
SUBSTITUTE HOUSE BILL 1806

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Transportation (originally sponsored by Representatives R. Meyers, Winsley and R. Johnson).

Read first time March 6, 1991.

1 AN ACT Relating to junk vehicles; and amending RCW 46.55.010 and
2 46.55.230.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.55.010 and 1989 c 111 s 1 are each amended to read
5 as follows:

6 The definitions set forth in this section apply throughout this
7 chapter:

8 (1) "Abandoned vehicle" means a vehicle that a registered tow truck
9 operator has impounded and held in the operator's possession for
10 ninety-six consecutive hours.

11 (2) "Abandoned vehicle report" means the document prescribed by the
12 state that the towing operator forwards to the department after a
13 vehicle has become abandoned.

14 (3) "Impound" means to take and hold a vehicle in legal custody.
15 There are two types of impounds--public and private.

1 (a) "Public impound" means that the vehicle has been impounded at
2 the direction of a law enforcement officer or by a public official
3 having jurisdiction over the public property upon which the vehicle was
4 located.

5 (b) "Private impound" means that the vehicle has been impounded at
6 the direction of a person having control or possession of the private
7 property upon which the vehicle was located.

8 (4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as
9 meeting all the following requirements:

10 (a) Is three years old or older;

11 (b) Is extensively damaged, such damage including but not limited
12 to any of the following: A broken window or windshield or missing
13 wheels, tires, motor, or transmission;

14 (c) Is apparently inoperable;

15 (d) Is without a valid, current registration plate;

16 (e) Has ((a)) an approximate fair market value equal only to the
17 approximate value of the scrap in it.

18 (5) "Master log" means the document or an electronic facsimile
19 prescribed by the department and the Washington state patrol in which
20 an operator records transactions involving impounded vehicles.

21 (6) "Registered tow truck operator" or "operator" means any person
22 who engages in the impounding, transporting, or storage of unauthorized
23 vehicles or the disposal of abandoned vehicles.

24 (7) "Residential property" means property that has no more than
25 four living units located on it.

26 (8) "Tow truck" means a motor vehicle that is equipped for and used
27 in the business of towing vehicles with equipment as approved by the
28 state patrol.

1 (9) "Tow truck number" means the number issued by the department to
2 tow trucks used by a registered tow truck operator in the state of
3 Washington.

4 (10) "Tow truck permit" means the permit issued annually by the
5 department that has the classification of service the tow truck may
6 provide stamped upon it.

7 (11) "Tow truck service" means the transporting upon the public
8 streets and highways of this state of vehicles, together with personal
9 effects and cargo, by a tow truck of a registered operator.

10 (12) "Unauthorized vehicle" means a vehicle that is subject to
11 impoundment after being left unattended in one of the following public
12 or private locations for the indicated period of time:

13 Subject to removal after:

14 (a) Public locations:

15 (i) Constituting an accident or a traffic hazard as
16 defined in RCW 46.55.113 Immediately

17 (ii) On a highway and tagged as
18 described in RCW 46.55.085 24 hours

19 (iii) In a publicly owned or controlled
20 parking facility, properly posted
21 under RCW 46.55.070 Immediately

22 (b) Private locations:

23 (i) On residential property Immediately

24 (ii) On private, nonresidential property,
25 properly posted under
26 RCW 46.55.070 Immediately

27 (iii) On private, nonresidential property,
28 not posted 24 hours

1 **Sec. 2.** RCW 46.55.230 and 1987 c 311 s 19 are each amended to read
2 as follows:

3 (1) Notwithstanding any other provision of law, any law enforcement
4 officer having jurisdiction or any person authorized by the director
5 may inspect and certify that a vehicle meets the requirements of a junk
6 vehicle. The person making the certification shall record the make and
7 vehicle identification number or license number of the vehicle if
8 available, and shall also describe in detail the damage or missing
9 equipment to verify that the approximate value of the junk vehicle is
10 equivalent only to the approximate value of the scrap in it.

11 (2) The law enforcement officer or department representative shall
12 provide information on the vehicle's registered and legal owner to the
13 landowner.

14 (3) Upon receiving information on the vehicle's registered and
15 legal owner, the landowner shall obtain a junk vehicle notification
16 form from the department. The landowner shall send by certified mail,
17 notification to the registered and legal owners shown on the records of
18 the department. The notification shall describe the redemption
19 procedure and the right to contest the sale of a junk vehicle in a
20 district court hearing.

21 (4) If the vehicle remains unclaimed more than fifteen days after
22 the landowner has mailed notification to the registered and legal
23 owner, the landowner may sign an affidavit of sale to be used as a
24 title document.

25 (5) If no information on the vehicle's registered and legal owner
26 is found in the records of the department, the landowner shall place a
27 legal notice of custody and sale in a newspaper of general circulation
28 in the county. The newspaper notice shall include (a) the description
29 of the vehicle; (b) the address of the location of the junk vehicle;
30 (c) the date by which the registered or legal owner must redeem the

1 vehicle; and (d) a telephone number where the landowner can be reached.
2 If the vehicle remains unclaimed more than twenty days after
3 publication of the notice, the landowner may sign an affidavit of sale
4 to be used as a title document.

5 (6) The landowner of the property upon which the junk vehicle is
6 located is entitled to recover from the vehicle's registered owner any
7 costs incurred in the removal of the junk vehicle.

8 (7) For the purposes of this section, the term "landowner" includes
9 a legal owner of private property, a person with possession or control
10 of private property, or a public official having jurisdiction over
11 public property.

12 (8) A person complying in good faith with the requirements of this
13 section is immune from any liability arising out of an action taken or
14 omission made in the compliance.