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Introduced by: Paul Barden

77-1094

ORDINANCE NO. 3537

AN ORDINANCE relating to the impoundment and redemption of certain vehicles.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

SECTION 3. Vehicles defined. Vehicle as used in this chapter shall have the definition set forth in RCW 46.04 and, in addition, shall include any vehicle hulk as the same is defined in RCW 46.52.002.

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

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

b. The vehicle is illegally parked in a conspicuously posted restricted zone where parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at any time and where the vehicle is interfering or likely to interfere with the intended use of such a zone; or

c. The vehicle poses an immediate danger to the public

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1 safety; or

2 d. A police officer has information sufficient to form a
3 reasonable belief that the vehicle is stolen; or

4 e. A police officer has information sufficient to form a
5 reasonable belief that the vehicle constitutes evidence of a
6 crime or contains evidence of a crime, if impoundment is
7 reasonably necessary to obtain or preserve such evidence.

8 Nothing in this section shall be construed to authorize
9 seizure of a vehicle without a warrant where a warrant would
10 otherwise be required.

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

17 a. When such vehicle is parked and/or used in violation of
18 any law, ordinance or regulation; or

19 b. When such vehicle is abandoned, as defined in RCW
20 46.52.102.

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

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

29 a. Not more than forty-eight hours after impoundment of any
30 vehicle, the King County Department of Public Safety shall mail a
31 copy of the officer's impound report, hereinafter referred to as
32 the impound report, and notice of redemption and opportunity for
33 a hearing to the registered owner and legal owner of an impounded

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1 vehicle, as may be disclosed by the vehicle license number, or
2 vehicle identification number (VIN), if such be obtainable,
3 unless the impound report has been furnished the registered owner
4 prior to the end of such period. The impound report shall be
5 mailed to the registered owner at the address provided by the
6 Washington State Department of Motor Vehicles, or the
7 corresponding agency of any other state or province. If the
8 officer requesting the impound has reason to believe that the
9 registered owner is residing or is in custody at some different
10 address known to the officer, a copy of the impound report and
11 notice of redemption and opportunity for a hearing shall be sent
12 to that address. The impound report shall contain the
13 particulars of the impoundment, the name and address of the tow
14 company involved, and location of storage if not at the tow
15 company's address.

16 b. Written notice of redemption and opportunity for a
17 hearing as set forth on a form provided by the King County
18 Department of Public Safety and a copy of the tow and storage
19 receipt shall be given by the tow company to each person who
20 seeks to redeem an impounded vehicle. The tow company shall
21 maintain a record evidenced by the redeeming person's signature
22 that such notification was provided.

23 c. Similar written notice and record of notification for
24 redemption and opportunity for a hearing as set forth on a form
25 provided by the King County Department of Public Safety shall
26 likewise be given by the tow company at the time of releasing a
27 vehicle impounded for investigatory purposes pursuant to Section
28 4.e, and the King County Department of Public Safety shall notify
29 the tow company of the authorization to release such vehicle.

30 SECTION 8. Redemption of impounded vehicles. Vehicles
31 impounded by the County shall be redeemed only under the
32 following circumstances:
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1 a. Only the registered owner, a person authorized by the
2 registered owner, or one who has purchased a vehicle from the
3 registered owner, who produces proof of ownership or
4 authorization and signs a receipt therefor, may redeem an
5 impounded vehicle.

6 b. Any person so redeeming a vehicle impounded by the
7 County shall pay to the towing company the costs of impoundment
8 (towing and storage) prior to redeeming such vehicle except as
9 provided for by subsection c of this section.

