



*Dallas Police Department*

# Impounding Uninsured Vehicles Involved in Accidents

January 18, 2006

# ISSUE

- Uninsured motorists are a significant problem in Texas.
- DPD investigates 28,000 motor vehicle accidents each year involving 57,400 drivers.
- 30% of the drivers involved in these accidents do not have liability insurance – creating a substantial financial burden on other motorists.
- Texas Transportation Code 601.053 states “the operator of the vehicle on request shall provide to a peace officer... or person involved in an accident with the operator evidence of financial responsibility”.
- In 1998 US District Court case, *Maricle v. Biggerstaff* (3:97-CV-3029), upheld that impounding vehicles for “No Insurance” was constitutional.

# TRENDS

- Several large cities have implemented towing policies including Atlanta, Baltimore, Chicago, and Philadelphia. Each of the cities impound uninsured vehicles stopped for traffic violations, as well as those involved in accidents.
- The largest city in Texas with a towing policy is San Antonio, which implemented it on January 1. They impound uninsured vehicles from traffic stops and accidents.
- Plano, Arlington, Irving, Desoto, Mesquite and Haltom City have implemented towing policies. With the exception of Plano, each of these cities impounds vehicles from traffic stops and accidents. Plano impounds vehicles from accident scenes only.

# RECOMMENDATION

- Develop and implement a vehicle impound policy for uninsured vehicles involved in traffic accidents.
  - Implementation of this policy would result in approximately 30 additional vehicles impounded per day.

# DPD POLICY HIGHLIGHTS

- Officers may impound uninsured vehicles from the scene of an accident. This policy will not apply to vehicles stopped for traffic violations.
- If a motorist states that he is insured but unable to provide proof (insurance card, policy, etc.), officers will make a reasonable attempt to verify the insurance.
- Officers will not leave the driver or other occupants of a towed vehicle in a hazardous location. They will transport them to the nearest safe public place with a telephone (current policy).

# POLICY HIGHLIGHTS (Cont'd)

- Officers are allowed limited discretion in enforcing this policy. If an officer believes circumstances exist that preclude impounding the vehicle, it may be released at the scene with supervisory approval.
- Towed vehicles will be taken to the Police Auto Pound.

# AUTO POUND CAPACITY

- 2,500 spaces are available for storage

- Each week:

	Current	Policy Enacted
Impounded:	868	1078
Released:	618	681
Auctioned:	250	397

- 2,250 spaces (90% capacity) will be filled each day.

# IMPOUNDED VEHICLE COSTS

- Individuals whose vehicles are towed for “No Insurance” are responsible for the following:
  - \$95 towing fee
  - \$20 impound fee, and
  - \$20 per day storage fee
  - Proof of Financial Responsibility will be required before a vehicle will be released.



# IMPACT ON OFFICER TIME

- Officers routinely request wreckers shortly after arrival at accident scenes. They normally obtain information and complete paperwork while waiting for wreckers.
- Required response times for contract wreckers:
  - Freeway Accidents **15** minutes
  - Other **30** minutes
- We estimate the new policy will increase the amount of officer time spent on accident calls, where a driver does not have proof of insurance, by **5-15** minutes. The total amount of officer time spent per day will average 5 hours (10 minutes x 30 calls).

# IMPLEMENTATION

- DPD anticipates that the Auto Pound will have adequate capacity to store additional vehicles. Efficiency measures include the following:
  - Manage investigative holds - ensure that any vehicles impounded for investigative purposes are released promptly when no longer needed.
  - Maintain no greater than 95% capacity - once 95% capacity is reached, non-emergency impounds will cease until additional space is cleared.

# TIMELINE

- February 15, 2006 –Policy development to include guidelines and Standard Operating Procedures.
- March 1- City Attorney's Office completes review of City Ordinance and drafts any necessary amendments to Chapter 15D.
- March 1 – Public Service Announcements provided
- March 15 – Roll Call Training provided to all DPD personnel
- April 1 – Policy implemented

**QUESTIONS?**