

1 December 9, 1981

Introduced by: BILL REAMS

2 Proposed No.: 81-860

3
4 ORDINANCE NO. 5846

5 AN ORDINANCE relating to the impoundment and
6 redemption of certain vehicles, and declaring
7 an emergency.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Impoundment defined. Impoundment as used in this
10 chapter shall mean the removal of a vehicle to a storage facility
11 either by an officer or authorized agent of the King County
12 Department of Public Safety or by an approved towing company for
13 towing and storage in response to a request from an officer or
14 authorized agent of the King County Department of Public Safety.

15 SECTION 2. Approved tow company defined. Approved tow
16 company as used in this chapter shall mean any person, firm,
17 partnership, tow operator, association or corporation approved by
18 the King County Department of Public Safety. Approved tow
19 companies must comply with all state laws, county ordinances, and
20 any federal law including antitrust laws.

21 SECTION 3. Vehicles defined. Vehicle as used in this
22 chapter shall have the definition set forth in RCW 46.04 and, in
23 addition, shall include any vehicle hulk as the same as defined
24 in RCW 46.52.200.

25 SECTION 4. When a vehicle may be impounded without prior
26 notice. A vehicle may be impounded without prior notice to its
27 owner if:

28 A. The vehicle is impeding or is likely to impede the normal
29 flow of vehicular or pedestrian traffic; or

30 B. The vehicle is illegally parked in a conspicuously posted
31 restricted zone where parking is limited to designated classes of
32 vehicles or is prohibited during certain hours,
33

1 on designated days or at any time and where the vehicle is
2 interfering or likely to interfere with the intended use of such
3 a zone; or

4 C. The vehicle poses an immediate danger to the public
5 safety; or

6 D. A police officer has information sufficient to form a
7 reasonable belief that the vehicle is stolen; or

8 E. A police officer has information sufficient to form a
9 reasonable belief that the vehicle constitutes evidence of a
10 crime or contains evidence of a crime, if impoundment is
11 reasonably necessary to obtain or preserve such evidence.

12 Nothing in this section shall be construed to authorize
13 seizure of a vehicle without a warrant where a warrant would
14 otherwise be required.

15 SECTION 5. When a vehicle may be impounded after notice. A
16 vehicle not subject to impoundment under Section 4 hereof may be
17 impounded after notice of such proposed impoundment has been
18 securely attached to and conspicuously displayed on the vehicle
19 for a period of twenty-four hours prior to such impoundment, for
20 the following reasons:

21 A. Such vehicle is parked and/or used in violation of any
22 law, ordinance or regulation; or

23 B. Such vehicle is abandoned, as defined in RCW 46.52.102.

24 SECTION 6. How impoundment is to be effected. When
25 impoundment is authorized by this chapter, a vehicle may be
26 impounded by an approved towing company whose principal
27 established place of business is reasonably nearest the scene and
28 available for towing and storage acting at the request of an
29 officer or authorized agent of the King County Department of
30

1 Public Safety.

2 SECTION 7. Owner of impounded vehicle to be notified.

3 A. Not more than forty-eight hours after impoundment of any
4 vehicle, the King County Department of Public Safety shall mail a
5 copy of the officer's impound report, hereinafter referred to as
6 the impound report, and notice of redemption and opportunity for
7 a hearing to the registered owner and legal owner of an impounded
8 vehicle, as may be disclosed by the vehicle license number, or
9 vehicle identification number (VIN), if such be obtainable,
10 unless the impound report has been furnished the registered owner
11 prior to the end of such period. The impound report shall be
12 mailed to the registered owner at the address provided by the
13 Washington State Department of Motor Vehicles, or the
14 corresponding agency of any other state or province. If the
15 officer requesting the impound has reason to believe that the
16 registered owner is residing or is in custody at some different
17 address known to the officer, a copy of the impound report and
18 notice of redemption and opportunity for a hearing shall be sent
19 to that address. The impound report shall contain the
20 particulars of the impoundment, the name and address of the tow
21 company involved, and location of storage if not company's
22 address.

23 B. Written notice of redemption and opportunity for a
24 hearing as set forth on a form provided by the King County
25 Department of Public Safety and a copy of the tow and storage
26 receipt shall be given by the tow company to each person who
27 seeks to redeem an impounded vehicle. The tow company shall
28 maintain a record evidenced by the redeeming person's signature
29 that such notification was provided.

