehicle impounded by a
12 registered tow truck operator under this section has a right to a
13 hearing to contest the validity of the impoundment as provided in RCW
14 46.55.120.

15 (c) The vehicle may be released only upon payment of all
16 applicable fees, including any fees for damage to the boot or other
17 device, and upon compliance with the redemption requirements of RCW
18 46.55.120, including the payment of all towing, removal, and storage
19 fees.

20 (d) A local ordinance may provide criminal penalties for
21 tampering, damaging, removing or rendering inoperative the boot or
22 other device used in a home impoundment."

23 Renumber the remaining sections and correct the title.

EFFECT: Allows the option of "home impoundment" of a vehicle using a "boot" instead of impoundment at a registered tow truck operator's lot. Localities are allowed to do home impoundment themselves, or to provide for it to be done by tow truck operators, or to provide for some combined implementation method. Driver's are to be given the choice between home impoundment and regular impoundment in jurisdictions that allow home impoundment. Release of a home impounded vehicle is subject to the same requirements as redemption from impoundment, e.g., possession of a driver's license, proof of insurance and payment of charges related to the impoundment.