



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**September 24, 2013**

**Ordinance 17668**

**Proposed No. 2013-0347.2**

**Sponsors Dembowski and Dunn**

1 AN ORDINANCE authorizing the sheriff's office to  
2 impound watercraft in order to protect persons and  
3 property; amending Ordinance 10278, Section 1, as  
4 amended, and K.C.C. 46.08.010, Ordinance 5846, Section  
5 2, as amended, and K.C.C.46.08.040, Ordinance 10278,  
6 Section 6, and K.C.C. 46.08.060, Ordinance 10278, Section  
7 7, and K.C.C. 46.08.070, Ordinance 10278, Section 9, and  
8 K.C.C. 46.08.080, Ordinance 10278, Section 10, as  
9 amended, and K.C.C. 46.08.100, Ordinance 10278, Section  
10 1, and K.C.C. 46.08.110, Ordinance 5846, Section 12, and  
11 K.C.C. 46.08.120 and adding a new section to K.C.C.  
12 chapter 46.08.

13 STATEMENT OF FACTS:

14 1. The sheriff's office marine unit has law enforcement  
15 jurisdiction over all lakes, rivers, and other waters within  
16 unincorporated King County. The sheriff's office marine unit  
17 patrols Puget Sound, Lake Washington, Lake Sammamish and  
18 numerous small lakes and rivers throughout King County.

19           2. The sheriff's office marine unit deputies receive specialized  
20 training to suit their particular patrol needs. Among this  
21 specialized training is the investigation for boating under the  
22 influence of drugs or alcohol.

23           3. In the course of a boating under the influence of alcohol  
24 investigation, marine unit deputies may determine that the  
25 driver and passengers of a watercraft may be ineligible or too  
26 impaired to operate a watercraft. In these particular situations,  
27 the most responsible course of action may be to impound the  
28 watercraft for the protection of persons and property.

29           4. When a deputy encounters an unattended and unsecured  
30 watercraft, the most responsible course of action may be to  
31 impound the watercraft for the protection of persons and  
32 property.

33           5. Currently, explicit state or local authority does not exist for  
34 the sheriff's office to impound watercraft.

35           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

36           SECTION 1. Ordinance 10278, Section 1, as amended, and K.C.C. 46.08.010 are  
37 each hereby amended to read as follows:

38           The following definitions shall apply in the interpretation and enforcement of this  
39 chapter:

40           A. "Impoundment" means the removal of a vehicle or watercraft to a storage  
41 facility either by an officer or authorized agent of the ~~((King County))~~ department of  
42 public safety or by a towing contractor in response to a request from an officer or  
43 authorized agent of the ~~((King County))~~ department of public safety.

44           B. "Towing contractor" means any firm, partnership, tow operator,  
45 association~~((s))~~ or corporation duly licensed by the ~~((S))~~state of Washington to perform  
46 towing and storage services that enters into a contract with the ~~((King County))~~  
47 department of public safety to perform towing and storage services under the provisions  
48 of this chapter.

49           C. "Vehicle" shall have the same definition ~~((set forth))~~ as in RCW 46.04.670,  
50 and~~((, in addition,))~~ shall also include any junk vehicle as defined in RCW  
51 46.55.010~~((4))~~~~((as they currently exist or may thereafter be amended))~~.

52           D. "Watercraft" means a vessel used to transport persons on water.

53           E. "Workday" means Monday through Friday, not including Saturday and  
54 Sunday or legal holidays as defined in RCW 1.16.050.

55           ~~((E.))~~ E. "Wrecked, dismantled or inoperative vehicle" means a motor vehicle or  
56 the remains or remnant parts of a motor vehicle, or an extensively damaged recreational  
57 vehicle or boat, that is clearly inoperative and either ~~((1.))~~ cannot be made operative  
58 without the addition of vital parts or mechanisms or ~~((2.))~~ is damaged to the extent that it  
59 prevents normal operation of the vehicle, or both.

