

Using the RCW, research and answer the following questions. Do not copy the RCW. Instead, using short answer/essays respond as you would explain these concepts to a citizen.

1. What does it mean to impound a vehicle?

To take and hold a vehicle in legal custody

2. What is the difference between a public and a private impound?

- Private:** at the direction of a person having control or possession of the private property upon which the vehicle was located
- Public:** at the direction of an officer or public official having jurisdiction over the public property upon which the vehicle was located
- Basically** decided by who is directing the impound and whether the property is private or public

3. What is an “Unauthorized Vehicle”?

A vehicle that is subject to impoundment after being left unattended for an indicated period of time is considered unauthorized.

4. What are the limitations for impounding an ‘Unauthorized Vehicle’?

Public locations:

- Collision of traffic hazard as defined in RCW 46.55.113. Removal can be made by a police officer immediately
- On a highway and tagged as described in RCW 46.55.085. A law enforcement impound – after 24 hours
- In a properly posted, publicly owned or controlled parking facility - immediately

Private locations:

- On residential property – i.e. a driveway – immediately
- On private, nonresidential property which is properly posted under RCW 46.55.070 – i.e. at a private business – immediately
- On private, nonresidential property, not posted – i.e. at a private business that has not posted a notice – 24 hours

5. RCW 46.55.113 is a procedural RCW – a directive to officers specifying their authority to impound vehicles. What circumstances for law enforcement impounds are outlined in 46.55.113?

- Violations of 46.61.560 (Stopping, standing, & parking) (a)
- Unattended upon a highway, obstructing or jeopardizing public safety (b)
- Unattended at a collision scene or driver incapable mentally or physically of deciding how to protect their property(c)
- Driver arrested and taken into custody (d)
- Officer discovers a vehicle determined to be stolen (e)
- Violations of handicap parking restrictions (f)
- NVOL w/o ID or driver's license expired over 90 days (g)
- Vehicles occupying restricted loading zones or other restricted parking zones (h)
- DWLS in a commercial vehicle not owned by the driver with certain restrictions (3)

6. Are there any *requirements* under this RCW to impound a vehicle? What discretion do you have in applying this law?

No requirements to impound. The officer has full discretion, and based on the circumstances can impound or not (and within their agencies policies).

7. Give me examples of incidents where you would have the legal discretion to impound a vehicle, but would choose not to?

Another valid driver (spouse, child) is available to move or take possession of the car. Stolen vehicle recovered while RP is still close-by and available.

8. There are certain procedures that are outlined under RCW 46.55.085. This RCW covers unauthorized vehicles in the right-of-way on a highway. Under RCW 46.04.197, how is a highway define?

As the entire width between the boundary-lines of every way publicly maintained when any part thereof is open to use of the public for purpose of vehicle travel.

9. Give me a common example of what this means.

Any public roadway, where the vehicle is not a hazard and is just sitting there unattended, over time, without moving.

10. You have come upon an '86 Honda Accord along SR-1234. It has been moved off the roadway and is entirely on the shoulder. The hood is partially up. No one is around the vehicle and you can not find any notes or other indications that someone is returning. You run the vehicle and find it is not listed as stolen. You decide to start the process to impound the vehicle. What does 46.55.085 require?

The officer attaches a 24-hour notification sticker to the car. The sticker must include date, time, and identity of the officer of the sticker placement; the consequences if the vehicle is not removed (impound at owners' expense); statement that the RO is subject to infraction for littering – abandoned vehicle; and the address and phone where the subject can obtain more information.

In addition, the officer must make a reasonable effort to check the registration to identify the owner; and a reasonable effort to contact the RO concerning the vehicle.

11. When can the officer take custody of the vehicle and have it removed to a safe place?

Only after 24-hours

12. What would be a common 'safe-place'?

A registered tow truck businesses' location.

13. What would you do if the RO contacted you, had seen that their vehicle was marked to be impounded, and asked for additional time to remove the vehicle?

If the vehicle is not a safety hazard, and the request was reasonable, we could discretionally allow the vehicle to remain past the 24-hour notification period.