


# **GAINESVILLE POLICE DEPARTMENT**

## **GENERAL ORDER**

	<b>TITLE</b> DHSMV Seizures		<b>ACCREDITATION</b> CALEA 61.4.3.b; 61.4.3.c; 61.1.5.b
	<b>PROponent UNIT</b> Traffic Unit		<b>PRIOR REVISIONS</b> 04/12/06  <b>ATTACHMENT:</b>
<b>NUMBER</b> 40.27	<b>ISSUE DATE</b> 07/27/98	<b>REVISION DATE</b> 07/08/2019	<b>TOTAL PAGES</b> 4

### **I. PURPOSE:**

This Order establishes procedures for seizing vehicle tags when a driver has not complied with insurance regulations and procedures for seizing and/or impounding vehicles pursuant to criteria identified in FSS 322.34.

### **II. POLICY:**

To ensure that drivers comply with the provisions regarding driver's licenses and financial responsibility, Department members shall, in accordance with the law and these procedures, seize vehicle license tags and impound vehicles.

### **III. PROCEDURE**

**A. Tag Seizure:** Members may, upon receiving notice from the Division of Highway Safety and Motor Vehicles (DHSMV) that a driver has failed to comply with insurance requirements, seize the vehicle tag when the applicable criteria are met.

**1. Identification:** The DHSMV computer has been programmed to include a "Seize Tag" notation on a driver's record when the driver's license has been suspended for failure to show proof of insurance.

**2. Criteria:**

- i. Members may seize a tag if the driver is the owner or co-owner of the vehicle.
- ii. Members *MAY NOT* seize a license plate if the driver presents proof of insurance and proof that the reinstatement fee has been paid.

**B. Enforcement:** When a Department member receives a "Seize Tag" notice and the driver is the owner or co-owner of the vehicle, the following procedures will be followed:

1. Remove and seize the tag,
2. Issue a citation for driving with a suspended driver's license (and any other applicable violation), and write "Seized Tag" in the comments section of the citation; [61.1.5.b]

3. Tow the vehicle if it is illegally parked; or as a result of the crash and is not legally allowed to be driven. [61.4.3.b]

4. Obtain the computer printout of the driver license check and vehicle registration (which serves as justification for seizing the tag). Drop the license plate and the computer printout in the drop box and sign the login form in property evidence room.

5. Inform the owner of the vehicle that the following must be done to receive a new license plate:

- i. Obtain proof of insurance,
- ii. Have the driver's license reinstated at any Driver License Office,
- iii. Obtain a new license plate at a local tag office.

**C. Delivery Tag:** Property and Evidence personnel are responsible for delivering the license plate to the Alachua County Tax Collector's Office within 5 days of the seizure of the license plate.

Tax collector's office agent will sign a receipt when the license plate and computer printout are turned over to them.

#### **IV. Procedure for DHSMV-Ordered Vehicle Impounds:**

**A. Impound Pursuant to a Qualifying DWLSR Arrest:** Members may, upon receiving notice from the Division of Highway Safety and Motor Vehicles (DHSMV) that a driver has failed to comply with statutory requirements, impound or immobilize the vehicle *after verifying that all the applicable criteria are met.*

1. Upon the arrest of a person for the offense of driving while the person's driver's license or driving privilege is suspended or revoked, the arresting officer shall determine:

- i. Whether the person's driver's license is currently suspended or revoked.
- ii. Whether the person's driver's license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license.
- iii. Whether the suspension or revocation was made under s. 316.646 or s. 627.733, relating to failure to maintain required security (insurance), or under s. 322.264, relating to habitual traffic offenders.

According to DHSMV, the driver's license record will **only** be flagged if the suspension was made pursuant to violations of these sections.

- iv. Whether the driver is the registered owner or co-owner of the vehicle.

2. If the arresting officer finds in the affirmative as to all of the criteria in paragraph (a) the officer shall immediately impound or immobilize the vehicle.

i. The DHSMV computer has been programmed to include an 'impound' notation on a driver's record when the owner/co-owner meets the criteria.

ii. Officers still MUST verify the required criteria.

**3.** When a Department member receives an "Impound Vehicle" notice and the driver is the owner or co-owner of the vehicle, the following procedures will be followed: [61.4.3.b]

i. Issue a citation for driving with a suspended driver's license (and any other applicable violation), and write "Impound Vehicle" in the comments section of the citation. [61.1.5.b]

ii. Include a note as to whether the suspension was for 'FR' (financial responsibility) or 'HTO' (habitual traffic offender).

iii. Notify the contract wrecker to respond to the scene.

iv. Inform the owner of the vehicle that the following must be done to retrieve the vehicle:

a. Obtain insurance

b. Provide proof of insurance to the arresting agency:

v. Complete a tow report. [61.4.3.c]

Attach the computer printouts of the driver license check and vehicle registration (which serves as justification for impounding the vehicle).

vi. Complete an incident report.

**B. Certified Mail/Express Service Notification:** Vehicles towed pursuant to this Order come into the possession of the tow company. The statute mandates that the entity that is in possession of vehicle determine whether the vehicle has been leased or rented or if there are any persons of record with a lien upon the vehicle. The possessing entity is also responsible for notifying the co-owner and/or persons with interest in the vehicle, by certified mail, within 7 business days of the vehicle's impoundment.

**C. Claiming The Vehicle:**

**1.** Members releasing the vehicle must follow the requirements of GO 84.3.

**2.** The claimant must show proof of current insurance, AND be one of the following:

i. The owner or co-owner

ii. A lessor, rental car company, or lien holder

**3.** Pay lawful towing and storage charges.

i. These charges may be recouped from the arrestee, depending upon the contractual provisions. The company will have to initiate action.

ii. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased, by the person leasing the vehicle.

iii. The claimant will pay the notification costs directly to the towing company.

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**By Order of**

*Signed Original on File in the  
Accreditation Unit*

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**Tony R. Jones  
Chief of Police**