

WAC 204-96-010 Vehicle impounds. (1) When a driver of a vehicle is arrested for a violation of RCW 46.20.342, the arresting officer may, in his/her own discretion, considering reasonable alternatives, cause the vehicle to be impounded.

(a) When an arrest is made for violation of RCW 46.20.342 and the vehicle is a commercial vehicle, the driver of the vehicle is not the owner of the vehicle, the owner was not in the vehicle at the time, and the owner has not received a prior release under RCW 46.55.113(3) or 46.55.120 (1)(a)(ii), prior to impounding the vehicle the officer will attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available.

(b) If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle may be impounded, but no suspended driver hold will be placed on the vehicle. If the driver is also the registered owner then the vehicle will be held until all outstanding penalties, fines, and forfeitures owed by him/her are satisfied. The driver/registered owner must present proof from a court of law that he/she has no outstanding penalties, fines, or forfeitures.

(c) If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has any prior convictions for violations of RCW 46.20.342 in the past five years, the vehicle may be held for thirty days.

(d) If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle may be held for thirty days.

(e) If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) in the past five years, the vehicle may be held for sixty days.

(f) If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) two or more times in the past five years, the vehicle may be held for ninety days.

(2) The release of all vehicles impounded under this section will be governed by RCW 46.55.120. Commercially rented vehicles may be impounded, however no suspended driver holds will be placed upon these vehicles. The rental company will be notified by phone.

(3) A vehicle may be released prior to the hold period upon a showing of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record; or that the owner of the vehicle was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release under RCW 46.55.120 (1)(a)(ii) or 46.55.113(3). Release will be denied in all other circumstances. All release requests will be in writing. Any denial or approval of a release will be in writing and will include factors considered by the impounding agency in reaching the decision.

[Statutory Authority: RCW 46.55.075. WSR 12-03-081, § 204-96-010, filed 1/13/12, effective 2/13/12. Statutory Authority: RCW 46.55.190. WSR 04-07-012, § 204-96-010, filed 3/4/04, effective 4/4/04. Statutory

Authority: RCW 46.55.113 and 46.55.120. WSR 01-05-098, § 204-96-010, filed 2/20/01, effective 3/23/01; WSR 00-18-006, § 204-96-010, filed 8/24/00, effective 8/24/00; WSR 99-18-026, § 204-96-010, filed 8/24/99, effective 9/24/99.]