

FINAL BILL REPORT

SHB 1074

C 177 L 03

Synopsis as Enacted

Brief Description: Allowing release of impounded vehicles to owners.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives Bush, O'Brien, Shabro, Kirby, Armstrong, Mielke, Pearson, Anderson, Campbell, Miloscia, Sullivan and Carrell).

House Committee on Transportation
Senate Committee on Judiciary

Background:

A law enforcement officer may have a vehicle impounded for several reasons, including if the driver of the vehicle is arrested or if it is determined that the driver is operating the vehicle without a valid driver's license. There are no provisions requiring or authorizing law enforcement to contact the owner of the vehicle in situations where the driver under arrest is not the owner. Because of this, a vehicle may be impounded upon the arrest of the driver with no communication or opportunity for the owner to take possession of his or her vehicle.

Depending on how many times the arrested driver has had his or her license suspended or revoked in the past, the vehicle could be impounded for up to 90 days during which time impound charges are accruing. In order for the owner to get his or her vehicle released, the owner must pay all towing, removal, and storage fees associated with the impoundment of the vehicle. These provisions apply to both privately owned vehicles as well as vehicles owned by businesses.

Summary:

If a person is arrested for driving while his or her driver's license is suspended or revoked, the vehicle may be impounded. However, if it is found that the driver under arrest is not the owner of the vehicle, the police officer must attempt to contact the owner before the vehicle is impounded and may release the vehicle to the owner, provided that the subject vehicle is a commercial vehicle.

The release of a vehicle to its owner after an officer has arrested the operator of the vehicle for driving with a suspended or revoked driver's license, is allowed to occur only one time. After this single opportunity, the provisions under existing law would apply.

If a vehicle is impounded because the driver had a suspended or revoked driver's license, the release of the vehicle to the owner may occur on the basis that the owner did not know the driver's license was suspended, the owner was not the driver, and the owner has not received a prior release.

Outside these instances where a vehicle could be released to the owner one time, an officer may deny the release of an impounded vehicle in cases where the impoundment is the result of an arrest for DUI or driving with a suspended license.

Votes on Final Passage:

House 97 0

Senate 49 0

Effective: July 27, 2003