

1 INTRODUCED BY KENT PULLEN

2 July 9, 1991

3 PROPOSED NO. 91-507

4
5 ORDINANCE NO. **10278**

6
7 AN ORDINANCE relating to the impoundment and
8 redemption of certain vehicles; amending Ordinance
9 5846, Sections 1, 4, 11, and K.C.C. 46.08.010, .040,
10 and .110; repealing Ordinance 5846, Sections 2, 3,
11 9, and K.C.C. 46.08.020, .030, and .090; repealing
12 and substituting Ordinance 5846, Sections 5, 6, 7,
13 8, 10, 13, and K.C.C. 46.08.050, .060, .070, .080,
14 .110, and .130; adding new sections to K.C.C. 46.08.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 NEW SECTION. SECTION 1. Ordinance 5846, Section 1, and
17 K.C.C. 46.08.010, are each hereby repealed, and the following is
18 substituted:

19 Definitions. The following definitions shall apply in the
20 interpretation and enforcement of this chapter:

21 A. "Impoundment" means the removal of a vehicle to a storage
22 facility either by an officer or authorized agent of the King
23 County department of public safety or by a towing contractor in
24 response to a request from an officer or authorized agent of the
25 King County department of public safety.

26 B. "Towing Contractor" means any firm, partnership, tow
27 operator, association, or corporation duly licensed by the State
28 of Washington to perform towing and storage services that enters
29 into a contract with the King County department of public safety
30 to perform towing and storage services under the provisions of
31 this chapter.

32 C. "Vehicle" shall have the definition set forth in RCW
33 46.04.670, and, in addition, shall include any junk vehicle as
defined in RCW 46.55.010(4) as they currently exist or may
thereafter be amended.

1 D. "Workday" means Monday through Friday, not including
2 Saturday and Sunday or legal holidays as defined in RCW 1.16.050.

3 SECTION 2. Ordinance 5846, Section 2, and K.C.C. 46.08.020,
4 are each hereby repealed.

5 SECTION 3. Ordinance 5846, Section 3, and K.C.C. 46.08.030,
6 are each hereby repealed.

7 SECTION 4. Ordinance 5846, Section 4, and K.C.C. 46.08.040
8 are each amended to read as follows:

9 When a vehicle may be impounded without prior notice.

10 A vehicle may be impounded with or without citation and
11 without giving prior notice to its owner ((if)) as required in
12 Section 46.08.050 hereof under the following circumstances:

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

15 B. The vehicle is illegally parked in a conspicuously
16 posted restricted zone where parking is limited to designated
17 classes of vehicles or is prohibited during certain hours, on
18 designated days or at any time ((and where)) when the vehicle is
19 interfering or likely to interfere with the intended use of such a
20 zone;

21 C. The vehicle poses an immediate danger to the public
22 safety;

23 D. A police officer has information sufficient to form a
24 reasonable belief that the vehicle is stolen;

25 E. A police officer has information sufficient to form a
26 reasonable belief that the vehicle constitutes evidence of a crime
27 or contains evidence of a crime, if impoundment is reasonably
28 necessary to obtain or preserve such evidence;

29 F. Whenever a police officer finds an unattended vehicle at
30 the scene of an accident or when the driver of a vehicle involved
31 in an accident is physically or mentally incapable, or too
32 intoxicated, to decide upon steps to be taken to protect his or
33 her property;

1 G. Whenever the driver of a vehicle is arrested and taken
2 into custody by a police officer, and the driver, because of
3 intoxication or otherwise, is mentally incapable of deciding upon
4 steps to be taken to safeguard his or her property;

5 H. Whenever a vehicle without a special license plate,
6 card, or decal indicating that the vehicle is being used to
7 transport a disabled person under RCW 46.16.381 is parked in a
8 stall or space clearly and conspicuously marked under RCW
9 46.61.581 which space is provided on private property without
10 charge or on public property.

11 I. Whenever a mobile home is subject to removal from a
12 mobile home park pursuant to a writ of restitution, provided such
13 writ is attached to a department of public safety impound report.

14 Nothing in this section shall be construed to authorize
15 seizure of a vehicle without a warrant where a warrant would
16 otherwise be required. Nothing in this section may derogate from
17 the powers of police officers under the common law or other
18 statute or ordinance.