60            SECTION 2. Ordinance 5846, Section 2, as amended, and K.C.C.46.08.040 are  
61 each hereby amended to read as follows:

62            A. A vehicle may be impounded with or without citation and without giving prior  
63 notice to its owner as required in (~~(Section)~~) K.C.C. 46.08.050 (~~(hereof)~~) under any of the  
64 following circumstances:

65            (~~(A-)~~) 1. The vehicle is impeding or is likely to impede the normal flow of  
66 vehicular or pedestrian traffic;

67            (~~(B-)~~) 2. The vehicle is illegally parked in a conspicuously posted restricted  
68 zone where parking is limited to designated classes of vehicles or is prohibited during  
69 certain hours, on designated days or at any time when the vehicle is interfering or likely  
70 to interfere with the intended use of such a zone;

71            (~~(C-)~~) 3. The vehicle poses an immediate danger to the public safety;

72            (~~(D-)~~) 4. A police officer has information sufficient to form a reasonable belief  
73 that the vehicle is stolen;

74            (~~(E-)~~) 5. A police officer has information sufficient to form a reasonable belief  
75 that the vehicle constitutes evidence of a crime or contains evidence of a crime, if  
76 impoundment is reasonably necessary to obtain or preserve such evidence;

77            (~~(F-)~~) 6. Whenever a police officer finds an unattended vehicle at the scene of an  
78 accident or when the driver of a vehicle involved in an accident is physically or mentally  
79 incapable, or too intoxicated, to decide upon steps to be taken to protect his or her  
80 property;

81            ~~((G.))~~ 7. Whenever the driver of a vehicle is arrested and taken into custody by a  
82 police officer, and the driver, because of intoxication or otherwise, is mentally incapable  
83 of deciding upon steps to be taken to safeguard his or her property;

84            ~~((H.))~~ 8. Whenever a vehicle without a special license plate, card, or decal  
85 indicating that the vehicle is being used to transport a disabled person under RCW  
86 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW  
87 46.62.581 which space is provided on private property without charge or on public  
88 property;

89            ~~((I.))~~ 9. Whenever a mobile home is subject to removal from a mobile home  
90 park ~~((pursuant to))~~ under a writ of restitution, provided such writ is attached to a  
91 department of public safety impound report; or

92            ~~((J.))~~ 10. Whenever a wrecked, dismantled or inoperative vehicle is left on the  
93 public right of way, or on publicly owned or controlled property.

94            B. Nothing in this section shall be construed to authorize seizure of a vehicle  
95 without a warrant where a warrant would otherwise be required. Nothing in this section  
96 may derogate from the powers of police officers under the common law or other statute  
97 or ordinance.

98            NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 46.08 a  
99 new section to read as follows:

100            Whenever it appears reasonably necessary to protect persons or property, a deputy  
101 may order the impoundment of a watercraft when the watercraft cannot be otherwise  
102 secured or released. The deputy in lieu of impound may release the watercraft to a  
103 person who, in the deputy's opinion, can safely operate the watercraft or secure the

104 watercraft to a moorage facility when the moorage facility has been approved for that  
105 purpose. A person to whom the deputy releases the watercraft must be legally able  
106 operate a watercraft under RCW 79A.60.640. If the owner or operator of the watercraft  
107 is present, the person's signature on a waiver of impound is required before the officer  
108 may release the watercraft to a person in lieu of impoundment.

109 SECTION 4. Ordinance 10278, Section 6, and K.C.C. 46.08.060 are each hereby  
110 amended to read as follows:

111 When ~~((impoundment is))~~ a deputy orders an impoundment authorized by this  
112 chapter, ~~((a vehicle may be impounded by))~~ a towing contractor acting at the request of  
113 ~~((an officer))~~ the deputy or an authorized agent of the ~~((King County))~~ department of  
114 public safety may impound the vehicle or watercraft. ~~((Such officer))~~ The deputy or  
115 authorized agent ~~((shall))~~ must provide to the towing contractor a signed authorization for  
116 the tow and the impound before the towing contractor may proceed with the impound.

117 SECTION 5. Ordinance 10278, Section 7, and K.C.C. 46.08.070 are each hereby  
118 amended to read as follows:

119 A. When a vehicle or watercraft is impounded, the impounding towing contractor  
120 shall notify the legal and registered owner~~((s))~~ or owners of the impoundment of the  
121 vehicle or watercraft. The notification shall be in writing and sent within twenty-four  
122 hours after the impound by first-class mail ~~((within twenty-four hours after the~~  
123 ~~impoundment))~~ to the last known registered and legal owner~~((s))~~ or owners of the  
124 vehicle or watercraft, as identified by the ~~((King County))~~ department of public safety,  
125 and shall inform the owner or owners of the identity of the person or agency authorizing  
126 the impound. The notification shall include the name of the impounding tow firm, its

127 address((;)) and telephone number, the location and time of the impound((;)) and by  
128 whose authority the vehicle or watercraft was impounded. The notice shall also include  
129 the ((written)) notice of the right of redemption and opportunity for a hearing to contest  
130 the validity of the impoundment ((pursuant to)) under K.C.C. 46.08.100, as set forth on a  
131 form to be provided by the ((King County)) department of public safety.

