

Ordinance No. 121483

Council Bill No. 114849

AN ORDINANCE relating to the impoundment of vehicles, amending Sections 11.30.105 and 11.30.120 of the Seattle Municipal Code.

The City of Seattle
Council Bill/Ordinance

(9)

Pass as amended

M, DP, PS, T

(6)

5-24-04 Passed

(Excuse)

CF No. _____

Date Introduced:	MAR 22 2004	
Date 1st Referred:	To: (committee)	
MAR 22 2004	FULL COUNCIL	
Date Re- Referred:	To: (committee)	Public Safety, Civil Rights & Access
3-29-04		
Date Re- Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
5-24-04	6-2	
Date Presented to Mayor:	Date Approved:	
5-25-04	6/2/04	
Date Returned to City Clerk:	Date Published:	T.O. F.T.
6/3/04	5/11	Z
Date Vetoed by Mayor:	Date Veto Published:	
Date Phased Over Veto:	Veto Sustained:	

This file is complete and ready

Law Dept. Review

ORDINANCE 121483

AN ORDINANCE relating to the impoundment of vehicles, amending Sections 11.30.105 and 11.30.120 of the Seattle Municipal Code.

WHEREAS, in 1998 the City Council passed Ordinance 119180 allowing the impoundment of vehicles driven by persons arrested for driving while license suspended or revoked (DWLS) in the first, second, or third degree; and

WHEREAS, one of the main rationales for impounding the vehicles driven by persons arrested for DWLS is to enhance public safety; and

WHEREAS, there is substantial evidence of significant public safety benefits from impounding vehicles of persons arrested for DWLS in the first or second degree, but as yet no compelling evidence of significant public safety benefits from impounding vehicles of persons arrested for DWLS in the third degree; and

WHEREAS, if there is not a significant public safety benefit, the direct and indirect economic impacts on some persons of vehicle impounds exceeds the public benefits from the impound; and

WHEREAS, the City Council therefore desires to cease impounding vehicles of persons arrested for DWLS in the third degree; and

WHEREAS, the City Council wishes to enhance the applicability of impound as it relates to violations associated with public safety, specifically its use to impound the cars of owner-drivers arrested for DUI; and

WHEREAS, the City Council further intends to limit the use of impound in all cases to those instances in which the driver is the owner of the vehicle;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.30.105 of the Seattle Municipal Code is amended as follows:

11.30.105 Impoundment of vehicle where driver is arrested for a violation of Section 11.56.320 B or C ((or 11.56.340)) or Section 11.56.020-- Period of impoundment.

A. Whenever the driver of a vehicle who is also the registered owner of the vehicle is arrested for a violation of Section 11.56.020, 11.56.320 B or C ((or 11.56.340)), the vehicle is subject to impoundment at the direction of a police officer. For purposes of this subsection, "arrested" includes,

1
2 but is not limited to, being temporarily detained under Section 12A.02.140 B and served with a citation
3 and notice to appear pursuant to Section 12A.02.140 C and RCW 46.64.015.

4 B. Reserved.

5 ~~((C. If a vehicle is impounded because the driver is arrested for a violation of Section
6 11.56.320 D and the Washington Department of Licensing's records show that the driver has been
7 convicted of a violation of RCW 46.20.342 or similar local ordinance within the past five (5) years and
8 the driver previously has had a vehicle he or she was operating impounded pursuant to this section two
9 (2) or more times within the past five (5) years, the vehicle shall be impounded for thirty (30) days.))~~

10 Reserved.

11 D. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320
12 B or C and the Washington Department of Licensing's records show that the driver has not been
13 convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance within the past five (5)
14 years, the vehicle shall be impounded for thirty (30) days.

15 E. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320
16 B or C and the Washington Department of Licensing's records show that the driver has been convicted
17 one (1) time of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance once within the past
18 five (5) years, the vehicle shall be impounded for sixty (60) days.

19 F. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320
20 B or C and the Washington Department of Licensing's records show that the driver has been convicted
21 of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance two (2) or more times within the
22 past five (5) years, the vehicle shall be impounded for ninety (90) days.

1
2 Section 2. Subsection 11.30.120B of the Seattle Municipal Code is amended as follows:

3 **11.30.120 Redemption of impounded vehicles.**

4 Vehicles impounded by the City shall be redeemed only under the following circumstances:

5 ***

6 B. Any person so redeeming a vehicle impounded by the City shall pay the towing contractor for
7 costs of impoundment (removal, towing, and storage) and administrative fee prior to redeeming such
8 vehicle. ~~((If the vehicle was impounded pursuant to Section 11.30.105 and was not being operated by
9 the registered owner when it was impounded, the Municipal Court or the Chief of Police shall waive the
10 administrative fee if the registered owner seeks to redeem the vehicle, but a registered owner shall be
11 eligible for only one waiver regardless of the number of times he or she seeks to redeem a vehicle and
12 regardless of the number of vehicles he or she seeks to redeem.))~~ Such towing contractor shall accept
13 payment as provided in RCW 46.55.120(1)(b), as now or hereafter amended. If the vehicle was
14 impounded pursuant to Section 11.30.105 and was being operated by the registered owner when it was
15 impounded, it may not be released to any person until all penalties, fines, or forfeitures owed by the
16 registered owner to the City of Seattle have been satisfied by payment in full, by establishment of a time
17 payment agreement with the Municipal Court, or by other means acceptable to the Municipal Court.