19 NEW SECTION. SECTION 5. Ordinance 5846, Section 5, and
20 K.C.C. 46.08.050 are each hereby repealed and the following is
21 substituted:

22 When a vehicle may be impounded after notice:

23 A vehicle not subject to impoundment under K.C.C. 46.08.040
24 hereof may be impounded after notice of such proposed impoundment
25 has been securely attached to and conspicuously displayed on the
26 vehicle for a period of twenty-four hours prior to such
27 impoundment if such vehicle is parked and/or used in violation of
28 any law, ordinance or regulation; provided, that if the vehicle
29 has current Washington registration plates the officer or the King
30 County department of public safety shall check the records to
31 learn the identity of the last owner of record and shall make a
32 reasonable effort to contact the owner by telephone in order to
33

1 give the owner the information on the notice of proposed
2 impoundment.

3 NEW SECTION. SECTION 6.: Ordinance 5846, Section 6, and
4 K.C.C. 46.08.060, are each hereby repealed and the following is
5 substituted:

6 Impound Procedure:

7 When impoundment is authorized by this chapter, a vehicle may
8 be impounded by a towing contractor acting at the request of an
9 officer or authorized agent of the King County department of
10 public safety. Such officer or authorized agent shall provide to
11 the towing contractor a signed authorization for the tow and the
12 impound before the towing contractor may proceed with the impound.

13 NEW SECTION. SECTION 7.: Ordinance 5846, Section 7, and
14 K.C.C. 46.08.070, are each hereby repealed and the following is
15 substituted:

16 Owner of Impounded Vehicle to be Notified:

17 A. When a vehicle is impounded, the impounding towing
18 contractor shall notify the legal and registered owner(s) of the
19 impoundment of the vehicle. The notification shall be sent by
20 first-class mail within twenty-four hours after the impoundment to
21 the last known registered and legal owner(s) of the vehicle, as
22 identified by the King County department of public safety, and
23 shall inform the owners of the identity of the person or agency
24 authorizing the impound. The notification shall include the name
25 of the impounding tow firm, its address, and telephone number, the
26 location and time of the impound, and by whose authority the
27 vehicle was impounded. The notice shall also include the written
28 notice of the right of redemption and opportunity for a hearing to
29 contest the validity of the impoundment pursuant to K.C.C.
30 46.08.100, as set forth on a form to be provided by the King
31 County department of public safety.

32 B. In the case of an abandoned vehicle, as defined in RCW
33 46.55.010(1), within twenty-four hours after receiving information

1 on the vehicle owner(s) from the Department of Licensing through
 2 the abandoned vehicle report, the towing contractor shall send by
 3 certified mail, with return receipt requested, a notice of custody
 4 and sale to the legal and registered owner(s).

5 C. No notices need be sent to the legal or registered
 6 owner(s) of an impounded vehicle if the vehicle has been redeemed.

7 D. When a person seeks to redeem an impounded vehicle, the
 8 towing contractor shall give said person a copy of the towing and
 9 storage receipt as well as written notice of the right of
 10 redemption and opportunity for a hearing, as set forth on a form
 11 provided by the King County department of public safety. The
 12 towing contractor shall maintain a record evidenced by the
 13 redeeming person's signature that such notification was provided.

14 E. Similar written notice and record of notification for
 15 redemption and opportunity for a hearing, as set forth on a form
 16 provided by the King County department of public safety, shall be
 17 given by the towing contractor at the time of releasing a vehicle
 18 impounded for investigatory purposes pursuant to K.C.C.
 19 46.08.040(E), following authorization by the King County
 20 department of public safety to release such vehicle.

21 NEW SECTION. SECTION 8.: Ordinance 5846, Section 8, and
 22 K.C.C. 46.08.080, are each hereby repealed and the following is
 23 substituted:

24 Redemption of Impounded Vehicles and Hearing Request:

25 Vehicles impounded by the county shall be redeemed under the
 26 following circumstances:

27 A. Only the registered owner, a person authorized in writing
 28 by the registered owner, or one who has purchased a vehicle from
 29 the registered owner and who produces proof of ownership or
 30 written authorization and signs a receipt therefor, may redeem an
 31 impounded vehicle.

