

SENATE BILL REPORT

SB 5865

As Reported By Senate Committee On:
Judiciary, February 27, 2001

Title: An act relating to vehicle immobilization.

Brief Description: Authorizing use of vehicle immobilization devices in lieu of impoundment.

Sponsors: Senators Kline, Long, Kohl-Welles, Sheahan, Patterson, Finkbeiner, Constantine, Oke and Carlson.

Brief History:

Committee Activity: Judiciary: 2/13/01, 2/27/01 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5865 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long, McCaslin and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: Whenever the driver of a vehicle is arrested for driving with a suspended or revoked driver's license or for driving while under the influence of liquor or any drug (DUI), the vehicle is subject to impoundment by a law enforcement officer pursuant to local ordinance or state agency rule. An impounded vehicle may only be released by a written order from the agency that ordered the impound. The person redeeming the vehicle must pay all towing and storage fees and, if the operator of the car is the owner, must establish that all fines, penalties and forfeitures owed by the owner have been paid. There is concern that the impoundment law is unduly harsh on the poor and disproportionately falls on minorities.

The legislation which changed the law such that vehicles are subject to impoundment pursuant to local ordinance or state agency rule contained a provision which allowed home impoundment of the pertinent vehicle instead of impoundment at a tow truck lot or other location for cases involving DUI, vehicular assault or vehicular homicide. This provision was vetoed by the Governor due to technical flaws.

Summary of Substitute Bill: Any local ordinance or state agency rule that authorizes vehicle impoundment for driving with a suspended or revoked license may allow vehicle immobilization for the time periods currently authorized in RCW 46.55.120 in lieu of impoundment by a registered tow truck operator. Vehicle immobilization means the removal of a vehicle to a location specified in the ordinance or rule or onto private property and the placement on the vehicle of a vehicle immobilization device approved by the Washington State Patrol. The immobilized vehicle may be released only after all rental and towing fees

have been paid and any penalties, fines, or forfeitures owed by the owner of the vehicle have been satisfied. A local ordinance may provide criminal penalties for damage or unlawful removal of an immobilization device and the pertinent vehicle may be impounded and held for an additional period of time.

Substitute Bill Compared to Original Bill: The substitute bill provides that a vehicle that is immobilized pursuant to local ordinance or rule must be stored, while immobilized, at a location specified in the ordinance or rule or on private property. If the owner of the vehicle is not the owner of the private property, the consent of the property owner must be obtained.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: This might lead to cars being immobilized on public streets or parking garages and vandalism could occur.

Testified: Stu Halsan, WA Tow Truck Assoc.