

HOUSE BILL REPORT

ESSB 6431

As Reported By House Committee On:

Law & Justice

Title: An act relating to impoundment and forfeiture of vehicles operated by persons driving or in actual physical control of a vehicle while under the influence of intoxicating liquor.

Brief Description: Providing for impoundment and forfeiture of vehicles operated by persons driving a vehicle or in actual physical control of a vehicle while under the influence of intoxicating liquor.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Roach, Goings, Rasmussen, T. Sheldon, Rossi, Stevens, Long, Hochstatter, Oke, Swecker, McCaslin, Morton, Johnson, Deccio, Sellar and Haugen).

Brief History:

Committee Activity:

Law & Justice: 2/24/98, 2/26/98 [DPA].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended. Signed by 12 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Robertson and Sherstad.

Minority Report: Do not pass. Signed by 1 member: Representative Mulliken.

Staff: Bill Perry (786-7123).

Background: A person arrested for driving under the influence of alcohol (DUI) may have his or her vehicle impounded. Such a person is prohibited from selling, transferring, or encumbering the vehicle pending acquittal, or dismissal of the charges, or until 60 days after conviction of the DUI. If the person is convicted of the DUI and has had a prior DUI within five years, the vehicle is subject to seizure and forfeiture.

Summary of Amended Bill: A vehicle may be impounded at the direction of law enforcement pursuant to local ordinance or state agency rule whenever the driver is arrested for violation of the laws pertaining to driving under the influence of liquor or

drugs. For a driver with no prior DUIs, the vehicle may be impounded for up to 30 days. For persons with one, or two or more, priors, the period of impoundment may be for up to 60 and 90 days, respectively. Local ordinances or agency rules may provide for earlier release of a vehicle to prevent hardship to the spouse of the offender.

As an alternative to impoundment, local ordinances or agency rules may provide for "home detention" by means of a boot or other device that renders a vehicle immobile.

If the arresting officer had probable cause to believe the driver was guilty of DUI at the time of the arrest, then neither the officer nor the law enforcement agency is liable for damages if the impoundment was improper.

Provisions are made for a "transitional ownership record" to allow perfection of a security interest in a vehicle when the certificate of ownership is not available at the time the interest is created. The period of time for perfecting a security interest in a vehicle is extended from eight days to 20 days.

Amended Bill Compared to Engrossed Substitute Bill: The amended bill removes provisions relating to the forfeiture of vehicles and adds the provisions relating to "home impoundment." It removes a provision allowing local governments to submit claims to the state for reimbursement of the costs of implementing the act. It also provides for escalating periods of impoundment on successive offenses.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 19, 1998.

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

Testimony For: Impounding of vehicles is one of the most powerful tools available in fighting DUI. The experience in other jurisdictions has shown its remarkable effectiveness. The bill contains protections for the interests of the innocent spouses of offenders.

Testimony Against: None.

Testified: Senator Roach, prime sponsor; Senator Strannigan (pro); Gary Gardner, Boeing Credit Union (pro, with amendment); Lisa Thatcher, Washington State Automobile Dealers (pro, with amendment); Karolyn Nunnallee, President, Mothers Against Drunk Drivers (pro); Don Lennon, President, Mothers Against Drunk Drivers, Washington Chapter (pro); Bill Hanson, Washington State Patrol Troopers Association (pro); Annette Sandberg, Chief, Washington State Patrol (pro); Tim Schellberg, Washington Association of Sheriffs and Police Chiefs (pro); Steve Lind, Washington

Traffic Safety Commission (pro); Russ Hauge, Washington Association of Prosecuting Attorneys (pro); Kathy Gerke, Association of Washington Cities (pro, with concerns re fiscal impact); Mark Sidron, Seattle City Attorney (pro); Evan Simpson, Harborview Injury Prevention Center (pro); Pamela Simpson, citizen (pro); and Cheryl Fox, citizen (pro).