32 B. Any person so redeeming a vehicle impounded by the county
 33 must pay the towing contractor for costs of impoundment (towing

1 and storage) before the vehicle will be released from impound.
2 Such towing contractor shall accept only cash, major bank credit
3 cards, certified bank drafts, money orders, and personal checks
4 drawn on in-state banks in payment for such costs; provided,
5 however, that if such a personal check is offered in payment for
6 such costs, the person so offering the same may be required to
7 show evidence of his or her identity by two pieces of
8 identification which may include a driver's license, Washington
9 State Identification Card issued by the Washington State
10 Department of Motor Vehicles, other credit cards or similar forms
11 of identification; provided, further, however, that if the
12 contractor has reasonable cause to believe the tendered check is
13 uncollectible, acceptance of such check may be refused in
14 accordance with such standards as may be promulgated in accordance
15 with K.C.C. 46.08.150 or as may be set forth in a contract
16 entered into pursuant to K.C.C. 46.08.130.

17 C. Any person who stops payment on a personal check or
18 credit card, or does not make restitution within ten days from the
19 date a check becomes insufficient due to lack of funds, or in any
20 other manner defrauds the towing contractor in connection with
21 services rendered pursuant to this section shall be liable to the
22 towing contractor for damages in the amount of twice the towing
23 and storage fees, plus costs and reasonable attorney's fees.

24 D. Any person seeking to redeem an impounded vehicle has a
25 right to a hearing pursuant to K.C.C. 46.08.100 before an
26 administrative hearing officer to contest the validity of the
27 impoundment or the amount of towing and storage charges. Any
28 request for a hearing shall be made in writing on a form provided
29 for that purpose by the King County department of public safety
30 signed by such person and must be received by the King County
31 department of public safety within ten days (including Saturdays,
32 Sundays, and holidays) of the later of the date the notice of
33 right of redemption and opportunity for hearing was mailed to such

1 person pursuant to K.C.C. 46.08.070(A), or the date such notice
2 was given to such person by the towing contractor pursuant to
3 K.C.C. 46.08.070(D). If the hearing request is not received by
4 the King County department of public safety within the ten day
5 period, the right to a hearing is waived and the registered owner
6 is liable for any towing, storage, or other impoundment charges
7 permitted under this chapter.

8 E. If a hearing as provided for in K.C.C. 46.08.100 is
9 requested, such hearing shall be held within two working days of
10 the receipt of the written request for the hearing by the King
11 County department of public safety.

12 SECTION 9.: Ordinance 5846, Section 9, and K.C.C. 46.08.090
13 are each hereby repealed.

14 NEW SECTION. SECTION 10.: Ordinance 5846, Section 10, and
15 K.C.C. 46.08.100, are each hereby repealed and the following is
16 substituted:

17 Post Impoundment Hearing Procedure:

18 A. In accordance with RCW 46.55.240(1)(d), the sheriff-
19 director of the King County department of public safety shall
20 appoint one or more administrative hearing officers to conduct the
21 post impound hearings requested pursuant to K.C.C. 46.08.080.
22 Such hearing officer shall determine whether the impoundment was
23 proper and whether the towing and/or storage fees charged in
24 connection with the impound were proper.

25 B. At the hearing, the King County department of public
26 safety may produce any relevant evidence to show that the impound
27 and/or fees were proper. The officer's impound report and the
28 towing contractor's impound receipts may be received in evidence.
29 In determining whether the fees charged were proper, the hearing
30 officer may take notice of the towing contractor's rates.

31 C. At the hearing, the person who requested the hearing may
32 produce any relevant evidence to show that the impound and/or fees
33 were not proper.

1 D. If the impoundment is found to be proper, the hearings
2 officer shall enter an order so stating. If the costs of
3 impoundment have not been paid, the hearing officer's order shall
4 also provide that the impounded vehicle shall be released only
5 after payment of the costs of impoundment to the towing
6 contractor.

7 E. If the impoundment is found to be improper, the hearing
8 officer shall enter an order so stating and shall order the
9 immediate release of the vehicle. If the costs of impoundment
10 have already been paid, the hearing officer shall enter an order
11 against the county and in favor of the person who has paid the
12 costs of impoundment in the amount of the costs of the impoundment
13 plus interest at the rate of 12% per annum from the date that
14 person paid such costs, and the county shall comply with such
15 order. If the costs of impoundment have not been paid, the
16 hearing officer shall enter an order directing the county to pay
17 such costs to the towing contractor, and the county shall comply
18 with such order.

