

# HOUSE BILL REPORT

## SB 5134

---

### As Passed House:

April 5, 2007

**Title:** An act relating to authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses.

**Brief Description:** Authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses.

**Sponsors:** By Senators Haugen, Swecker, Rasmussen and Delvin; by request of Washington State Patrol, Department of Licensing and Washington Traffic Safety Commission.

### Brief History:

#### Committee Activity:

Transportation: 3/28/07, 3/30/07 [DP].

#### Floor Activity:

Passed House: 4/5/07, 66-31.

### Brief Summary of Bill

- Allows a police officer to impound a vehicle if the person operating the motor vehicle does not possess the appropriate special endorsement.

---

## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 21 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Jarrett, Ranking Minority Member; Appleton, Armstrong, Curtis, Dickerson, Hailey, Hankins, Hudgins, Lovick, Rodne, Rolfes, Sells, Simpson, Springer, B. Sullivan, Takko, Upthegrove, Wallace and Wood.

**Staff:** David Munnecke (786-7315).

### Background:

A police officer is allowed by statute to take custody of a motor vehicle and have it impounded under the following circumstances:

- if the vehicle's driver is arrested for certain offenses or taken into custody;

---

*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.*

- when the officer finds the vehicle unattended upon a highway where the vehicle is an obstruction to traffic or jeopardizes public safety;
- when the vehicle is stolen;
- when the vehicle is illegally parked; and
- upon a determination that a person is operating the vehicle without a valid driver's license.

Special driver's license endorsements are required to lawfully operate certain motor vehicles, including commercial vehicles and motorcycles.

---

**Summary of Bill:**

The list of circumstances under which a police officer may take custody of a motor vehicle and have it impounded is expanded. Upon a determination that a person does not possess a special endorsement required for the type of motor vehicle operated, an officer may impound the vehicle.

---

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill addresses a portion of the state's strategic highway safety plan. Washington has a strong record when it comes to traffic safety, but there is room for improvement.

Recently, there has been a spike in the number of accidents involving motorcycles. More than 40 percent of the motorcyclists that died in accidents last year did not have the appropriate endorsement. The mere prospect of this bill has already increased the number of people taking the motorcycle safety education classes in order to receive their endorsements, and people with endorsements are safer on the roads. The Department of Licensing (DOL) is also notifying people who have registered motorcycles without obtaining an endorsement, which has led to an increase in endorsements.

The impoundment section of this bill does not make impoundments mandatory. It allows the officers to utilize their discretion, and enforcement will be scrutinized to insure that it is fairly and equitably applied. Officers are already given discretion on impoundment in other contexts.

This bill only assists in the fair enforcement of a law that already exists. Most motorcyclists are in favor of this law, despite concerns about the treatment of their vehicles. The DOL has already created educational materials for tow truck drivers in order to mitigate this concern.

(Opposed) Special endorsements were originally enacted in order to prevent fatalities, and no other group of drivers is required to obtain an equivalent. Only motorcyclists are required to pay extra in order to operate a private vehicle, unlike operators of motor homes, fifth wheels, and box trucks. Ohio has already enacted a law such as this, and is now looking at further ways to address the issue of motorcycle fatalities.

This bill targets motorcyclists. In the case of commercial vehicles, the driver is allowed to contact their company in order to prevent the impound of the vehicle. There is no such right for motorcyclists.

A similar bill, Senate Bill 5797, has a fiscal note stating that this type of program will cost around \$1.5 million in increased costs for classes.

**Persons Testifying:** (In support) Lowell Porter, Washington Traffic Safety Commission; Liz Luce, Department of Licensing; Brian Ursino, Washington State Patrol; and Ian King and Larry Walker, Washington Road Riders Association.

(Opposed) Chris Dulas and Ginger Magures, American Bikers Aimed Towards Education of Washington.

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