

CERTIFICATION OF ENROLLMENT

SENATE BILL 5134

60th Legislature
2007 Regular Session

Passed by the Senate March 12, 2007
YEAS 32 NAYS 16

President of the Senate

Passed by the House April 5, 2007
YEAS 66 NAYS 31

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5134** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5134

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

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

Read first time 01/11/2007. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing police officers to impound vehicles
2 operated by drivers without specially endorsed licenses; and amending
3 RCW 46.55.113.

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

5 **Sec. 1.** RCW 46.55.113 and 2005 c 390 s 5 are each amended to read
6 as follows:

7 (1) Whenever the driver of a vehicle is arrested for a violation of
8 RCW 46.61.502, 46.61.504, 46.20.342, or 46.20.345, the vehicle is
9 subject to summary impoundment, pursuant to the terms and conditions of
10 an applicable local ordinance or state agency rule at the direction of
11 a law enforcement officer.

12 (2) In addition, a police officer may take custody of a vehicle, at
13 his or her discretion, and provide for its prompt removal to a place of
14 safety under any of the following circumstances:

15 (a) Whenever a police officer finds a vehicle standing upon the
16 roadway in violation of any of the provisions of RCW 46.61.560, the
17 officer may provide for the removal of the vehicle or require the
18 driver or other person in charge of the vehicle to move the vehicle to
19 a position off the roadway;

1 (b) Whenever a police officer finds a vehicle unattended upon a
2 highway where the vehicle constitutes an obstruction to traffic or
3 jeopardizes public safety;

4 (c) Whenever a police officer finds an unattended vehicle at the
5 scene of an accident or when the driver of a vehicle involved in an
6 accident is physically or mentally incapable of deciding upon steps to
7 be taken to protect his or her property;

8 (d) Whenever the driver of a vehicle is arrested and taken into
9 custody by a police officer;

10 (e) Whenever a police officer discovers a vehicle that the officer
11 determines to be a stolen vehicle;

12 (f) Whenever a vehicle without a special license plate, placard, or
13 decal indicating that the vehicle is being used to transport a person
14 with disabilities under RCW 46.16.381 is parked in a stall or space
15 clearly and conspicuously marked under RCW 46.61.581 which space is
16 provided on private property without charge or on public property;

17 (g) Upon determining that a person is operating a motor vehicle
18 without a valid and, if required, a specially endorsed driver's license
19 (~~in violation of RCW 46.20.005~~) or with a license that has been
20 expired for ninety days or more;

21 (h) When a vehicle is illegally occupying a truck, commercial
22 loading zone, restricted parking zone, bus, loading, hooded-meter,
23 taxi, street construction or maintenance, or other similar zone where,
24 by order of the director of transportation or chiefs of police or fire
25 or their designees, parking is limited to designated classes of
26 vehicles or is prohibited during certain hours, on designated days or
27 at all times, if the zone has been established with signage for at
28 least twenty-four hours and where the vehicle is interfering with the
29 proper and intended use of the zone. Signage must give notice to the
30 public that a vehicle will be removed if illegally parked in the zone.

31 (3) When an arrest is made for a violation of RCW 46.20.342, if the
32 vehicle is a commercial vehicle and the driver of the vehicle is not
33 the owner of the vehicle, before the summary impoundment directed under
34 subsection (1) of this section, the police officer shall attempt in a
35 reasonable and timely manner to contact the owner of the vehicle and
36 may release the vehicle to the owner if the owner is reasonably
37 available, as long as the owner was not in the vehicle at the time of

1 the stop and arrest and the owner has not received a prior release
2 under this subsection or RCW 46.55.120(1)(a)(ii).

3 (4) Nothing in this section may derogate from the powers of police
4 officers under the common law. For the purposes of this section, a
5 place of safety may include the business location of a registered tow
6 truck operator.

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