

Multiple Agency Fiscal Note Summary

Bill Number: 5730 S SB	Title: Vehicle residences/impound
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Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Licensing	Fiscal note not available											
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

NONE

Prepared by: Kyle Siefering, OFM	Phone: (360) 995-3825	Date Published: Preliminary 2/23/2023
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Judicial Impact Fiscal Note

Bill Number: 5730 S SB	Title: Vehicle residences/impound	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note for Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact: Melissa Van Gorkom	Phone: 360-786-7491	Date: 02/17/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/21/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/21/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/21/2023

184,320.00

Form FN (Rev 1/00)

Request # 197-1

Bill # 5730 S SB

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

This bill would change laws and add new sections relating to the impound of vehicles used as residences.

II. B - Cash Receipts Impact

II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts. There could be some minor court impact for a new type of order and additional or longer hearings under the original and the substitute bill. It would allow that in cases where the court finds that a vehicle is used as a residence, the court may consider the person's ability to pay towing and impound fees and reduce the fees if they are found indigent. In these cases, DOL must pay the difference between the reduced fees and the tow truck operator's actual costs for the towing and storage.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

NONE

III. B - Expenditure By Object or Purpose (County)

NONE

III. C - Expenditure By Object or Purpose (City)

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

184,320.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 5730 S SB	Title: Vehicle residences/impound	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Melissa Van Gorkom	Phone: 360-786-7491	Date: 02/17/2023
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 02/21/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/21/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/21/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

1. The Attorney General's Office (AGO) Government Compliance & Enforcement Division (GCE) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Washington State Patrol (WSP). GCE provides litigation support to WSP for impound hearings. This bill would amend RCW 46.55.120 to allow persons who otherwise don't meet the statutory criteria to redeem a vehicle to do so if authorized by a court after an impound hearing. If ownership or authorization to use, reside in, or redeem a vehicle is disputed, it would allow a court to review additional information and to continue the hearing to allow the person an opportunity to file the appropriate paperwork with the Department of Licensing (DOL). This bill would also allow a court to consider a hearing request filed beyond the 10-day timely filing deadline if the vehicle was being used as a residence. If a petitioner was found to be indigent and the vehicle was being used as a residence, this bill would allow a court to reduce the amount of towing and storage fees and would require DOL to pay the difference between the reduced fees and the tow operator's actual costs for towing and storage. In this version of the bill, the tow operator could apply to the department of licensing's abandoned recreational vehicle disposal and indigent impound account to seek reimbursement for any fees ordered payable by DOL as a result the petitioner's inability to pay, and DOL must seek reimbursement from the impounding agency for any cost reimbursement paid to the tow operator using funds from the abandoned recreational vehicle disposal and indigent impound account.

GCE does not anticipate that the expansion of standing to seek a hearing or the extension of the filing deadline would result in any increased work, as those issues are already commonly raised during hearings. Additionally, under the Washington State Supreme Court's recent decision in *City of Seattle v. Long*, a court could already return a vehicle to a petitioner without payment of fees under the Homestead Act if the vehicle was being used as the petitioner's residence, and a court could also reduce a petitioner's fees if the court determined the fees were in violation of the eighth amendment excessive fines provision. Therefore, although this bill would shift towing and storage costs to WSP whenever a petitioner was found to be indigent and the vehicle was being used as a residence, GCE does not anticipate that it would result in the need for any appreciable increased litigation support for this client. New legal services are nominal and costs are not included in this request.

2. The AGO Licensing & Administrative Law Division (LAL) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Licensing (DOL). The enactment of this bill will not impact LAL's provision of legal services to DOL as the bill allows for a tow truck operator to apply to the department for reimbursement on the difference between any court ordered reduced fees/costs and the actual costs for towing and storage of an impounded vehicle which is used as a residence. The moneys are to come from the abandoned recreational vehicle disposal fund, for which DOL already has an existing system in place. The enactment of this bill may require some advice, rulemaking or litigation. However, new legal services are nominal and costs are not included in this request.

3. The AGO Solicitor General's Office (SGO) has reviewed this bill and determined it will not significantly increase or decrease the division's workload. New legal services are nominal and costs are not included in this request.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 5730 S SB	Title: Vehicle residences/impound	Agency: 225-Washington State Patrol
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Melissa Van Gorkom	Phone: 360-786-7491	Date: 02/17/2023
Agency Preparation: Thomas Bohon	Phone: (360) 596-4044	Date: 02/22/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/22/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/22/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

There is an indeterminate fiscal impact to the Washington State Patrol (WSP).

Subsection 1(3)(c)(ii) states if the court finds that a vehicle is used as a residence, the courts may reduce fees related to towing and impound if the individual is found to be indigent. The Department of Licensing (DOL) must pay the difference between the reduced fees and the tow operator's actual costs for towing and storage.

