

# HOUSE BILL REPORT

## HB 2817

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### As Reported by House Committee On:

Environmental Health, Select  
Transportation

**Title:** An act relating to motor vehicles, vehicles, and vessels contaminated with methamphetamines.

**Brief Description:** Concerning motor vehicles, vehicles, and vessels contaminated with methamphetamines.

**Sponsors:** Representatives Campbell, Green, Morrell, Hudgins and McCune.

### Brief History:

#### Committee Activity:

Select Committee on Environmental Health: 1/29/08, 2/5/08 [DPS];  
Transportation: 2/8/08 [DP2S(w/o sub ENVH)].

#### Brief Summary of Second Substitute Bill

- Clarifies roles and procedures for processing methamphetamine contaminated vehicles and vessels.
- Requires the owner to have a vehicle, motor vehicle, or vessel contaminated with methamphetamine chemicals to be decontaminated, demolished, or disposed of by an authorized contractor within 30 days of receiving an order.
- Makes it illegal to advertise for sale or to sell a vehicle, motor vehicle, or vessel that has been declared unfit and prohibited from use if the person has knowledge that the vehicle or vessel has been found to be contaminated with methamphetamine chemicals.
- Adds the requirement that the Department of Licensing place notification on the title of vehicles and vessels that have been declared unfit and prohibited from use by order of the local health officer; and place notification on the title after decontamination has taken place and is released for reuse.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## HOUSE SELECT COMMITTEE ON ENVIRONMENTAL HEALTH

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Campbell, Chair; Hudgins, Vice Chair; Sump, Ranking Minority Member; Chase, Hunt, Morrell and Wood.

**Minority Report:** Do not pass. Signed by 1 member: Representative Newhouse.

**Staff:** Brad Avy (786-7289).

### **Background:**

The hazardous chemicals used to manufacture methamphetamine can contaminate vehicles, motor vehicles, and vessels. Innocent members of the public can be harmed by the residue left by these chemicals when the contaminated properties are subsequently sold and used without having been decontaminated. Personal property sold at public auction under towing and impoundment statutes has the potential to expose prospective purchasers to contamination.

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### **Summary of Substitute Bill:**

The substitute bill clarifies roles and procedures for processing contaminated vehicles and vessels.

In a case where the local health officer has issued an order declaring property unfit and prohibiting its use, the city or county in which the property is located must prohibit use, occupancy, or removal, and require demolition, disposal, or decontamination of the property.

The city, county, or local law enforcement agency may impound the vehicle to enforce the act. The owner of the property must have the property demolished, disposed of, or decontaminated by an authorized contractor, or under a written work plan approved by the local health officer, within 30 days of receiving the order declaring the property unfit, and prohibited from use.

After all procedures granting the right of notice and the opportunity to appeal have been exhausted, if the property owner has not demolished, disposed of, or decontaminated the property under a written work plan approved by the local health officer within 30 days, then the local health officer or the local law enforcement agency may demolish, dispose of, or decontaminate the property.

The property owner is responsible for the costs of the property's demolition, disposal, or decontamination, as well as all costs incurred by the local health officer or the local law enforcement agency resulting from the enforcement of this chapter. However, when the local health officer or the local law enforcement agency is required to demolish, dispose of, or decontaminate the property, and has incurred costs to do so, all right to title to that property will be transferred to the local health officer or the local law enforcement agency.

It is illegal for any person to advertise for sale or to sell a vehicle or a vessel that has been declared unfit and prohibited from use under the bill if the person has knowledge that the vehicle or vessel has been found to be contaminated with methamphetamine.

The Department of Licensing (DOL) must place notification on the title of any vehicle or vessel that has been declared unfit and prohibited from use by order of the local health officer.

After satisfactory decontamination has been completed and the contaminated property has been retested according to the written work plan approved by the local health officer, a release for reuse document must be issued by the local health officer, and the DOL must place notification on the title that the vehicle or vessel has been decontaminated and released for reuse.

