

SENATE BILL REPORT

SB 5134

As Passed Senate, March 12, 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: 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: 1/22/07, 1/29/07 [DP, DNP].

Passed Senate: 3/12/07, 32-16.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker, Ranking Minority Member; Berkey, Delvin, Jacobsen, Kastama, Kauffman, Kilmer and Spanel.

Minority Report: Do not pass.

Signed by Senators Clements and Holmquist.

Staff: Dory Nicpon (786-7321)

Background: Current law specifies the circumstances under which a police officer may take custody of a motor vehicle and have it impounded. The circumstances under which an officer may have a vehicle impounded include: (1) if the vehicle's driver is arrested for certain offenses or taken into custody; (2) when the officer finds the vehicle unattended upon a highway where the vehicle is an obstruction to traffic or jeopardizes public safety; (3) when the vehicle is stolen; (4) when the vehicle is illegally parked; and (5) upon a determination that a person is operating the vehicle without a valid driver's license; etc.

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

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not possess a special endorsement required for the type of motor vehicle operated, an officer may impound the vehicle.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The rate of motorcycle fatalities is increasing, and motorcycle fatalities occur disproportionately among unendorsed operators. This legislation is imperative for the safety of motorcycle operators as well as those with whom they share the road. The bill affords the same treatment for all special endorsements, and does not unfairly target motorcycle operators.

CON: The bill is a draconian and punitive attempt to solve the problem of motorcycle fatalities. Motorcycles are the only private use vehicle requiring special endorsement to operate. This injustice would be compounded by the proposed authorization to impound under this bill. Regulation aimed at reducing motorcycle fatalities should address earlier stages in the licensing and registration process.

Persons Testifying: PRO: Chief John Batiste, Washington State Patrol; Liz Luce, Department of Licensing; Steve Lind, Washington Traffic Safety Commission; Ian King, Motorcycle Safety Task Force; Larry Walker, Washington Road Riders Association.

CON: Richard Bright and Chris Dulus, American Bikers Aimed Towards Education (ABATE) of Washington.