

**MEMORANDUM**

TO: Public Safety and Education Committee

FROM: Richard Greene, Assistant City Attorney

SUBJECT: DUI impoundment

DATE: June 2, 2011

Section 9 of the proposed traffic ordinance incorporates by reference Washington Laws of 2011, chapter 167, section 3, which provides for the impoundment of the car driven by a person arrested for Driving Under the Influence or Physical Control of a vehicle while under the influence. Generally, impoundment is required and the vehicle must be held by the towing company for 12 hours before it can be redeemed by a registered/legal owner.

Impoundment is mandatory except as follows:

1. If the vehicle is a commercial vehicle, the driver is not the owner of the vehicle and the owner was not in the vehicle at the time of the stop and arrest, the officer must attempt to contact the vehicle owner and may release the vehicle to him or her at the scene.
2. If the officer has waited 30 minutes for the tow truck to arrive or exigent circumstances require the officer to leave, the officer may leave the impound order inside the locked vehicle.

The vehicle must be held for 12 hours after it arrives at the tow lot except as follows:

1. If an owner of the vehicle was not the driver, he or she may redeem the vehicle immediately after it arrives at the tow lot.