10 c. Any person seeking to redeem an impounded vehicle has a
11 right to a hearing to contest the validity of the impoundment or
12 the amount of towing and storage charges. Such person shall have
13 his or her vehicle released upon making a written request for a
14 hearing and executing a promissory note on a form provided by the
15 King County Department of Public Safety, naming King County as
16 payee, in an amount to include both the costs of towing and
17 storage plus a civil penalty of two hundred fifty dollars which
18 promissory note shall immediately become due and owing in the
19 event such person either (1) fails to appear at the requested
20 hearing or (2) fails to pay immediately after the hearing any
1 towing and storage charges for which such person may be found
2 liable. The promissory note shall be automatically canceled and
3 discharged when a person either (1) cancels his or her request
4 for a hearing and pays the towing and storage charges and the
5 cancellation fee as provided in Section 9 hereof, or (2) pays the
6 towing and storage charges and other costs after having been
7 found liable therefor at the hearing provided for in this section
8 and Section 10.

SECTION 9. Cancellation of hearing. Any person redeeming
an impounded vehicle in accordance with subsection c of Section
8, shall have until ten days after the date of the request for a
hearing to cancel the hearing by making payment to the District
Court for the cost of towing and storage. If a hearing is

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1 canceled more than ten days after its request, then a ten dollar
2 cancellation fee must be paid to the District Court in addition
3 to the cost of towing and storage.

4 SECTION 10. Post impoundment hearing procedure.

5 a. Hearings requested pursuant to Section 7 hereof shall be
6 held in the District Court where the tow commenced.

7 b. The District Court at least ten days after the request
8 for a hearing shall notify the motor vehicle owner in writing of
9 (1) the hearing date and time; and (2) that if the owner of the
10 motor vehicle desires to have the officer responsible for the
11 impoundment or a representative of the towing company present at
12 the hearing, a written request on a document provided by the
13 District Court must be returned to the District Court no later
14 than ten days prior to the hearing date; and (3) that in absence
15 of such a request, the officer's impound report and/or tow
16 company's tow and storage receipt shall be received in evidence.

17 c. At the hearing, the King County Department of Public
18 Safety may produce any relevant evidence to show that the impound
19 was proper. In absence of a request by the vehicle owner
20 pursuant to subsections b and d of this section, the officer's
21 impound report and/or tow company's tow and storage receipt
22 shall be received in evidence. In determining whether the fees
23 charged were proper the court may take notice of the tow
24 company's rates which shall be filed with the court and
25 available for public inspection.

26 d. At the hearing, the owner of the motor vehicle impounded
27 may produce any relevant evidence to show that the impound and/or
28 towing and/or storage fees charged were not proper. Should the
29 owner of the motor vehicle desire to have the officer responsible
30 for the impoundment or a representative of the tow company
31 present at the hearing, a written request pursuant to subsection
32 b of this section must be made to the District Court no later
33 than ten days prior to the hearing date.

1 e. At the conclusion of the hearing the District Court
2 shall determine whether the impoundment, and/or towing, and/or
3 storage fees charged were proper and provide both parties with a
4 copy of its decision setting forth in writing the reasons for the
5 determination reached. Should the District Court determine that
6 the towing and/or storage fees charged were not proper, then the
7 court shall determine the proper amount and provide a copy of its
8 decision to the tow company and the King County Department of
9 Public Safety.

10 f. If the impoundment is found proper, then the impoundment
11 and/or the towing and/or storage fees together with court costs
12 and the expenses of the hearing shall be assessed as a civil
13 penalty against the owner of the vehicle impounded. The
14 appearance cost of an approved tow company's representative if
15 requested shall be a cost assessed, subsection i. of this section
16 notwithstanding.

17 g. If the impound is not found proper then the owner of the
18 vehicle shall bear no costs.

19 h. Compensation for the court appearance of a representative
20 of an approved tow company shall be paid by King County at the
21 rate of twenty-five dollars for such person's appearance as well
22 as travel expenses in accordance with the mileage rate
23 established by the District Court for witnesses.

24 i. Nothing in this ordinance shall be construed to prevent
25 a court exercising discretion in assessing penalties, costs, or
26 arranging time payments if justice so requires.

