

CERTIFICATION OF ENROLLMENT

SENATE BILL 5445

Chapter 219, Laws of 1995

54th Legislature
1995 Regular Session

TOWING AND IMPOUNDMENT--RESPONSIBILITY OF REGISTERED
OWNER--PROCESSING AND HANDLING PROCEDURES REVISED

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 18, 1995
YEAS 48 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 7, 1995
YEAS 93 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 3, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5445** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 3, 1995 - 11:45 a.m.

**Secretary of State
State of Washington**

SENATE BILL 5445

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington **54th Legislature** **1995 Regular Session**

By Senators Owen, Sellar and Winsley

Read first time 01/24/95. Referred to Committee on Transportation.

1 AN ACT Relating to procedures for handling and processing
2 violations of RCW 46.55.105; and amending RCW 46.20.031, 46.20.289,
3 46.52.100, 46.55.105, and 46.63.030.

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

5 **Sec. 1.** RCW 46.20.031 and 1993 c 501 s 2 are each amended to read
6 as follows:

7 The department shall not issue a driver's license hereunder:

8 (1) To any person who is under the age of sixteen years;

9 (2) To any person whose license has been suspended during such
10 suspension, nor to any person whose license has been revoked, except as
11 provided in RCW 46.20.311;

12 (3) To any person who has been evaluated by a program approved by
13 the department of social and health services as being an alcoholic,
14 drug addict, alcohol abuser, and/or drug abuser: PROVIDED, That a
15 license may be issued if the department determines that such person has
16 been granted a deferred prosecution, pursuant to chapter 10.05 RCW, or
17 is satisfactorily participating in or has successfully completed an
18 alcohol or drug abuse treatment program approved by the department of

1 social and health services and has established control of his or her
2 alcohol and/or drug abuse problem;

3 (4) To any person who has previously been adjudged to be mentally
4 ill or insane, or to be incompetent due to any mental disability or
5 disease, and who has not at the time of application been restored to
6 competency by the methods provided by law: PROVIDED, HOWEVER, That no
7 person so adjudged shall be denied a license for such cause if the
8 superior court should find him able to operate a motor vehicle with
9 safety upon the highways during such incompetency;

10 (5) To any person who is required by this chapter to take an
11 examination, unless such person shall have successfully passed such
12 examination;

13 (6) To any person who is required under the laws of this state to
14 deposit proof of financial responsibility and who has not deposited
15 such proof;

16 (7) To any person when the department has good and substantial
17 evidence to reasonably conclude that such person by reason of physical
18 or mental disability would not be able to operate a motor vehicle with
19 safety upon the highways; subject to review by a court of competent
20 jurisdiction;

21 (8) To a person when the department has been notified by a court
22 that the person has violated his or her written promise to appear,
23 respond, or comply regarding a notice of infraction issued for a
24 violation of RCW 46.55.105, unless the department has received notice
25 from the court showing that the person has been found not to have
26 committed the violation of RCW 46.55.105, or that the person has paid
27 all monetary penalties owing, including completion of community
28 service, and that the court is satisfied that the person has made
29 restitution as provided by RCW 46.55.105(2).

30 **Sec. 2.** RCW 46.20.289 and 1993 c 501 s 1 are each amended to read
31 as follows:

32 The department shall suspend all driving privileges of a person
33 when the department receives notice from a court under RCW 46.63.070(5)
34 or 46.64.025 that the person has failed to respond to a notice of
35 traffic infraction, failed to appear at a requested hearing, violated
36 a written promise to appear in court, or has failed to comply with the
37 terms of a notice of traffic infraction or citation, other than for a
38 notice of a violation of RCW 46.55.105 or a standing, stopping, or

1 parking violation. A suspension under this section takes effect thirty
2 days after the date the department mails notice of the suspension, and
3 remains in effect until the department has received a certificate from
4 the court showing that the case has been adjudicated, and until the
5 person meets the requirements of RCW 46.20.311. A suspension under
6 this section does not take effect if, prior to the effective date of
7 the suspension, the department receives a certificate from the court
8 showing that the case has been adjudicated.

9 **Sec. 3.** RCW 46.52.100 and 1994 c 275 s 15 are each amended to read
10 as follows:

11 Every district court, municipal court, and clerk of superior court
12 shall keep or cause to be kept a record of every traffic complaint,
13 traffic citation, notice of infraction, or other legal form of traffic
14 charge deposited with or presented to the court or a traffic violations
15 bureau, and shall keep a record of every official action by the court
16 or its traffic violations bureau in reference thereto, including but
17 not limited to a record of every conviction, forfeiture of bail,
18 judgment of acquittal, finding that a traffic infraction has been
19 committed, dismissal of a notice of infraction, and the amount of fine,
20 forfeiture, or penalty resulting from every traffic complaint,
21 citation, or notice of infraction deposited with or presented to the
22 district court, municipal court, superior court, or traffic violations
23 bureau.

24 The Monday following the conviction, forfeiture of bail, or finding
25 that a traffic infraction was committed for violation of any provisions
26 of this chapter or other law regulating the operating of vehicles on
27 highways, every magistrate of the court or clerk of the court of record
28 in which such conviction was had, bail was forfeited, or the finding
29 made shall prepare and immediately forward to the director of licensing
30 at Olympia an abstract of the record of the court covering the case,
31 which abstract must be certified by the person so required to prepare
32 the same to be true and correct. Report need not be made of any
33 finding involving the illegal parking or standing of a vehicle.

