

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1215

62nd Legislature
2011 Regular Session

Passed by the House March 1, 2011
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 4, 2011
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1215** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1215

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Lias, Rodne, Goodman, and Kenney

Read first time 01/17/11. Referred to Committee on Transportation.

1 AN ACT Relating to clarifying the application of the fifteen-day
2 storage limit on liens for impounded vehicles; and amending RCW
3 46.55.130.

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

5 **Sec. 1.** RCW 46.55.130 and 2006 c 28 s 1 are each amended to read
6 as follows:

7 (1) If, after the expiration of fifteen days from the date of
8 mailing of notice of custody and sale required in RCW 46.55.110(3) to
9 the registered and legal owners, the vehicle remains unclaimed and has
10 not been listed as a stolen vehicle, or a suspended license impound has
11 been directed, but no security paid under RCW 46.55.120, then the
12 registered tow truck operator having custody of the vehicle shall
13 conduct a sale of the vehicle at public auction after having first
14 published a notice of the date, place, and time of the auction, and a
15 method to contact the tow truck operator conducting the auction such as
16 a telephone number, electronic mail address, or web site, in a
17 newspaper of general circulation in the county in which the vehicle is
18 located not less than three days and no more than ten days before the
19 date of the auction. For the purposes of this section, a newspaper of

1 general circulation may be a commercial, widely circulated, free,
2 classified advertisement circular not affiliated with the registered
3 tow truck operator and the notice may be listed in a classification
4 delineating "auctions" or similar language designed to attract
5 potential bidders to the auction. The notice shall contain a
6 notification that a public viewing period will be available before the
7 auction and the length of the viewing period. The auction shall be
8 held during daylight hours of a normal business day. The viewing
9 period must be one hour if twenty-five or fewer vehicles are to be
10 auctioned, two hours if more than twenty-five and fewer than fifty
11 vehicles are to be auctioned, and three hours if fifty or more vehicles
12 are to be auctioned.

13 (2) The following procedures are required in any public auction of
14 such abandoned vehicles:

15 (a) The auction shall be held in such a manner that all persons
16 present are given an equal time and opportunity to bid;

17 (b) All bidders must be present at the time of auction unless they
18 have submitted to the registered tow truck operator, who may or may not
19 choose to use the preauction bid method, a written bid on a specific
20 vehicle. Written bids may be submitted up to five days before the
21 auction and shall clearly state which vehicle is being bid upon, the
22 amount of the bid, and who is submitting the bid;

23 (c) The open bid process, including all written bids, shall be used
24 so that everyone knows the dollar value that must be exceeded;

25 (d) The highest two bids received shall be recorded in written form
26 and shall include the name, address, and telephone number of each such
27 bidder;

28 (e) In case the high bidder defaults, the next bidder has the right
29 to purchase the vehicle for the amount of his or her bid;

30 (f) The successful bidder shall apply for title within fifteen
31 days;

32 (g) The registered tow truck operator shall post a copy of the
33 auction procedure at the bidding site. If the bidding site is
34 different from the licensed office location, the operator shall post a
35 clearly visible sign at the office location that describes in detail
36 where the auction will be held. At the bidding site a copy of the
37 newspaper advertisement that lists the vehicles for sale shall be
38 posted;

1 (h) All surplus moneys derived from the auction after satisfaction
2 of the registered tow truck operator's lien shall be remitted within
3 thirty days to the department for deposit in the state motor vehicle
4 fund. A report identifying the vehicles resulting in any surplus shall
5 accompany the remitted funds. If the director subsequently receives a
6 valid claim from the registered vehicle owner of record as determined
7 by the department within one year from the date of the auction, the
8 surplus moneys shall be remitted to such owner;

9 (i) If an operator receives no bid, or if the operator is the
10 successful bidder at auction, the operator shall, within forty-five
11 days, sell the vehicle to a licensed vehicle wrecker, hulk hauler, or
12 scrap processor by use of the abandoned vehicle report-affidavit of
13 sale, or the operator shall apply for title to the vehicle.

14 (3) A tow truck operator may refuse to accept a bid at an abandoned
15 vehicle auction under this section for any reason in the operator's
16 posted operating procedures and for any of the following reasons: (a)
17 The bidder is currently indebted to the operator; (b) the operator has
18 knowledge that the bidder has previously abandoned vehicles purchased
19 at auction; or (c) the bidder has purchased, at auction, more than four
20 vehicles in the last calendar year without obtaining title to any or
21 all of the vehicles. In no case may an operator hold a vehicle for
22 longer than ninety days without holding an auction on the vehicle,
23 except for vehicles that are under a police or judicial hold.

24 (4)(a) ~~((In no case may))~~ The accumulation of storage charges
25 applied to the lien at auction under RCW 46.55.140 may not exceed
26 fifteen additional days from the date of receipt of the information by
27 the operator from the department as provided by RCW 46.55.110(3) plus
28 the storage charges accumulated prior to the receipt of the
29 information. However, vehicles redeemed pursuant to RCW 46.55.120
30 prior to their sale at auction are subject to payment of all
31 accumulated storage charges from the time of impoundment up to the time
32 of redemption.

33 (b) The failure of the registered tow truck operator to comply with
34 the time limits provided in this chapter limits the accumulation of
35 storage charges to five days except where delay is unavoidable.
36 Providing incorrect or incomplete identifying information to the
37 department in the abandoned vehicle report shall be considered a
38 failure to comply with these time limits if correct information is

1 available. However, storage charges begin to accrue again on the date
2 the correct and complete information is provided to the department by
3 the registered tow truck operator.

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