30 C. Similar written notice and record of notification for
31 redemption and opportunity for a hearing as set forth on a form
32

1 provided by the King County Department of Public Safety shall
2 likewise be given by the tow company at the time of releasing a
3 vehicle impounded for investigatory purposes pursuant to Section
4 4.E, and the King County Department of Public Safety shall notify
5 the tow company of the authorization to release such vehicle.

6 SECTION 8. Redemption of impounded vehicles. Vehicles
7 impounded by the County shall be redeemed only under the
8 following circumstances:

9 A. Only the registered owner, a person authorized byk the
10 registered owner, or one who has purchased a vehicle from the
11 registered owner, who produces proof of ownership or
12 authorization and signs a receipt therefor, may redeem an
13 impounded vehicle.

14 B. Any person so redeeming a vehicle impounded by the County
15 shall pay to the towing company the costs of impoundment (towing
16 and storage) prior to redeeming such vehicle except as provided
17 for by subsection C of this section..

18 C. Any person seeking to redeem an impounded vehicle has a
19 right to a hearing to contest the validity of the impoundment or
20 the amount of towing and storage charges. Such person shall have
21 his or her vehicle released upon making a written request for a
22 hearing and executing a promissory note on a form provided by the
23 King County Department of Public Safety, naming King County as
24 payee, in an amount to include both the costs of towing and
25 storage plus a civil penalty of two-hundred-fifty dollars. /

26 The promissory note shall immediately become due and owing in
27 the event such person either 1. fails to appear at the requested
28 hearing or 2. fails to pay immediately after the hearing any
29 towing and storage charges for which such person may be found
30 liable.

31 The promissory note shall be automatically cancelled and
32 discharged when a person either 1. cancels his or her request
33

1 for a hearing and pays the towing and storage charges and the
2 cancellation fee as provided in Section 9 hereof, or 2. pays the
3 towing and storage charges and other costs after having been
4 found liable therefor at the hearing provided for in this section
5 and Section 10.

6 SECTION 9. Cancellation of hearing. Any person redeeming an
7 impounded vehicle in accordance with subsection C of Section 8,
8 shall have until ten days after the date of the request for a
9 hearing to cancel the hearing by making payment to the District
10 Court for the cost of towing and storage. If a hearing is
11 cancelled more than ten days after its request, then a ten dollar
12 cancellation fee must be paid to the District Court in addition
13 to the cost of towing and storage.

14 SECTION 10. Post impoundment hearing procedure.

15 A. Hearings requested pursuant to Section 7 hereof shall be
16 held in the District Court where the tow commenced.

17 B. The District Court at least ten days after the request
18 for a hearing shall notify the motor vehicle owner in writing of:
19 1. the hearing date and time; and 2. that if the owner of the
20 motor vehicle desires to have the officer responsible for the
21 impoundment or a representative of the towing company present at
22 the hearing, a written request on a document provided by the
23 District Court must be returned to the District Court no later
24 than ten days prior to the hearing date; and 3. that in absence
25 of such a request, the officer's impound report and/or tow
26 company's tow and storage receipt shall be received in evidence.

27 C. At the hearing, the King County Department of Public
28 Safety may produce any relevant evidence to show that the impound
29 was proper. In absence of a request by the vehicle owner
30 pursuant to subsections B. and D. of this section, the officer's

1 impound report and/or tow company's tow and storage receipt shall
2 be recieved in evidence. In determining whether the fees charged
3 were proper, the court may take notice of the tow company's rates
4 which shall be filed with the court and available for public
5 inspection.

6 D. At the hearing, the owner of the motor vehicle impounded
7 may produce any relevant evidence to show that the impound and/or
8 towing and/or storage fees charged were not proper. Should the
9 owner of the motor vehicle desire to have the officer responsible
10 for the impoundment or a representative of the tow company
11 present at the hearing, a written request pursuant to subsection
12 B of this section must be made to the District Court no later
13 than ten days prior to the hearing date.

14 E. At the conclusion of the hearing the District Court shall
15 determine whether the impoundment, and/or towing, and/or storage
16 fees charged were proper and provide both parties with a copy of
17 its decision setting forth in writing the reasons for the
18 determination reached. Should the District Court determine that
19 the towing and/or storage fees charged were not proper, then the
20 court shall determine the proper amount and provide a copy of its
21 decision to the tow company and the King County Department of
22 Public Safety.

