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**Transportation Committee**

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**HB 2303**

**Brief Description:** Regulating vehicle immobilization.

**Sponsors:** Representatives O'Brien, Mielke, Upthegrove, Pearson, McCoy, Lovick and Clements.

**Brief Summary of Bill**

- Requires vehicle immobilization businesses to be registered and licensed with the Department of Licensing and establishes requirements for the use of vehicle immobilization devices.

**Hearing Date:** 2/5/04

**Staff:** Page Scott (786-7301).

**Background:**

State law does not specifically address vehicle immobilization as an enforcement option for unauthorized parking or delinquent parking fees.

The City of Seattle allows licensed parking lot or parking garage businesses to immobilize vehicles in order to secure payment for delinquent parking fees or charges. Requirements for vehicle immobilization are specified in Seattle Municipal Code 6.48.050.

Tow truck operators are required to be registered and licensed by the Department of Licensing (DOL). Under the tow truck operator statutes, "registered tow truck operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles; "impound" means to take and hold a vehicle in legal custody. Unlicensed persons may not impound unauthorized vehicles.

**Summary of Bill:**

A new chapter is created under Title 46 RCW relating to vehicle immobilization. "Approved immobilization device" and "registered vehicle immobilizer" are defined.

Registration Requirements

Vehicle immobilizers are required to be registered and licensed with the DOL. The penalty for not doing so is classified as a gross misdemeanor. Specific application requirements are set forth which include requiring the applicant to provide: proof of minimum liability insurance, a certificate of approval from the Washington State Patrol (WSP) certifying that the immobilization

device in use meets their standards, and a \$5,000 surety bond. The registration fee for initial applications and renewals is \$100 per year.

Records and equipment of a registered vehicle immobilizer must be available for inspection by the DOL, the WSP, or local law enforcement.

#### Use of Immobilization Devices

Immobilization devices are authorized to be used in public or private parking garages or lots in order to secure payment of delinquent parking fees and charges. Approved immobilization devices may only be attached to the exterior of the vehicle and only upon request of the parking lot owner, agent or employee.

Vehicle immobilizers must affix a written notice to the vehicle stating the name, address and phone number of the immobilization business and the name and address of the person authorized to release the vehicle. The person authorized to release the vehicle must be accessible at all times and must be able to release the vehicle within one hour of the request to do so.

#### Releasing Immobilized Vehicles

Immobilized vehicles must be released immediately upon payment for the delinquent parking fees and the immobilization release fee. The maximum fee that may be charged for the removal of the immobilization device is set at \$100 per removal.

Vehicles that are lawfully immobilized may only be redeemed by the owner, or person authorized by the owner or vehicle insurer, or a dealer or lender with a perfected security interest in the vehicle. The vehicle immobilizer must provide to the person redeeming the vehicle: written notice of the right of redemption and opportunity for a hearing, a form to request a hearing, the name of the person who authorized the immobilization, and a copy of the immobilization invoice.

#### Posting Requirements

Signs must be posted near each entrance to the parking garage or lot and on the property in conspicuous locations which are visible to all who park on the property. The signs must clearly indicate when and how a vehicle can be immobilized, the fee to remove the immobilization device, and the name and contact information for the immobilization business.

#### Other Provisions

The Washington State Patrol (WSP) may set standards and procedures for immobilization devices and their use. Complaints against an immobilization business must be forwarded to the DOL and complaints regarding the immobilization equipment must be forwarded to the WSP.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.