

10.06.030 DEFINITIONS. For the purposes of this chapter, the following definitions shall apply:

(a) **Benton County Sheriff@** means the Sheriff of Benton County, Washington or designee, including all duly and fully commissioned Sheriff's Deputies.

(b) **DWLS/DWLR@** means driving while license suspended/driving while license revoked.

(c) "Held in impound" means to hold a vehicle in impound custody for a minimum period of time pursuant to RCW 46.55.120(a) during which a vehicle may not be redeemed unless a hardship release is granted.

(d) **Impound@** means to take and hold a vehicle in legal custody.

(e) **Registered tow truck operator@** means any person who, or entity that engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles, and is duly licensed and certified as required by Chapter 46.55 RCW. [Ord. 349 (1999) § 5; Ord. 462 (2008) § 2]

10.06.040 AUTHORITY. Pursuant to the authority of RCW 46.55.113, whenever the driver of a vehicle is arrested for violation of RCW 46.20.342 (driving while license suspended or revoked (DWLS/DWLR)) RCW 46.20.345 (operation of vehicle under other license or permit prohibited while license suspended or revoked), RCW 46.61.502 (driving under the influence) or RCW 46.61.504 (physical control of a vehicle under the influence) the vehicle is subject to impoundment at the business location of a registered tow truck operator at the direction of the Benton County Sheriff, or designee, for a maximum length of time provided by statute. [Ord. 349 (1999) § 6, Ord. 462 (2008) § 3]

(1) has no prior convictions of RCW 46.20.342(1)(a), RCW 46.20.342(1)(b), or RCW 46.20.342(1)(c), or of a similar local ordinance within the past five (5) years.

(2) Redemptions are governed by the provisions of BCC 10.06.070.

(b) The vehicle may be held in impound for thirty (30) days when Department of Licensing's records show that the operator has one or more convictions of RCW 46.20.342(1)(a), RCW 46.20.342(1)(b), or RCW 46.20.342(1)(c), or of a similar local ordinance within the past five (5) years.

[Ord. 349 (1999) § 8; Ord. 462 (2008) § 5]

10.06.070 ~~REDEMPTION~~ **REDEMPTION.** Vehicles impounded pursuant to BCC 10.06.040 may be redeemed after being held in impound, if applicable, for the requisite number of days set forth in BCC 10.06.050 and BCC 10.06.060 when the conditions which follow have been met:

(a) The person redeeming the vehicle is an eligible person to redeem the vehicle under RCW 46.55.120(1)(a) and pays all towing, removal, and storage fees in commercially reasonable tender as provided in RCW 46.55.120(1)(b); and

(b) When the vehicle was impounded because the operator was in violation of RCW 46.20.342 and the operator is the registered owner, such registered owner established with the Benton County Sheriff that all penalties, fines, or forfeitures owed by him or her for traffic violations have been paid in full; and

(c) The Benton County Sheriff, or designee, after having received payment of their administration fee, has issued a written order directing the release of the impounded vehicle.

Notwithstanding any other provision of this code, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing and storage, whereupon the vehicle will not be held in impound.

Notwithstanding any other provision of this code, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held in impound for a suspended license. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not intentionally collude with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid the vehicle being held in impound. However, a vehicle or dealer with a perfected security interest in the vehicle is not precluded from selling, leasing or otherwise disposing of the vehicle in accordance with otherwise applicable law.

[Ord. 349 (1999) § 9; Ord. 462 (2008) § 6]

10.06.080 HARDSHIP RELEASE. The Benton County Sheriff shall establish a method by which aggrieved registered owners of vehicles may seek and receive a hardship release.

The Benton County Sheriff may only grant a hardship release under the following circumstances:

(a) there exists 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

(b) 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 this subsection or RCW 46.55.113(3). The procedure to receive and review hardship release requests shall permit the submission of notarized affidavits in lieu of in person appearances. Releases authorized pursuant to this subsection shall be subject to the provisions of BCC 10.06.070(a).

[Ord. 349 (1999) § 10; Ord. 462 (2008) § 7]