19 F. If the hearing officer finds that the impoundment was
20 proper, but that the towing and/or storage fees were improper, the
21 hearing officer shall determine the correct fees to be charged.
22 If the costs of impoundment have not been paid, the hearing
23 officer shall order the release of the vehicle upon payment of the
24 correct impoundment fees as determined by the hearing officer. If
25 the costs of impoundment have been paid, the hearing officer shall
26 enter an order against the county and in favor of the person who
27 has paid the costs of impoundment for the amount of the
28 overpayment plus interest at the rate of 12% per annum on the
29 overpayment from the date that person paid such costs, and the
30 county shall comply with such order. The towing contractor shall
31 be liable to the county for the amount of such overpayment and
32 interest at the rate of 12% per annum. The towing contractor
33 shall make such payment to the county no later than sixty days

1 after it receives notice of such requirement to pay. The county
2 may bring an action in the King County district court against the
3 towing contractor to recover such overpayment plus interest at the
4 rate of 12% per annum.

5 G. In accordance with RCW 46.55.240(1)(d), a decision made
6 by an administrative hearing officer may be appealed to the King
7 County district court for final judgment.

8 SECTION 11.: Ordinance 5846, Section 11, and K.C.C.
9 46.08.110, are each hereby repealed and the following is
10 substituted:

11 Unclaimed Vehicles:

12 A. Any impounded vehicle not redeemed within fifteen days of
13 mailing of the notice required by K.C.C. 46.08.070 and not listed
14 as a stolen vehicle, shall be deemed unclaimed and shall be sold
15 at a public auction in accordance with the provisions and subject
16 to all conditions of RCW 46.55.130; provided that, in the case of
17 a vehicle impounded and held pursuant to order of a county police
18 officer, the fifteen days shall not begin until forty-eight hours
19 after the King County department of public safety shall have
20 notified both the owner and the towing company that it has
21 authorized the release of the vehicle; provided further that when
22 a timely request for a post impound hearing has been made pursuant
23 to K.C.C. 46.08.080, the sale of the vehicle at public auction
24 shall not take place until after the hearing has been conducted
25 and the hearing officer has entered an order. Prior to sale at
26 public auction, the towing contractor shall confirm with the King
27 County department of public safety that no hearing is pending.

28 B. When an unclaimed vehicle is sold at public auction
29 pursuant to subsection A above, the towing contractor may recover
30 its towing and storage charges from the proceeds of sale. Such
31 towing and storage charges shall be limited to the contract rates
32 established pursuant to K.C.C. 46.08.130.
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1 NEW SECTION. SECTION 12. Ordinance 5846, Section 13, and
2 K.C.C. 46.08.130, are each hereby repealed and the following is
3 substituted:

4 Contracts for Towing and Storage

5 The county executive, or his designee, may enter into
6 contracts with towing contractors to provide towing and storage
7 services on request of the King County department of public safety
8 pursuant to this chapter. Such contracts shall be at no cost to
9 the county and shall provide that the towing contractor may
10 recover the costs of towing and storage only from the person
11 seeking to redeem the impounded vehicle, or from the proceeds of
12 sale of an unclaimed vehicle pursuant to K.C.C. 46.08.110, and
13 that the county shall not be responsible for payment of such costs
14 except upon order of the administration hearing officer pursuant
15 to K.C.C. 46.08.100. The sheriff-director may specify that towing
16 services obtained by the department of public safety will be on a
17 rotational or other basis in specific geographic areas in the
18 county. The sheriff-director may specify the rates towing
19 contractors may charge persons seeking to redeem impounded
20 vehicles for towing and storage services provided pursuant to this
21 chapter.

1 NEW SECTION. SECTION 13. Additional Towing Contractor
2 Duties and Records:

3 Each towing contractor, in addition to fully complying
4 with the standards set by King County department of public
5 safety must:

6 A. File its towing and storage rates with the King County
7 department of public safety;

8 B. Maintain all vehicle transaction files for three
9 years.

10 NEW SECTION. SECTION 14. Standards

11 The sheriff-director of the King County department of
12 public safety is authorized and directed to adopt standards
13 that carry out the provisions and intent of this chapter.
14 Towing contractors are required to comply with such standards.

15 NEW SECTION. SECTION 15. This ordinance shall be
16 effective on April 1, 1992.

17 INTRODUCED AND READ for the first time this 29th day
18 of July, 1991.

19 PASSED this 18th day of February, 1992.

20 KING COUNTY COUNCIL
21 KING COUNTY, WASHINGTON

22 Audrey Inger
23 Chair
24 ATTEST:

25 Gerald G. Peterson
26 Clerk of the Council

27 APPROVED this 28th day of February, 1992.

28 Jim Hill
29 King County Executive