

CITY OF BELLEVUE, WASHINGTON
ORDINANCE NO. 5109

AN ORDINANCE relating to the impoundment of motor vehicles driven by persons with a suspended or revoked drivers' license.

WHEREAS, in Laws, 1998, Ch. 203, the state legislature has provided a new law enforcement mechanism to cities for the impoundment of vehicles driven by persons with suspended or revoked licenses; and

WHEREAS, the legislature, in adopting Ch. 203 made certain findings, stating:

The legislature finds that the license to drive a motor vehicle on the public highways is suspended or revoked in order to protect public safety following a driver's failure to comply with the laws of this state. Over six hundred persons are killed in traffic accidents annually, and more than eighty-four thousand persons are injured. It is estimated that of the three million four hundred thousand drivers' licenses issued to citizens of Washington, more than two hundred sixty thousand are suspended or revoked at any given time. Suspended drivers are more likely to be involved in causing traffic accidents, including fatal accidents, than properly licensed drivers, and pose a serious threat to the lives and property of Washington residents. Statistics show that suspended drivers are three times more likely to kill or seriously injure others in the commission of traffic felony offenses than are validly licensed drivers. In addition to not having a driver's license, most such drivers also lack required liability insurance, increasing the financial burden upon other citizens through uninsured losses and higher insurance costs for validly licensed drivers. Because of the threat posed by suspended drivers, all registered owners of motor vehicles in Washington have a duty not to allow their vehicles to be driven by a suspended driver.

Despite the existence of criminal penalties for driving with a suspended or revoked license, an estimated seventy-five percent of these drivers continue to drive anyway. Existing sanctions are not sufficient to deter or prevent persons with a suspended or revoked license from driving. It is common for suspended drivers to resume driving immediately after being stopped, cited, and released by a police officer and to continue to drive while a criminal prosecution for suspended driving is pending. More than half of all suspended drivers charged with the crime of driving while suspended or revoked fail to appear for court hearings. Vehicle impoundment will provide an immediate consequence which will increase deterrence and reduce unlawful driving by preventing a suspended driver access to that vehicle. Vehicle impoundment will also provide an appropriate measure of accountability for registered owners who permit suspended drivers to drive their vehicles. Impoundment of vehicles driven by suspended drivers has been shown to reduce future driving while suspended or revoked offenses for up to two years afterwards, and the recidivism rate for drivers whose cars were not impounded was one hundred percent higher than for drivers whose cars were impounded. In order to adequately protect public safety and to enforce the state's driver licensing laws, it is necessary to authorize the

impoundment of any vehicle when it is found to be operated by a driver with a suspended or revoked license in violation of RCW 46.20342 and 46.20.420. The impoundment of a vehicle operated in violation of RCW 46.20.342 or 46.20.420 is intended to be a civil in rem action against the vehicle in order to remove it from the public highways and reduce the risk posed to traffic safety by a vehicle accessible to a driver who is reasonably believed to have violated these laws.

WHEREAS, the remaining provisions of Laws, 1998, Ch. 203 are adopted and incorporated by reference in the Washington Administrative Code in Ch. 308-330 WAC, known as the "Washington Model Traffic Ordinance" which has been adopted by the City of Bellevue at Bellevue City Code Chapter 11.80; and

WHEREAS, the purpose of these amendments is to encourage highway safety, and promote uniformity of traffic laws; and

WHEREAS, failure of the City to adopt the statement of legislative intent found in Laws, 1998, Ch. 203 would result in a lack of uniformity with state law; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City adopts the legislative findings of Laws, 1998, Ch. 203, section 1, as set forth above.

Section 2. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by a vote of a majority of the City Council this 14TH day of December, 1998, and signed in authentication of its passage this 14th day of December, 1998.
(SEAL)

Mike Creighton, Mayor

Approved as to form:
Richard L. Andrews, City Attorney
Lori M. Riordan, Assistant City Attorney
Susan R. Irwin, City Prosecutor

Attest:
Myrna L. Basich, City Clerk
Published December 18, 1998