132 B. In the case of an abandoned vehicle, as defined in RCW 46.55.010(1), within  
133 twenty-four hours after receiving information on the vehicle owner((s)) or owners from  
134 the state Department of Licensing through the abandoned vehicle report, the towing  
135 contractor shall send by certified mail, with return receipt requested, a notice of custody  
136 and sale to the legal and registered owner((s)) or owners.

137 C. ((No)) A notice((s)) does not need be sent to the legal or registered  
138 owner((s)) or owners of an impounded vehicle or watercraft if the vehicle has been  
139 redeemed.

140 D. When a person seeks to redeem an impounded vehicle or watercraft, the  
141 towing contractor shall give ((said)) the person a copy of the towing and storage receipt  
142 as well as written notice of the right of redemption and opportunity for a hearing, as set  
143 forth on a form provided by the ((King County)) department of public safety. The towing  
144 contractor shall maintain a record evidenced by the redeeming person's signature that  
145 such notification was provided.

146 E. Similar written notice and record of notification for redemption and  
147 opportunity for a hearing, as set forth on a form provided by the ((King County))  
148 department of public safety, shall be given by the towing contractor at the time of  
149 releasing a vehicle or watercraft impounded for investigatory purposes ((pursuant to)) in

150 ~~accordance with K.C.C. ((46.08.040(e)))~~ 46.08.040.E, following authorization by the  
151 ~~((King County))~~ department of public safety to release ~~((such))~~ the vehicle or watercraft.

152 SECTION 6. Ordinance 10278, Section 9, and K.C.C. 46.08.080 are each hereby  
153 amended to read as follows:

154 Vehicles or watercraft impounded by the county shall be redeemed under the  
155 following circumstances:

156 A. Only the registered owner, a person authorized in writing by the registered  
157 owner, or one who has purchased a vehicle or watercraft from the registered owner and  
158 who produces proof of ownership or written authorization and signs a receipt therefor,  
159 may redeem an impounded vehicle or watercraft.

160 B. A~~((ny))~~ person ~~((so))~~ redeeming an impounded vehicle ~~((impounded by the~~  
161 ~~county))~~ or watercraft must pay the towing contractor for the reasonable costs of towing  
162 and storage resulting from the impoundment ~~((towing and storage))~~ before the vehicle  
163 ~~((will))~~ or watercraft may be released from impound. ~~((Such))~~ The towing contractor  
164 shall accept ~~only~~ cash, major bank credit cards, certified bank drafts, money orders~~((;))~~  
165 and personal checks drawn on ~~in-state~~ banks in payment for ~~((such))~~ the costs~~((;~~  
166 ~~provided, however))~~, that if ~~((such))~~ a personal check is offered in payment for ~~((such))~~  
167 the costs, the person so offering the same may be required to show evidence of his or her  
168 identity ~~((by two pieces of identification, which may include a driver's license,~~  
169 ~~Washington State Identification Card issued by the Washington State Department of~~  
170 ~~Motor Vehicles, other credit cards or similar forms of identification; provided, further,~~  
171 ~~however, that if the contractor has reasonable cause to believe the tendered check is~~  
172 ~~uncollectible, acceptance of such check may be refused in accordance with such~~

173 standards as may be promulgated in accordance with K.C.C. 46.08.150 or as may be set  
174 forth in a contract entered into pursuant to K.C.C. 46.08.130)).

175 C. A((ny)) person who stops payment on a personal check or credit card, or does  
176 not make restitution within ten days from the date a check becomes insufficient due to  
177 lack of funds, or in any other manner defrauds the towing contractor in connection with  
178 services rendered ((pursuant to)) in accordance with this section, shall be liable to the  
179 towing contractor for ((damages in the amount of twice the)) actual costs of towing and  
180 storage ((fees, plus)). In any action to enforce this subsection, the prevailing party shall  
181 be entitled to its court costs and reasonable ((attorney's)) attorneys' fees.

