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## Transportation Committee

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### HB 1215

**Brief Description:** Clarifying the application of the fifteen-day storage limit on liens for impounded vehicles.

**Sponsors:** Representatives Liias, Rodne, Goodman and Kenney.

#### Brief Summary of Bill

- Clarifies that tow truck operators may accumulate storage charges on abandoned vehicles prior to the receipt of information about the owner from the Department of Licensing.
- Allows tow truck operators to charge the full cost of storage to owners who redeem their abandoned vehicles prior to the vehicle's sale at auction.

**Hearing Date:** 2/3/11

**Staff:** Beth Redfield (786-7347).

#### Background:

Tow truck operators who impound vehicles from private or public property, or tow for law enforcement agencies, are regulated under chapter 46.55 RCW. Impoundment, the taking and holding of a vehicle in legal custody without the consent of the owner, may only be performed by registered tow truck operators (RTTOs). If on public property, the impound is at the direction of a law enforcement officer; if the vehicle is on private property, the impound is at the direction of the property owner or his or her agent.

When an unauthorized vehicle is impounded, within 24 hours the towing operator must send an impound notice to the legal owner, based on information received from law enforcement. After being held for 120 consecutive hours, a vehicle is considered abandoned and the RTTO must file an abandoned vehicle report (AVR) with the Department of Licensing (DOL). In response to the AVR, the DOL provides information to the RTTO regarding the owner of the vehicle.

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Within 24 hours of receipt of this information, the RTTO must send by certified mail a notice of custody and sale to the owner.

After 15 days from the receipt of information from the DOL, the RTTO may no longer accumulate storage charges. If the vehicle remains unclaimed, the RTTO must conduct a sale at public auction. The RTTO may not hold the vehicle for longer than 90 days, except in the case of a law enforcement or judicial order.

Vehicles may be redeemed by their legal owners any time before the start of the auction upon payment of towing and storage charges.

The RTTOs collect towing and storage charges on abandoned vehicles via a lien against the sale of the vehicle at auction. If the vehicle sale proceeds are less than the lien, the remaining charges owed to the RTTO are sent to a collection agency for recovery of the deficient claim.

All surplus funds after the sale of an abandoned vehicle at auction and satisfaction of the RTTO lien are deposited in the Motor Vehicle Fund.

**Summary of Bill:**

The 15-day deadline after which storage charges may no longer be accumulated is clarified to be in addition to storage charges accumulated prior to the receipt of the information from the DOL.

Abandoned vehicles that are redeemed by an owner prior to their sale at auction are subject to payment of all accumulated storage charges from the time of impoundment up to the time of redemption.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.