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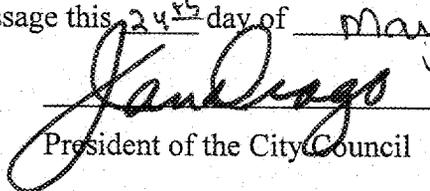
19 Section 3. If a vehicle was impounded pursuant to Seattle Municipal Code Section 11.30.105
20 prior to the effective date of this ordinance, and was not being operated by the registered owner when it
21 was impounded, the Municipal Court or the Chief of Police shall waive the administrative fee if the
22 registered owner seeks to redeem the vehicle, but a registered owner shall be eligible for only one
23 waiver (inclusive of waivers under prior SMC 11.30.120B and this section) regardless of the number of
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1
2 times he or she seeks to redeem a vehicle and regardless of the number of vehicles he or she seeks to
3 redeem.

4 Section 4. The pertinent Departments shall report to the City Council by the end of May 2005 on
5 the effects of the implementation of this bill, including performance measures allowing an evaluation of
6 its impact on the incidence of driving with a suspended license, criminal justice costs, jail utilization, the
7 effectiveness of relicensing programs, and revenue from traffic tickets. In addition, the Chief of Police
8 and City Attorney shall file reports with the City Clerk within 45 days of the end of each quarter
9 documenting the following information: the number of citations issued for driving with a suspended
10 license, the race of the persons cited, and the number of jail bookings both direct and upon warrants for
11 suspended driving, including the race of those booked, the number of vehicles impounded for driving
12 with a suspended license, the length of impoundment, the number of appeals filed, and the resolution of
13 those appeals.

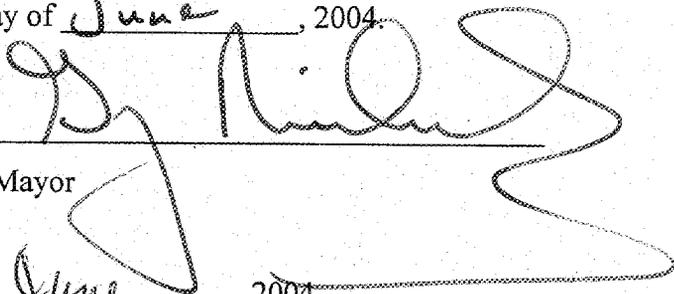
14 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its
15 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
16 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

17 Passed by the City Council the 24th day of May, 2004, and signed by me in open
18 session in authentication of its passage this 24th day of May, 2004.

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21 _____
22 President of the City Council
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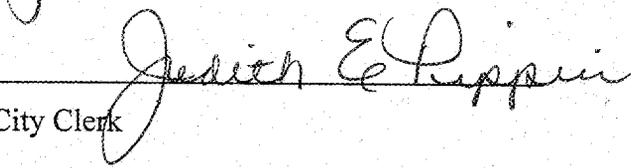
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Approved by me this 3rd day of June, 2004.



Mayor

Filed by me this 3rd day of June, 2004.



City Clerk

(SEAL)

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ORDINANCE

AN ORDINANCE relating to the impoundment of vehicles, amending Sections 11.30.105 and 11.30.120 of the Seattle Municipal Code.

WHEREAS, in 1998 the City Council passed Ordinance 119180 allowing the impoundment of vehicles driven by persons arrested for driving while license suspended or revoked (DWLS) in the first, second, or third degree; and

WHEREAS, one of the main rationales for impounding the vehicles driven by persons arrested for DWLS is to enhance public safety; and

WHEREAS, there is substantial evidence of significant public safety benefits from impounding vehicles of persons arrested for DWLS in the first or second degree, but as yet no compelling evidence of significant public safety benefits from impounding vehicles of persons arrested for DWLS in the third degree; and

WHEREAS, if there is not a significant public safety benefit, the direct and indirect economic impacts on some persons of vehicle impounds exceeds the public benefits from the impound; and

WHEREAS, the City Council therefore desires to cease impounding vehicles of persons arrested for DWLS in the third degree; and

WHEREAS, the City Council wishes to enhance the applicability of impound as it relates to violations associated with public safety, specifically its use to impound the cars of owner-drivers arrested for DUI; and

WHEREAS, the City Council further intends to limit the use of impound in all cases to those instances in which the driver is the owner of the vehicle;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.30.105 of the Seattle Municipal Code is amended as follows:

11.30.105 Impoundment of vehicle where driver is arrested for a violation of Section 11.56.320 B or C ((or 11.56.340)) or Section 11.56.020-- Period of impoundment.

