

---

**Transportation Committee**

---

**HB 1074**

**Brief Description:** Allowing release of impounded vehicles to owners.

**Sponsors:** Representatives Bush, O'Brien, Shabro, Kirby, Armstrong, Mielke, Pearson, Anderson, Campbell, Miloscia, Sullivan and Carrell.

**Brief Summary of Bill**

- If a person is arrested for driving while their 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 them.
- 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, shall only be allowed to occur one time.

**Hearing Date:** 2/5/03

**Staff:** Reema Griffith (786-7301).

**Background:**

Under current law, 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 fact, current law allows for the vehicle to be impounded upon the arrest of the driver with no communication or opportunity for the owner to take possession of their vehicle.

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

**Summary of Bill:**

If a person is arrested for driving while their 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 them.

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, shall only be allowed to occur one time. After this single opportunity, the provisions under current law would be carried out.

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 of economic or personal hardship to the owner of the vehicle, if the owner was not the driver and if the owner has not received a prior release under these same circumstances.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.