**Substitute Bill Compared to Original Bill:**

The substitute bill:

- clarifies roles and procedures for processing contaminated vehicles and vessels;
- adds the option to decontaminate the property in addition to demolition or disposal;
- adds the option for a written work plan approved by the local health officer for demolition, disposal, or decontamination;
- adds the option for the city, county, or local law enforcement to impound a vehicle to enforce provisions of the bill;
- adds the right to transfer of title to the local health officer or local law enforcement agency if required to demolish, dispose of, or decontaminate the property;
- adds the requirement that the DOL must place notification on the title of vehicles and vessels that have been declared unfit and prohibited from use by order of the local health officer; and
- adds the requirement that the DOL shall place notification on the title of vehicles and vessels after decontamination has taken place and is released for reuse.

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**Appropriation:** None.

**Fiscal Note:** Available. Requested on substitute bill February 5, 2008.

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

**Staff Summary of Public Testimony:**

(In support) The bill should be expanded to cleaning up contamination left by other illegal drug manufacturing. There should be a notice on the vehicle title that the property was contaminated so people that have allergies can be informed. Notice is placed on the title for homes and properties and it makes sense to also have notice for cars since they are a totally enclosed space.

(In support with concerns) Some vehicles that are seized can be decontaminated. Decontamination should be an option under the bill. Vehicle titles should have a notification option that shows whether they are or were previously contaminated. The bill should address more illegal drugs than just methamphetamine. Costs under the bill can fall back to local government and there needs to be a way to fund these costs.

(With concerns) The towing industry does not want to have to deal with contaminated vehicles. The costs for dealing with a contaminated vehicle are difficult or impossible to recover. Auto dealers can be the legal owner of a vehicle. The bill does not differentiate between a registered and legal owner and should only apply to the registered owner. Financial institutions that have a secured interest should not be held responsible for the cost of disposal of a contaminated vehicle. The definition of contamination is overly broad and makes vehicles unnecessarily subject to destruction. The local health department should certify contaminated vehicles as contaminated and unfit for use. A secured lender should be allowed to take back a contaminated vehicle under forfeiture and seizure law.

**Persons Testifying:** (In support) Representative Campbell, prime sponsor; Yoshe Revelle; and Barbara Dolan, Community Action Team.

(In support with concerns) Gary Gardner, Boeing Employees Credit Union; Scott Hazlegrove, Washington Auto Dealers Association; and Stu Halson, Towing and Recovery Association.

(With concerns) Mark Rozzano and Lt. Mark Richardson, Snohomish Regional Drug Task Force; and Jonelle Fenton-Wallace, Snohomish Regional Drug Task Force and Local Public Health Officers Association.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Select Committee on Environmental Health. Signed by 17 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Appleton, Campbell, Dickerson, Eddy, Hudgins, Jarrett, Loomis, Rolfes, Sells, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

**Staff:** Teresa Berntsen (786-7301).

### **Summary of Recommendation of Committee On Transportation Compared to Recommendation of Committee On Select Committee on Environmental Health:**

The proposed second substitute bill adds language stating the act is null and void if specific funding is not provided in the omnibus transportation appropriations act.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 8, 2008.

**Effective Date of Second Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:**

(In support) Vehicles are found significantly contaminated and can expose children and families to harmful chemicals. Notice on a vehicle's title that the vehicle has been contaminated helps inform the public. The language in the proposed substitute bill that clarifies the role of towing companies will help to not put the liability of caring for and selling contaminated vehicles on towing companies. Some contaminated vehicles are expensive, and it is good to have the option for vehicles to be decontaminated.

(In support with concerns) The bill would be improved by expanding it to cleaning up contamination left by other illegal drug manufacturing. Costs can be passed back to local governments under this bill.

(Opposed) Clarification should be made between legal and registered owners of vehicles. It should be clarified that auto dealers or financial institutions that have a security interest in a vehicle are not held responsible for the cost of disposal of a contaminated vehicle.

**Persons Testifying:** (In support) Stu Halsan, Towing and Recovery Association.

(In support with concerns) Jonelle Fenton-Wallace, Snohomish Regional Drug Task Force and Washington State Association of Local Public Health Officials.

(Opposed) T. K. Bentler, Washington State Independent Auto Dealers; and Scott Hazlegrove, Washington State Auto Dealers Association.

**Persons Signed In To Testify But Not Testifying:** None.