A. Whenever the driver of a vehicle who is also the registered owner of the vehicle is arrested for a violation of Section 11.56.020, 11.56.320 B or C ((or 11.56.340)), the vehicle is subject to impoundment at the direction of a police officer. For purposes of



1 this subsection, "arrested" includes, but is not limited to, being temporarily detained under
2 Section 12A.02.140 B and served with a citation and notice to appear pursuant to Section
3 12A.02.140 C and RCW 46.64.015.

4 B. Reserved.

5 ~~((C. If a vehicle is impounded because the driver is arrested for a violation of
6 Section 11.56.320 D and the Washington Department of Licensing's records show that the
7 driver has been convicted of a violation of RCW 46.20.342 or similar local ordinance within
8 the past five (5) years and the driver previously has had a vehicle he or she was operating
9 impounded pursuant to this section two (2) or more times within the past five (5) years, the
10 vehicle shall be impounded for thirty (30) days.))~~ Reserved.

11 D. If a vehicle is impounded because the driver is arrested for a violation of
12 Section 11.56.320 B or C and the Washington Department of Licensing's records show that
13 the driver has not been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar
14 local ordinance within the past five (5) years, the vehicle shall be impounded for thirty (30)
15 days.

16 E. If a vehicle is impounded because the driver is arrested for a violation of
17 Section 11.56.320 B or C and the Washington Department of Licensing's records show that
18 the driver has been convicted one (1) time of a violation of RCW 46.20.342(1)(a) or (b) or
19 similar local ordinance once within the past five (5) years, the vehicle shall be impounded
20 for sixty (60) days.

21 F. If a vehicle is impounded because the driver is arrested for a violation of
22 Section 11.56.320 B or C and the Washington Department of Licensing's records show that
23 the driver has been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local

1 ordinance two (2) or more times within the past five (5) years, the vehicle shall be
2 impounded for ninety (90) days.

3 Section 2. Subsection 11.30.120B of the Seattle Municipal Code is amended as
4 follows:

5 **11.30.120 Redemption of impounded vehicles.**

6 Vehicles impounded by the City shall be redeemed only under the following
7 circumstances:

8 ***

9 B. Any person so redeeming a vehicle impounded by the City shall pay the towing
10 contractor for costs of impoundment (removal, towing, and storage) and administrative fee
11 prior to redeeming such vehicle. ~~((If the vehicle was impounded pursuant to Section
12 11.30.105 and was not being operated by the registered owner when it was impounded, the
13 Municipal Court or the Chief of Police shall waive the administrative fee if the registered
14 owner seeks to redeem the vehicle, but a registered owner shall be eligible for only one
15 waiver regardless of the number of times he or she seeks to redeem a vehicle and regardless
16 of the number of vehicles he or she seeks to redeem.))~~ Such towing contractor shall accept
17 payment as provided in RCW 46.55.120(1)(b), as now or hereafter amended. If the vehicle
18 was impounded pursuant to Section 11.30.105 and was being operated by the registered
19 owner when it was impounded, it may not be released to any person until all penalties, fines,
20 or forfeitures owed by the registered owner to the City of Seattle have been satisfied by
21 payment in full, by establishment of a time payment agreement with the Municipal Court, or
22 by other means acceptable to the Municipal Court.

23 ***



1 Section 3. If a vehicle was impounded pursuant to Seattle Municipal Code Section
2 11.30.105 prior to the effective date of this ordinance, and was not being operated by the
3 registered owner when it was impounded, the Municipal Court or the Chief of Police shall
4 waive the administrative fee if the registered owner seeks to redeem the vehicle, but a
5 registered owner shall be eligible for only one waiver (inclusive of waivers under prior SMC
6 11.30.120B and this section) regardless of the number of times he or she seeks to redeem a
7 vehicle and regardless of the number of vehicles he or she seeks to redeem.

8 Section 4. This ordinance shall take effect and be in force thirty (30) days from and
9 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
10 (10) days after presentation, it shall take effect as provided by Municipal Code Section
11 1.04.020.

12
13 Passed by the City Council the ____ day of _____, 2004, and signed by
14 me in open session in authentication of its passage this ____ day of _____,
15 2003.

16 _____
17 President of the City Council

18
19 Approved by me this ____ day of _____, 2004.

20 _____
21 Mayor

22
23 Filed by me this ____ day of _____, 2004.

