DUI Mandatory Impound Law Goes Into Effect at Midnight

Local News

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Washington’s new mandatory DUI impound law goes into effect at midnight, meaning that police officers will be required to tow vehicles driven by those arrested for DUI.

With few exceptions, there is also a mandatory 12-hour hold at the towing company before the vehicle can be released. Officers will not have discretion to let a sober friend take over the wheel, or a family member pick up the vehicle at roadside.

“This is about making sure that impaired drivers don’t return to their cars and drive again before they’ve sobered up,” said State Patrol Chief John R. Batiste. “This isn’t about trying to punish someone for driving drunk. If they’re found guilty that will become the court’s job.”

The 2011 legislature passed the law after realizing that police were in a no-win situation.

Many jurisdictions lack jail space in which to book those arrested for drunk driving. After processing, arrested persons are typically released to a responsible adult or allowed to take a taxi home.

But the courts wouldn’t allow officers to impound vehicles without considering alternatives to impound or having the driver’s permission.

“It was the classic case of being between a rock and a hard place,” Batiste said. “We had someone whose judgment we knew was impaired, but we couldn’t lock them up and we couldn’t secure their vehicle.”

The result was predictable. In 2007 an impaired driver returned to her vehicle, drove before sobering up, and caused a collision. The person she hit was seriously injured, and won a nearly $5 million judgment against Whatcom County and the State Patrol.

Now, vehicles driven by those arrested for DUI will be towed and held for 12 hours. There are three exceptions that would allow someone to reclaim the car before the 12 hours are up:
• If the vehicle is owned by someone other than the arrested person, such as a business owner, the owner may reclaim the car at the tow lot.
• A registered co-owner may go to the tow company and redeem the vehicle.
• Commercial or farm transport vehicles reclaimed by a legal owner who is not the arrested subject. Commercial and farm transport vehicles are the only types that can be released at the site of the arrest.

Police arrest nearly 40,000 impaired drivers every year. Although Washington’s highway fatality rate is falling, the number killed by impaired drivers is not falling as rapidly.

The Washington State Patrol is a committed partner in Target Zero, the state’s Strategic Highway Safety Plan with the goal of zero annual traffic fatalities by 2030.