Subsection 2(3) states DOL must seek reimbursement from the impounding authority for any cost reimbursement paid to a registered tow truck operator using funds authorized under RCW 46.68.175.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

NONE

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

WSP is responsible for towing vehicles along state highways. Subsection 2(3) states DOL must seek reimbursement from the impounding authority for any cost reimbursement paid to a registered tow truck operator using funds authorized under RCW 46.68.175. This means that WSP will be responsible for reimbursing DOL for the difference in the costs related to an impound of a residential vehicle and the reduced rate authorized by the court whenever the petitioner is found to be indigent, even when the impound is lawful. This has an indeterminate fiscal impact, as we are unable to estimate how often courts will reduce fines associated with vehicles we impounded.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5730 S SB

Title: Vehicle residences/impound

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

Cities: Local law-enforcement agencies could experience indeterminate cost increases due to the legislation's new mandate: vehicle-impounding agencies would be required to pay the cost difference between a vehicle owner's reduced vehicle-impound fees and the tow-truck operator's actual costs for towing and storing impounded vehicles. Municipal clerks could experience indeterminate cost increases due to potentially increasing the length and number of vehicle-impound hearings or additional court proceedings.

Counties: Same as above but for sheriff's offices and county clerks.

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs:

Legislation provides local option:

Key variables cannot be estimated with certainty at this time: The number of vehicles local law-enforcement agencies will impound the number of additional court proceedings that will be granted; the additional length of time vehicle-impound hearings may require; and the total annual amount local law-enforcement agencies will be responsible for paying due to courts reducing vehicle-impound fees.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 02/23/2023
Leg. Committee Contact: Melissa Van Gorkom	Phone: 360-786-7491	Date: 02/17/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/23/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 02/23/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Sec. 1 amends RCW 46.55.120.

Sec. 1 (1) (B) allows the court to set aside a hearing for up to 15 business days if a person is unable to present sufficient evidence to show they are the legal or registered owner to redeem the vehicle. If a claimant files a claim under RCW 46.12.680 during this additional time, a court may grant an additional continuance until that legal proceeding has ended.

Sec. 1 (2) (b) allows the court to consider a late request for an impound hearing for good cause when the vehicle is used as a residence and the request is made more than five days before the date of the auction.

Sec. 1 (3) (c) (ii) allows the court to reduce the vehicle owner's towing and storage fees if the court finds the vehicle is used as a residence. Department of Licensing (DOL) must pay the difference between the reduced fees and tow truck operator's actual costs for the towing and storage.

Sec. 2 adds a new section to chapter 46.53 RCW.

Sec. 2 (3) states the DOL must seek reimbursement from the impounding authority for any cost reimbursement paid to a registered tow truck operator using funds authorized under RCW 46.68.175. Any repayment made by an impounding authority to the department must be deposited into the abandoned recreational vehicle disposal and indigent impound account created under RCW 46.68.175.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

The legislation could result in indeterminate expenditure increases for local law-enforcement agencies, and municipal and county clerks.

LOCAL LAW ENFORCEMENT

Local law-enforcement agencies could experience indeterminate cost increases due to the legislation's new mandate: vehicle-impounding agencies would be required to pay the cost difference between a vehicle owner's reduced vehicle-impound fees and the tow-truck operator's actual costs for towing and storing impounded vehicles, according to the Washington Association of Sheriffs and Police Chiefs (WASPC).

For example, a local law-enforcement agency impounds a vehicle. Then, the court decides to reduce the vehicle owner's impound fees. If there is a cost difference between the vehicle-owner's reduced fee and the tow-truck operator's actual costs for towing and storing the vehicle, then the local law enforcement agency that impounded the vehicle would be responsible for paying the cost difference. However, the number of impounded vehicles that may receive a fee reduction cannot be predicted in advance, nor can the total cost difference local law-enforcement agencies may have to pay, so the magnitude of this expenditure impact is indeterminate.

To provide a sense of the number of vehicles local law-enforcement agencies impound each year, Washington State Department of Licensing (DOL) provided local law-enforcement-initiated vehicle-impound data for the last five years. Please note DOL's data is approximate. Vehicles are impounded at the request of: local law-enforcement agencies, Washington State Patrol, businesses and private individuals. DOL used pattern matching to identify requesters that were likely local law-enforcement agencies. Values are rounded to the nearest 100 due to the error inherent in pattern matching text entries that can have typos.

Local law enforcements' approximate number of impounded vehicles by calendar year:

2018: 50,300 vehicles
2019: 50,100 vehicles
2020: 39,400 vehicles
2021: 45,100 vehicles
2022: 51,200 vehicles

MUNICIPAL and COUNTY CLERKS

Municipal and county clerks could experience indeterminate cost increases due to potentially increasing the number of court proceedings and potentially increasing the length of time vehicle-impound hearings require, according to the Association of Washington Cities and Washington Association of County Officials.

The legislation has the potential to increase courts' caseloads. The legislation would allow courts to grant additional proceedings under certain circumstances, which could increase the total number of court proceedings each year. Additionally, the legislation provides courts a new option to reduce vehicle-impound fees, which potentially extends the total time required for vehicle-impound hearings. While the Administrative Office of the Courts (AOC) anticipates a de minimis cost impact to courts, AOC is not able to project an exact caseload forecast due to unpredictable elements including the number of additional proceedings courts will grant, and the additional length of time vehicle-impound hearings may require. Accordingly, municipal and county clerks' potential cost impacts are indeterminate at this time.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The legislation would not impact local government revenue.

SOURCES:

Administrative Office of the Courts
Association of Washington Cities
Department of Licensing
Washington Association of County Officials
Washington Association of Sheriffs and Police Chiefs