24 _____
25 City Clerk

26
27
28 (SEAL)



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2 Section 12A.02.140 B and served with a citation and notice to appear pursuant to Section
3 12A.02.140 C and RCW 46.64.015.

4 B. Reserved.

5 ~~((C. If a vehicle is impounded because the driver is arrested for a violation of
6 Section 11.56.320 D and the Washington Department of Licensing's records show that the
7 driver has been convicted of a violation of RCW 46.20.342 or similar local ordinance within
8 the past five (5) years and the driver previously has had a vehicle he or she was operating
9 impounded pursuant to this section two (2) or more times within the past five (5) years, the
10 vehicle shall be impounded for thirty (30) days.)) Reserved.~~

11 D. If a vehicle is impounded because the driver is arrested for a violation of
12 Section 11.56.320 B or C and the Washington Department of Licensing's records show that
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22 by other means acceptable to the Municipal Court.

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1 Section 3. If a vehicle was impounded pursuant to Seattle Municipal Code Section
2 11.30.105 prior to the effective date of this ordinance, and was not being operated by the
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6 11.30.120B and this section) regardless of the number of times he or she seeks to redeem a
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8 Section 4. This ordinance shall take effect and be in force thirty (30) days from and
9 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
10 (10) days after presentation, it shall take effect as provided by Municipal Code Section
11 1.04.020.

12
13 Passed by the City Council the _____ day of _____, 2004, and signed by
14 me in open session in authentication of its passage this _____ day of _____,
15 2003.

16 _____
17 President of the City Council

18
19 Approved by me this _____ day of _____, 2004.

20 _____
21 Mayor

22
23 Filed by me this _____ day of _____, 2004.

24 _____
25 City Clerk

26
27
28 (SEAL)



ORDINANCE

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19 Section 3. If a vehicle was impounded pursuant to Seattle Municipal Code Section 11.30.105
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6 Passed by the City Council the _____ day of _____, 2004, and signed by me in open
7 session in authentication of its passage this _____ day of _____, 2004.

8 _____
9 President of the City Council

10 Approved by me this _____ day of _____, 2004.

11 _____
12 Mayor

13 Filed by me this _____ day of _____, 2004.

14 _____
15 City Clerk

16 (SEAL)
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STATE OF WASHINGTON – KING COUNTY

--SS.

173178
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121483 ORD IN FULL

was published on

6/9/2004

Melvin D. ...

Subscribed and sworn to before me on

6/9/2004

Jennifer A. ...

Notary public for the State of Washington,
residing in Seattle



State of Washington, King County

City of Seattle

ORDINANCE 121483

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WHEREAS, in 1998 the City Council passed Ordinance 119180 allowing the impoundment of vehicles driven by persons arrested for driving while license suspended or revoked (DWLS) in the first, second, or third degree; and

WHEREAS, one of the main rationales for impounding the vehicles driven by persons arrested for DWLS is to enhance public safety; and

WHEREAS, there is substantial evidence of significant public safety benefits from impounding vehicles of persons arrested for DWLS in the first or second degree, but as yet no compelling evidence of significant public safety benefits from impounding vehicles of persons arrested for DWLS in the third degree; and

WHEREAS, if there is not a significant public safety benefit, the direct and indirect economic impacts on some persons of vehicle impoundments exceeds the public benefits from the impound; and

WHEREAS, the City Council therefore desires to cease impounding vehicles of persons arrested for DWLS in the third degree; and

WHEREAS, the City Council wishes to enhance the applicability of impound as it relates to violations associated with public safety, specifically its use to impound the cars of owner-drivers arrested for DUI; and

WHEREAS, the City Council further intends to limit the use of impound in all cases to those instances in which the driver is the owner of the vehicle;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1, Section 11.30.105 of the Seattle Municipal Code is amended as follows:

11.30.105 Impoundment of vehicle where driver is arrested for a violation of Section 11.56.320 B or C (or 11.56.340) or Section 11.56.322-- Period of impoundment.

A. Whenever the driver of a vehicle who is also the registered owner of the vehicle is arrested for a violation of Section 11.56.020, 11.56.320 B or C (or 11.56.340), the vehicle is subject to impoundment at the direction of a police officer. For purposes of this subsection, "arrested" includes

but is not limited to, being temporarily detained under Section 12A.02.140 B and served with a citation and notice to appear pursuant to Section 12A.02.140 C and RCW 46.64.015.

B. Reserved.

Pa: ((C. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B and the Washington Department of Licensing's records show that the driver has been convicted of a violation of RCW 46.20.342 or similar local ordinance within the past five (5) years and the driver previously has had a vehicle he or she was operating impounded pursuant to this section two (2) or more times within the past five (5) years, the vehicle shall be impounded for thirty (30) days.)) Reserved.

D. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B or C and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance within the past five (5)