

# HOUSE BILL REPORT

## HB 2716

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**As Reported By House Committee On:**  
Judiciary

**Title:** An act relating to vehicle impounds.

**Brief Description:** Changing provisions relating to vehicle impounds.

**Sponsors:** Representatives Delvin, Lovick, O'Brien and Hurst.

**Brief History:**

**Committee Activity:**

Judiciary: 2/1/00, 2/3/00 [DPS].

**Brief Summary of Substitute Bill**

- Authorizes suspended license impounds throughout the state by removing the requirement that a local jurisdiction adopt an authorizing ordinance.
- Authorizes vehicle impounds when the driver is arrested for an alcohol-related offense.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Kastama and Lantz.

**Minority Report:** Without recommendation. Signed by 5 members: Representatives Hurst, Democratic Vice Chair; Esser; Lovick; McDonald and Schindler.

**Staff:** Edie Adams (786-7180).

**Background:**

In 1997, the Legislature authorized local jurisdictions to adopt ordinances permitting a law enforcement officer to impound the vehicle of a person arrested for driving with a

suspended or revoked license (DWLS). The vehicle impound may be for varying lengths of time, up to a maximum of 90 days, depending on the driver's current degree of DWLS and the driver's prior DWLS history.

A suspended license impound may only be released by the agency that ordered the impound or a court having jurisdiction. The person redeeming the vehicle must pay all towing and storage fees and, if the driver is the owner, must establish with the agency that ordered the impound that all fines, penalties, and forfeitures owed by the owner have been paid.

An agency may, pursuant to local ordinance, order the release of a vehicle on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, such as the operator's criminal history and driving record.

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**Summary of Substitute Bill:**

A local agency is authorized to release a vehicle prior to the expiration of a period of impoundment on the basis of economic or personal hardship to an owner, in addition to hardship to a spouse, if the owner was not the driver of the vehicle. Local jurisdictions are required to include in their impoundment ordinances authorization to release an impounded vehicle prior to the expiration of a period of impoundment based on economic or personal hardship to either a spouse or to an owner who was not the driver.

**Substitute Bill Compared to Original Bill:** The original bill removed the local option for suspended license impounds, so that suspended license impounds were authorized throughout the state.

The original bill authorized the impoundment of a vehicle driven by a person arrested for an alcohol-related offense for the following periods: 30 days if the person has no prior alcohol-related offenses, 60 days if the person has one or more prior alcohol-related offenses, and 90 days if the person has two or more such prior offenses. "Alcohol-related offense" means driving under the influence, physical control of a vehicle under the influence, or vehicular homicide or vehicular assault if committed while under the influence. The same requirements and procedures for suspended license impounds apply to alcohol-related impounds.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The suspended license impound law is working. In cities that have adopted suspended license impound, there has been a decrease in the number of repeat cases because people aren't able to be out there driving if they don't have their cars. The impound law should be applied throughout the state, and also to drunken driving, since it is working.

**Testimony Against:** None.

(Concerns) It took several years to create a process that works. Striking the local option may not be functional. The local option allows jurisdictions to tailor the law to their needs and abilities. There is concern about striking language that requires all fees and costs to be paid.

**Testified:** Representative Delvin, prime sponsor.

(Concerns) Stu Halsan, Washington Tow Truck Association.