27 SECTION 11. Abandoned vehicles. Any impounded vehicle not
28 redeemed within fifteen days of mailing of the notice required by
29 Section 7 of this chapter shall be deemed abandoned; provided,
30 that if the King County Department of Public Safety has reason to
31 believe that the owner of such impounded vehicle is in custody of
32 the King County Jail, it shall be presumed that the vehicle is
33 not abandoned until after the prisoner has had an opportunity to

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1 be heard regarding the propriety of the impoundment and
2 circumstances giving rise to such impoundment; provided further
3 that, in the case of a vehicle impounded by order of a county
4 police officer and held pursuant to police order, the fifteen
5 days shall not begin until forty-eight hours after the King
6 County Department of Public Safety shall have notified both the
7 owner and the towing company in accordance with Section 7c that
8 it has authorized the release of the vehicle. Any vehicle so
9 determined to have been abandoned shall be deemed to be in
10 custody of the Director of Public Safety of King County pursuant
11 to RCW 46.52.116.

12 No tow truck operator shall sell or otherwise dispose of an
13 abandoned vehicle regardless of age unless he has first complied
14 with the provisions of RCW 46.52.111.

15 SECTION 12. King County Department of Public Safety records
16 of impounded vehicles. King County Department of Public Safety
17 shall keep, and make available for inspection, a record of all
18 vehicles impounded under the provisions of this chapter. The
19 record shall include at least the following information:

- 20 a. Vehicle make, year, and model;
21 b. Vehicle license number and state of registration;
22 c. Vehicle identification number, if ascertainable;
23 d. Such other descriptive information as the Director of
24 King County Department of Public Safety deems useful for purposes
25 of vehicle identification;
26 e. Name of impounding officer and serial number;
27 f. Reason for impoundment, and the time, date and location
28 the approved towing company took custody.

29 SECTION 13. Approved tow company duties and records. Each
30 approved tow company, as conditions of approval in addition to
31 fully complying with the standards set by the King County
32 Department of Public Safety must:

- 33 a. File its towing and storage rates with the King County

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1 Comptrollers office, and with each of the King County District
2 Courts;

3 b. Mail within twenty-four hours of receipt thereof, a
4 fully completed and signed copy of any requests for hearing and
5 promissory note and a copy of the tow and storage receipt to the
6 District Court in whose venue the tow commenced;

7 c. Keep, and make available for King County Department of
8 Public Safety and King County Comptroller's inspection, a record
9 of all vehicles which it impounds under the provisions of this
10 chapter. The record shall include:

11 (1) A copy of each tow and storage receipt which shall
12 contain at least the following information: (a) information on
13 the person securing the release of a towed vehicle, including the
14 person's name, relationship to owner (if not the owner) drivers
15 license number, signature, and address; (b) time, date, location
16 of tow and distance towed; (c) vehicle make, year, license and
17 identification numbers; (d) any unusual circumstances of the
18 tow; (e) name of tow truck driver and his signature.

19 (2) A copy of each request for a hearing and promissory
0 note document for all vehicles redeemed, signed by the redeeming
1 person.

(3) A copy of each monthly notarized claim for
reimbursement for towing, storage and mailing costs.

SECTION 14. Reimbursement and auditing. The King County
Comptroller shall make periodic inspection of approved tow
company records. Annually the comptroller shall audit each
approved tow company's records kept under the provisions of this
ordinance. The comptroller shall make monthly reimbursements to
each approved tow company, upon receipt from that tow company of
monthly notarized claims for towing, storage, court appearances
and mailing costs.

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1 SECTION 15. Severability. Should any section, subsection,
2 paragraph, sentence, clause or phrase of this ordinance be
3 declared unconstitutional or invalid for any reason, such
4 decision shall not affect the validity of the remaining portions
5 of this ordinance.

6 INTRODUCED AND READ for the first time this 5th day of
7 December, 1977.

8 PASSED this 19th day of December, 1977.

10 KING COUNTY COUNCIL
11 KING COUNTY, WASHINGTON

12 Mike Lowry
13 Chairman

14 ATTEST:

15 Dorothy M. Quinn
16 Deputy Clerk of the Council

17 APPROVED this 22^d day of December, 1977.

18 Robert Spillman
19 King County Executive

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