182 D. A((ny)) person seeking to redeem an impounded vehicle or watercraft has a  
183 right to a hearing ((pursuant to)) under K.C.C. 46.08.100 before an administrative hearing  
184 officer to contest the validity of the impoundment or the amount of towing and storage  
185 ((charges)) costs. A((ny)) request for a hearing shall be made in writing on a form  
186 provided for that purpose by the ((King County)) department of public safety and signed  
187 by ((such)) the person, and must be received by the ((King County)) department of public  
188 safety within ten days ((€)), including Saturdays, Sundays and holidays((§)) of the later of  
189 the date the notice of right of redemption and opportunity for hearing was mailed to  
190 ((such)) the person ((pursuant to)) in accordance with K.C.C. ((46.08.070(A)))  
191 46.08.070.A, or the date ((such)) the notice was given to ((such)) the person by the  
192 towing contractor ((pursuant to)) in accordance with K.C.C. ((46.08.070(D)))  
193 46.08.070.D. If the hearing request is not received by the ((King County)) department of  
194 public safety within the ten-day period, the right to a hearing is waived and the registered

195 owner is liable for any towing, storage(~~(;)~~) or other impoundment (~~((charges))~~) costs  
196 permitted under this chapter.

197 E. If a hearing as provided for in K.C.C. 46.08.100 is requested, such hearing  
198 shall be held within two working days of the receipt of the written request for the hearing  
199 by the (~~((King County))~~) department of public safety.

200 SECTION 7. Ordinance 10278, Section 10, as amended, and K.C.C. 46.08.100  
201 are each hereby amended to read as follows:

202 A. In accordance with RCW 46.55.240(1)(d), the sheriff (~~((of the King County~~  
203 ~~department of public safety))~~) shall appoint one or more administrative hearing officers to  
204 conduct the (~~((post impound))~~) hearings requested (~~((pursuant to))~~) under K.C.C. 46.08.080.  
205 (~~((Such))~~) The hearing officer shall determine whether the impoundment was proper and  
206 whether either the towing (~~((and/))~~) or the storage fees charged in connection with the  
207 impound were (~~((proper))~~) reasonable.

208 B. At the hearing, the (~~((King County))~~) department of public safety may produce  
209 any relevant evidence to show that the impound (~~((and/))~~) or fees, or both, were proper and  
210 reasonable. The officer's impound report and the towing contractor's impound receipts  
211 may be received in evidence. In determining whether the fees charged were (~~((proper))~~)  
212 reasonable, the hearing officer may take notice of the towing contractor's rates.

213 C. At the hearing, the person who requested the hearing may produce any  
214 relevant evidence to show that the impound (~~((and/))~~) or fees, or both, were not proper and  
215 reasonable.

216 D. If the impoundment is found to be proper, the hearings officer shall enter an  
217 order so stating. If the costs of impoundment have not been paid, the hearing officer's

218 order shall also provide that the impounded vehicle or watercraft shall be released only  
219 after payment of the reasonable costs of impoundment to the towing contractor.

220 E. If the impoundment is found to be improper, the hearing officer shall enter an  
221 order so stating and shall order the immediate release of the vehicle or watercraft. If the  
222 costs of impoundment have already been paid, the hearing officer shall enter an order  
223 against the county and in favor of the person who has paid the costs of impoundment in  
224 the amount of the costs of the impoundment plus interest at the rate of ~~((12%))~~ twelve  
225 percent per ~~((annum))~~ year from the date that person paid ~~((such))~~ the costs, and the  
226 county shall comply with ~~((such))~~ the order. If the reasonable costs of impoundment  
227 have not been paid, the hearing officer shall enter an order directing the county to pay  
228 ~~((such))~~ the costs to the towing contractor, and the county shall comply with ~~((such))~~ the  
229 order.

