

RCW 46.55.125 Redemption of motorcycle or moped as bailment while owner hospitalized due to accident—Requirements—Declaration form.

(1) Any person, who is known to the registered or legal owner of a motorcycle or moped that was towed from the scene of an accident, may redeem the motorcycle or moped as a bailment on behalf of the registered or legal owner who is admitted as a patient in a hospital due to the accident subject to the following requirements:

(a) The eligible person must pay the costs of towing, storage, or other services rendered during the course of towing, removal, or storing of the motorcycle or moped.

(b) The eligible person must provide a valid government-issued photo identification, such as a current driver's license or state-issued identification card, military identification, or passport.

(c) The eligible person must sign a declaration on a form furnished by the department that provides:

(i) The person's name, telephone number, and physical address;

(ii) The relationship between the person and the registered or legal owner;

(iii) The name and location of the hospital where the registered or legal owner is admitted;

(iv) The address of the physical location where the motorcycle or moped will be stored for the registered or legal owner at no additional cost to the owner;

(v) A statement that the person agrees to protect the motorcycle or moped and return it to the registered or legal owner in the same form it was received when removed from the registered tow truck operator's premises; and

(vi) A statement that the person knowingly agrees to become the bailee for the motorcycle or moped.

(d) The declaration form under (c) of this subsection must be signed under penalty of perjury.

(2) The registered tow truck operator may refuse an offer to redeem under this section for good cause, which includes, but is not limited to, competing applications for redemption from persons identified under RCW 46.55.120(1)(a) or the person applying to be the bailee has been convicted of a crime of dishonesty or theft. This section does not require a registered tow truck operator to investigate or otherwise determine the criminal history or the honesty of the bailee.

(3) Any registered tow truck operator acting in good faith in compliance with this section that releases a motorcycle or moped to bailment in accordance with the requirements of this section is immune from civil liability arising out of the bailment unless the tow truck operator's act or omission constitutes gross negligence or willful or wanton misconduct.

(4) In addition to any remedies provided by common law for bailments, a person who becomes the bailee of a motorcycle or moped under this section and fails to return the motorcycle or moped to the registered or legal owner may be charged with possession of a stolen vehicle under RCW 9A.56.068.

(5) The department must create a declaration form to be completed by individuals that identifies the required information in subsection (1)(b) and (c) of this section. The department must post the form on its website, and the form must be able to be downloaded from the department's website. [2017 c 152 s 4.]

Short title—2017 c 152: "This act may be known and cited as the Denise Chew scooter recovery act." [2017 c 152 s 5.]