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**Council Bill Number:** 114849

**Ordinance Number:** 121483

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

**Status:** Passed as Amended

**Note:** Omnibus land use name change

**Vote:** 6-2 (No: Compton, Drago; Excused: Licata)

**Date filed with the City Clerk:** 2004/06/03

**Date of Mayor's signature:** 2004/05/25 ([about the signature date](#))

**Date introduced/referred to committee:** 2004/03/22

**Committee:** Public Safety, Civil Rights and Arts

**Sponsor:** LICATA, DELLA, RASMUSSEN AND GODDEN

**Committee Recommendation:** Pass

**Index Terms:** IMPOUNDING-OF-MOTOR-VEHICLES, FEES, FINES, ADMINISTRATIVE-PROCEDURES, LEGAL-ASSISTANCE

**Fiscal Note:** [Fiscal Note to Council Bill No. 114849](#)

**Electronic Copy:** [PDF scan of Ordinance No. 121483](#)

**Reference:** Amending: Ord 119180

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**Text:**

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,

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.

~~C. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 D 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) years, the vehicle shall be impounded for thirty (30) days.

E. 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 been convicted one (1) time of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance once within the past five (5) years, the vehicle shall be impounded for sixty (60) days.

F. 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 been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance two (2) or more times within the past five (5) years, the vehicle shall be impounded for ninety (90) days.

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

11.30.120 Redemption of impounded vehicles.

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

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B. Any person so redeeming a vehicle impounded by the City shall pay the towing contractor for costs of impoundment (removal, towing, and storage) and administrative fee prior to redeeming such vehicle. ~~If the vehicle was impounded~~

~~pursuant to Section 11.30.105 and was not being operated by the registered owner when it was impounded, the Municipal Court or the Chief of Police shall waive the administrative fee if the registered owner seeks to redeem the vehicle, but a registered owner shall be eligible for only one waiver regardless of the number of times he or she seeks to redeem a vehicle and regardless of the number of vehicles he or she seeks to redeem.~~ Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b), as now or hereafter amended. If the vehicle was impounded pursuant to Section 11.30.105 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines, or forfeitures owed by the registered owner to the City of Seattle have been satisfied by payment in full, by establishment of a time payment agreement with the Municipal Court, or by other means acceptable to the Municipal Court.

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

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

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

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2004, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2004. \_\_\_\_\_  
President of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2004. \_\_\_\_\_ Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2004. \_\_\_\_\_ City Clerk

05/24/04 (Ver. 6) ta