34 The abstract must be made upon a form or forms furnished by the
35 director and shall include the name and address of the party charged,
36 the number, if any, of the party's driver's or chauffeur's license, the
37 registration number of the vehicle involved if required by the
38 director, the nature of the offense, the date of hearing, the plea, the

1 judgment, whether the offense was an alcohol-related offense as defined
2 in RCW 46.01.260(2), whether bail forfeited, whether the determination
3 that a traffic infraction was committed was contested, and the amount
4 of the fine, forfeiture, or penalty as the case may be.

5 Every court of record shall also forward a like report to the
6 director upon the conviction of any person of (~~manslaughter or other~~)
7 a felony in the commission of which a vehicle was used.

8 The failure of any such judicial officer to comply with any of the
9 requirements of this section shall constitute misconduct in office and
10 shall be grounds for removal therefrom.

11 The director shall keep all abstracts received hereunder at the
12 director's office in Olympia and the same shall be open to public
13 inspection during reasonable business hours.

14 Venue in all district courts shall be before one of the two nearest
15 district judges in incorporated cities and towns nearest to the point
16 the violation allegedly occurred: PROVIDED, That in counties with
17 populations of one hundred twenty-five thousand or more such cases may
18 be tried in the county seat at the request of the defendant.

19 It shall be the duty of the officer, prosecuting attorney, or city
20 attorney signing the charge or information in any case involving a
21 charge of driving under the influence of intoxicating liquor or any
22 drug immediately to make request to the director for an abstract of
23 convictions and forfeitures which the director shall furnish.

24 **Sec. 4.** RCW 46.55.105 and 1993 c 314 s 1 are each amended to read
25 as follows:

26 (1) The abandonment of any vehicle creates a prima facie
27 presumption that the last registered owner of record is responsible for
28 the abandonment and is liable for costs incurred in removing, storing,
29 and disposing of the abandoned vehicle, less amounts realized at
30 auction.

31 (2) If an unauthorized vehicle is found abandoned under subsection
32 (1) of this section and removed at the direction of law enforcement,
33 the last registered owner of record is guilty of a traffic infraction
34 (~~under chapter 46.63 RCW~~), unless the vehicle is redeemed (~~after~~
35 ~~impound~~) as provided in RCW 46.55.120. In addition to (~~the~~) any
36 other monetary penalty payable under (~~that~~) chapter 46.63 RCW, the
37 court shall not consider all monetary penalties as having been paid
38 until the court is satisfied that the person found to have committed

1 the infraction (~~(is also liable for)~~) has made restitution in the
2 amount of the deficiency remaining after disposal of the vehicle under
3 RCW 46.55.140.

4 (3) Filing a report of sale or transfer regarding the vehicle
5 involved in accordance with RCW 46.12.101(1) or a vehicle theft report
6 filed with a law enforcement agency relieves the last registered owner
7 of liability under subsections (1) and (2) of this section.

8 (4) For the purposes of reporting notices of traffic infraction to
9 the department under RCW 46.20.270 and 46.52.100, and for purposes of
10 reporting notices of failure to appear, respond, or comply regarding a
11 notice of traffic infraction to the department under RCW
12 46.63.070(5)(~~(b)~~), a traffic infraction under subsection (2) of this
13 section is (~~(a moving violation and is)~~) not considered to be a
14 standing, stopping, or parking violation.

15 (5) A notice of infraction for a violation of this section may be
16 filed with a court of limited jurisdiction organized under Title 3, 35,
17 or 35A RCW, or with a violations bureau subject to the court's
18 jurisdiction.

19 **Sec. 5.** RCW 46.63.030 and 1994 c 176 s 3 are each amended to read
20 as follows:

21 (1) A law enforcement officer has the authority to issue a notice
22 of traffic infraction:

23 (a) When the infraction is committed in the officer's presence;

24 (b) When the officer is acting upon the request of a law
25 enforcement officer in whose presence the traffic infraction was
26 committed; or

27 (c) If an officer investigating at the scene of a motor vehicle
28 accident has reasonable cause to believe that the driver of a motor
29 vehicle involved in the accident has committed a traffic infraction.

30 (2) A court may issue a notice of traffic infraction upon receipt
31 of a written statement of the officer that there is reasonable cause to
32 believe that an infraction was committed.

33 (3) If any motor vehicle without a driver is found parked,
34 standing, or stopped in violation of this title or an equivalent
35 administrative regulation or local law, ordinance, regulation, or
36 resolution, the officer finding the vehicle shall take its registration
37 number and may take any other information displayed on the vehicle

1 which may identify its user, and shall conspicuously affix to the
2 vehicle a notice of traffic infraction.

3 (4) In the case of failure to redeem an abandoned vehicle under RCW
4 46.55.120, upon receiving a complaint by a registered tow truck
5 operator that has incurred costs in removing, storing, and disposing of
6 an abandoned vehicle, an officer of the law enforcement agency
7 responsible for directing the removal of the vehicle shall send a
8 notice of infraction by certified mail to the last known address of the
9 registered owner of the vehicle. The officer shall append to the
10 notice of infraction, on a form prescribed by the department of
11 licensing, a notice indicating the amount of costs incurred as a result
12 of removing, storing, and disposing of the abandoned vehicle, less any
13 amount realized at auction, and a statement that monetary penalties for
14 the infraction will not be considered as having been paid until the
15 monetary penalty payable under this chapter has been paid and the court
16 is satisfied that the person has made restitution in the amount of the
17 deficiency remaining after disposal of the vehicle.

Passed the Senate April 18, 1995.

Passed the House April 7, 1995.

Approved by the Governor May 3, 1995.

Filed in Office of Secretary of State May 3, 1995.