23 F. If the impoundment is found proper, the impoundment
24 and/or towing and/or storage fees together with court costs and
25 the expenses of the hearing shall be assessed as a civil penalty
26 against the owner of the vehicle impounded. The appearance cost
27 of an approved tow company's representative if requested shall be
28 a cost assessed, subsection I. of this section notwithstanding.

29 G. If the impound is not found proper then the owner of the
30 vehicle shall bear no costs.

31 H. Compensation for the court appearance of a representative
32
33

1 of an approved tow company shall be paid by King County at the
2 rate of twenty-five dollars for such person's appearance as well
3 as travel expenses in accordance with the mileage rate
4 established by the District Court for witnesses.

5 I. Nothing in this ordinance shall be construed to prevent a
6 court exercising discretion in assessing penalties, costs, or
7 arranging time payments if justice so requires.

8 SECTION 11. Abandoned vehicles. Any impounded vehicle not
9 redeemed within fifteen days of mailing of the notice required by
10 Section 7 of this chapter shall be deemed abandoned; provided
11 that, if the King County Department of Public Safety has reason
12 to believe that the owner of such impounded vehicle is in custody
13 of the King County Jail, it shall be presumed that the vehicle is
14 not abandoned until after the prisoner has had an opportunity to
15 be heard regarding the propriety of the impoundment and
16 circumstances giving rise to such impoundment; provided further
17 that, in the case of a vehicle impounded by order of a county
18 police officer and held pursuant to police order, the fifteen
19 days shall not begin until forty-eight hours after the King
20 County Department of Public Safety shall have notified both the
21 owner and the towing company in accordance with Section 7C. that
22 it has authorized the release of the vehicle. Any vehicle so
23 determined to have been abandoned shall be deemed to be in
24 custody of the Director of Public Safety of King County pursuant
25 to RCW 46.52.116.

26 No tow truck operator shall sell or otherwise dispose of an
27

1 abandoned vehicle regardless of its age unless he has first
2 complied with the provisions of RCW 46.52.111.

3 SECTION 12. King County Department of Public Safety record
4 of impounded vehicles. King County Department of Public Safety
5 shall keep, and make available for inspection, a record of all
6 vehicles impounded under the provisions of this chapter. The
7 record shall include at least the following information:

- 8 A. Vehicle make, year, and model;
9 B. Vehicle license number and state of registration;
10 C. Vehicle identification number, if ascertainable;
11 D. Such other descriptive information as the Director of
12 King County Department of Public Safety deems useful for purposes
13 of vehicle identification;
14 E. Name of impounding officer and serial number;
15 F. Reason for impoundment, and the time, date and location
16 the approved towing company took custody.

17 SECTION 13. Approved tow company duties and records. Each
18 approved tow company as conditions of approval in addition to
19 fully complying with the standards set by the King County
20 Department of Public Safety must:

- 21 A. File its towing and storage rates with the King County
22 Comptrollers office and with each of the King County District
23 Courts;
24 B. Mail within twenty-four hours of receipt thereof a fully
25 completed and signed copy of any requests for hearing and
26 promissory note and a copy of the tow and storage receipt to the
27 District Court in whose venue the tow commenced;
28 C. Keep, and make available for King County Department of
29 Public Safety and King County Comptroller's inspection, a record
30 of all vehicles which it impounds under the provisions of this
31 chapter. The record shall include:
32
33

1 of this ordinance.

2 SECTION 15. The County Council finds as a fact and declares
3 that an emergency exists and that this ordinance is necessary for
4 the immediate preservation of public peace, health or safety or
5 for the support of county government and its existing public
6 institutions.

7 INTRODUCED AND READ for the first time this 21st day
8 of December, 1981.

9 PASSED this 11th day of January, 1982.

10 KING COUNTY COUNCIL
11 KING COUNTY, WASHINGTON

12 Lois North
13 Chairman

14 ATTEST:

15 Janeth M. Owens
16 DEPUTY Clerk of the Council

17 APPROVED this 22nd day of January, 1982.

18 Randy Revere
19 King County Executive
20
21
22
23
24
25
26
27
28
29
30
31
32
33