230 F. If the hearing officer finds that the impoundment was proper, but that the  
231 towing ~~((and/))~~ or storage, or both, fees were ~~((improper))~~ unreasonable, the hearing  
232 officer shall determine the correct fees to be charged. If the costs of impoundment have  
233 not been paid, the hearing officer shall order the release of the vehicle or watercraft upon  
234 payment of the correct impoundment fees as determined by the hearing officer. If the  
235 costs of impoundment have been paid, the hearing officer shall enter an order against the  
236 county and in favor of the person who has paid the costs of impoundment for the amount  
237 of the overpayment plus interest at the rate of ~~((12%))~~ twelve percent per ~~((annum))~~ year  
238 on the overpayment from the date that person paid ~~((such))~~ the costs, and the county shall  
239 comply with ~~((such))~~ the order. The towing contractor shall be liable to the county for  
240 the amount of ~~((such))~~ the overpayment and interest at the rate of ~~((12%))~~ twelve percent

---

241 per ~~((annum))~~ year. The towing contractor shall make ~~((such))~~ the payment to the county  
242 no later than sixty days after it receives notice of ~~((such))~~ the requirement to pay. The  
243 county may bring an action in the ~~((King County))~~ district court against the towing  
244 contractor to recover ~~((such))~~ the overpayment plus interest at the rate of ~~((12%))~~ twelve  
245 percent per ~~((annum))~~ year.

246 G. In accordance with RCW 46.55.240(1)(d), a decision made by an  
247 administrative hearing officer may be appealed to the ~~((King County))~~ district court for  
248 final judgment. SECTION 8. Ordinance 10278, Section 1, and K.C.C. 46.08.110  
249 are each hereby amended to read as follows:

250 A. Any impounded vehicle or watercraft not redeemed within fifteen days of  
251 mailing of the notice required by K.C.C. 46.08.070, and not listed as a stolen vehicle or  
252 watercraft, shall be deemed unclaimed and shall be sold at a public auction in accordance  
253 with the provisions and subject to all conditions of RCW 46.55.130~~((; provided that))~~.  
254 However, in the case of a vehicle impounded and held ~~((pursuant to))~~ under order of a  
255 county police officer, the fifteen days shall not begin until forty-eight hours after the  
256 ~~((King County))~~ department of public safety ~~((shall have))~~ has notified both the owner  
257 and the towing company that it has authorized the release of the vehicle~~((; provided~~  
258 ~~further that))~~ or watercraft. Also, when a timely request for a ~~((post impound))~~ hearing  
259 has been made ~~((pursuant to))~~ under K.C.C. 46.08.080, the sale of the vehicle or  
260 watercraft at public auction shall not take place until after the hearing has been conducted  
261 and the hearing officer has entered an order. ~~((Prior to))~~ Before sale at public auction, the  
262 towing contractor shall confirm with the ~~((King County))~~ department of public safety that  
263 ~~((no))~~ a hearing is not pending.

264 B. When an unclaimed vehicle or watercraft is sold at public auction (~~((pursuant~~  
265 ~~to))~~ under ~~((§))~~ subsection A. ~~((above))~~ of this section, the towing contractor may recover  
266 its towing and storage charges from the proceeds of the sale. ~~((Such))~~ The towing and  
267 storage charges shall be limited to the contract rates established ~~((pursuant to))~~ under  
268 K.C.C. 46.08.130.

269 SECTION 9. Ordinance 5846, Section 12, and K.C.C. 46.08.120 are each hereby  
270 amended to read as follows:

271 King County department of public safety shall keep, and make available for inspection, a  
272 record of all vehicles or watercraft impounded under the provisions of this chapter. The  
273 record shall include at least the following information:

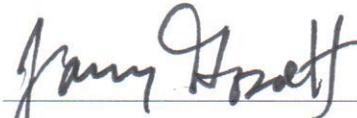
- 274 A. Vehicle or watercraft make, year, and model;
- 275 B. Vehicle or watercraft license number and state of registration;
- 276 C. Vehicle or watercraft identification number, if ascertainable;
- 277 D. Such other descriptive information as the director of ~~((King County))~~  
278 department of public safety deems useful for purposes of vehicle or watercraft  
279 identification;
- 280 E. Name of impounding officer and serial number; and

281 F. Reason for impoundment, and the time, date and location the approved towing  
282 company took custody.  
283

Ordinance 17668 was introduced on 7/29/2013 and passed by the Metropolitan King County Council on 9/23/2013, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Lambert, Mr. Dunn, Mr. McDermott and Mr. Dembowski  
No: 0  
Excused: 1 - Ms. Patterson

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Gossett, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 2 day of October, 2013.

  
Dow Constantine, County Executive

RECEIVED  
2013 OCT -3 AM 8:53  
CLERK  
KING COUNTY COUNCIL

Attachments: None