

SENATE BILL REPORT

ESSB 5831

As Passed Senate, March 14, 1995

Title: An act relating to authorizing impoundment and sale of motor vehicles for failure to pay amounts owed on accumulated parking ticket violations.

Brief Description: Authorizing impoundment and sale of motor vehicles for failure to pay parking ticket violations.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Kohl, Owen, Winsley, Fairley and Schow).

Brief History:

Committee Activity: Transportation: 2/22/95, 3/1/95 [DPS, DNP].
Passed Senate, 3/14/95, 29-19.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5831 be substituted therefor, and the substitute bill do pass.

Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Rasmussen and Wood.

Minority Report: Do not pass.

Signed by Senators Haugen and Prince.

Staff: Jennifer Joly (786-7305)

Background: Currently, public impounds, i.e., the taking and holding of vehicles in legal custody at the direction of a law enforcement officer, are authorized in only limited circumstances. Unauthorized vehicles are only subject to removal after having been left unattended in violation of the statutory time period allowable for the location.

A vehicle is considered unauthorized and subject to impound after being left unattended at the following public locations for the following periods of time: (1) immediately, if the vehicle constitutes a traffic hazard; (2) within 24 hours of placement of a notification sticker if left within a highway right-of-way; and (3) immediately, if posting requirements are met, if the vehicle is in a publicly-owned or controlled parking facility.

Only registered tow truck operators (RTTOs) may perform impounds. When an impounded vehicle has been held in the RTTO's possession for 96 consecutive hours, the RTTO must send an abandoned vehicle report to the Department of Licensing (DOL). Following notice of custody and sale to the legal or registered owner, the vehicle is eligible to be sold at public auction if not redeemed within 15 days. However, not less than three days and no more than 10 days before the date of the auction, the RTTO must publish the date, place and

time of the auction in a newspaper of general circulation in the county in which the vehicle is located.

Up to \$300 derived from the auction, less the amount bid, may be used to satisfy the RTTO's towing and storage fees. Any surplus monies derived shall be remitted to DOL for deposit in the motor vehicle fund.

Summary of Bill: Within any city or town, a law enforcement officer, or other public official with jurisdiction, may direct the impoundment of a vehicle upon which 12 or more parking violations issued by the city or town remain unpaid. The city or town ordering the impoundment must provide prior notice to the registered owner that his or her car is subject to impoundment. All impounds performed as a result of unpaid parking violations must be performed at the address listed on the Department of Licensing's registered owner records. Rental cars are exempt from impoundment for unpaid parking violations.

The notice of impound for vehicles impounded due to unpaid parking violations includes the total amount due for the violations.

Redemption of a vehicle impounded as a result of unpaid parking violations is allowed upon presentation of proof that the unpaid parking violations triggering the impoundment are paid, or that satisfactory arrangements are made with the impounding jurisdiction for the payment or discharge of the tickets. Additionally, the owner must pay any parking violation, towing, storage and any other costs resulting from the impoundment.

The sale of vehicles impounded for unpaid parking tickets at auction is prevented upon: (1) proof that all unpaid parking violations are paid, or that another satisfactory arrangement is made with the impounding jurisdiction for their payment; and (2) payment of towing and storage fees.

All surplus moneys derived from the auction are first used to satisfy the registered tow truck operator's lien, and then to satisfy unpaid parking violations.

Records maintained by a municipal or district court as of the close of business of the previous day (Saturdays, Sundays and holidays excluded) may be relied upon in ordering an impound on account of an aggregate amount of unpaid parking violations.

Subsequent registered owners are not responsible for the payment of outstanding parking violations incurred by the previous owner of a vehicle.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This legislation is aimed at habitual parking violators. As of last summer, the City of Seattle was owed over \$360,000 from people with over \$500 worth of outstanding parking violations. In one case, over \$11,000 in unpaid parking tickets is owed by one person. Besides having the Department of Licensing flag the vehicle registration to

preclude renewal until payment is made, the only other option for collection is criminal prosecution; this is costly to the city and only allows them to recoup up to \$1,000.

Testimony Against: None.

Testified: Senator Kohl, prime sponsor; Robert Smith, DOL; Jim Wadsworth, DOL; Susan Crowley, City of Seattle (pro); Kevin Kilpatrick, City of Seattle (pro).