
SENATE BILL 5570

State of Washington

62nd Legislature

2011 Regular Session

By Senators Honeyford, Hatfield, Holmquist Newbry, Stevens, Parlette, King, Schoesler, and Becker

Read first time 01/31/11. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to prohibiting the impoundment of farm vehicles
2 under certain conditions; amending RCW 46.55.113; and providing an
3 effective date.

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

5 **Sec. 1.** RCW 46.55.113 and 2010 c 161 s 1120 are each amended to
6 read as follows:

7 (1)(a) Except as provided in (b) of this subsection, whenever the
8 driver of a vehicle is arrested for a violation of RCW 46.61.502,
9 46.61.504, 46.20.342, or 46.20.345, the vehicle is subject to summary
10 impoundment, pursuant to the terms and conditions of an applicable
11 local ordinance or state agency rule at the direction of a law
12 enforcement officer.

13 (b) A farm vehicle may not be impounded pursuant to (a) of this
14 subsection when the vehicle is actively transporting products of the
15 farm, orchard, dairy, or aquatic farm owned by another farm from point
16 of production to market or warehouse, or supplies to be used on the
17 other farm. In such instances, the farm vehicle must be parked at a
18 place of safety, and the registered owner of the farm vehicle must be
19 notified as soon as is practicable by the law enforcement agency

1 employing the officer making the arrest or otherwise taking custody of
2 the farm vehicle in order to give the owner an opportunity to obtain an
3 alternative driver or to prevent the loss of the transported products.

4 (2) In addition, a police officer may take custody of a vehicle, at
5 his or her discretion, and provide for its prompt removal to a place of
6 safety under any of the following circumstances:

7 (a) Whenever a police officer finds a vehicle standing upon the
8 roadway in violation of any of the provisions of RCW 46.61.560, the
9 officer may provide for the removal of the vehicle or require the
10 driver or other person in charge of the vehicle to move the vehicle to
11 a position off the roadway;

12 (b) Whenever a police officer finds a vehicle unattended upon a
13 highway where the vehicle constitutes an obstruction to traffic or
14 jeopardizes public safety;

15 (c) Whenever a police officer finds an unattended vehicle at the
16 scene of an accident or when the driver of a vehicle involved in an
17 accident is physically or mentally incapable of deciding upon steps to
18 be taken to protect his or her property;

19 (d) Whenever the driver of a vehicle is arrested and taken into
20 custody by a police officer;

21 (e) Whenever a police officer discovers a vehicle that the officer
22 determines to be a stolen vehicle;

23 (f) Whenever a vehicle without a special license plate, placard, or
24 decal indicating that the vehicle is being used to transport a person
25 with disabilities under RCW 46.19.010 is parked in a stall or space
26 clearly and conspicuously marked under RCW 46.61.581 which space is
27 provided on private property without charge or on public property;

28 (g) Upon determining that a person is operating a motor vehicle
29 without a valid and, if required, a specially endorsed driver's license
30 or with a license that has been expired for ninety days or more;

31 (h) When a vehicle is illegally occupying a truck, commercial
32 loading zone, restricted parking zone, bus, loading, hooded-meter,
33 taxi, street construction or maintenance, or other similar zone where,
34 by order of the director of transportation or chiefs of police or fire
35 or their designees, parking is limited to designated classes of
36 vehicles or is prohibited during certain hours, on designated days or
37 at all times, if the zone has been established with signage for at

1 least twenty-four hours and where the vehicle is interfering with the
2 proper and intended use of the zone. Signage must give notice to the
3 public that a vehicle will be removed if illegally parked in the zone;

4 (i) When a vehicle with an expired registration of more than
5 forty-five days is parked on a public street.

6 (3) When an arrest is made for a violation of RCW 46.20.342, if the
7 vehicle is a commercial vehicle and the driver of the vehicle is not
8 the owner of the vehicle, before the summary impoundment directed under
9 subsection (1) of this section, the police officer shall attempt in a
10 reasonable and timely manner to contact the owner of the vehicle and
11 may release the vehicle to the owner if the owner is reasonably
12 available, as long as the owner was not in the vehicle at the time of
13 the stop and arrest and the owner has not received a prior release
14 under this subsection or RCW 46.55.120(1)(a)(ii).

15 (4) Nothing in this section may derogate from the powers of police
16 officers under the common law. For the purposes of this section and
17 except as provided in subsection (1)(b) of this section, a place of
18 safety may include the business location of a registered tow truck
19 operator.

20 NEW SECTION. **Sec. 2.** This act takes effect August 1, 2011.

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