<u>SSB 5863</u> - H COMM AMD By Committee on Transportation

1 Strike everything after the enacting clause and insert the 2 following:

3 "Sec. 1. RCW 46.55.010 and 2005 c 88 s 2 are each amended to 4 read as follows:

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

7 (1) "Abandoned vehicle" means a vehicle that a registered tow
8 truck operator has impounded and held in the operator's possession
9 for one hundred twenty consecutive hours.

10 (2) "Immobilize" means the use of a locking wheel boot that, when 11 attached to the wheel of a vehicle, prevents the vehicle from moving 12 without damage to the tire to which the locking wheel boot is 13 attached.

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

17 (4) "Impound" means to take and hold a vehicle in legal custody.18 There are two types of impounds—public and private.

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

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

(5) "Junk vehicle" means a vehicle certified under RCW 46.55.230as meeting at least three of the following requirements:

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(a) Is three years old or older;

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

32 (c) Is apparently inoperable;

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1 (d) Has an approximate fair market value equal only to the approximate value of the scrap in it. 2

(6) "Master log" means the document or an electronic facsimile 3 prescribed by the department and the Washington state patrol in which 4 an operator records transactions involving impounded vehicles. 5

6 (7) "Registered tow truck operator" or "operator" means any 7 person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles. 8

(8) "Residential property" means property that has no more than 9 four living units located on it. 10

(9) "Suspended license impound" means an impound ordered under 11 12 RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345. 13

(10) "Tow truck" means a motor vehicle that is equipped for and 14 used in the business of towing vehicles with equipment as approved by 15 16 the state patrol.

17 (11) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of 18 Washington. 19

(12) "Tow truck permit" means the permit issued annually by the 20 21 department that has the classification of service the tow truck may provide stamped upon it. 22

(13) "Tow truck service" means the transporting upon the public 23 streets and highways of this state of vehicles, together with 24 25 personal effects and cargo, by a tow truck of a registered operator.

(14) "Unauthorized vehicle" means a vehicle that is subject to 26 27 impoundment after being left unattended in one of the following 28 public or private locations for the indicated period of time:

29		Subject to removal after:
30	(a)	Public locations:
31	(i)	Constituting an accident or a traffic hazard as
32		defined in RCW 46.55.113 Immediately
33	(ii)	On a highway and tagged as described in RCW
34		46.55.085 24 hours
35	(iii)	In a publicly owned or controlled parking
36		facility, properly posted under RCW
37		46.55.070 Immediately

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1	<u>(iv)</u>	Within the right of way used by a regional transit
2		authority for high capacity transportation where
3		the vehicle constitutes an obstruction to the
4		operation of high capacity transportation vehicles
5		<u>or</u>
6		jeopardizes public safety Immediately
7	(b)	Private locations:
8	(i)	On residential property Immediately
9	(ii)	On private, nonresidential property,
10		properly posted under RCW
11		46.55.070 Immediately
12	(iii)	On private, nonresidential property,
13		not posted 24 hours

14 Sec. 2. RCW 46.55.080 and 2018 c 22 s 12 are each amended to 15 read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 16 46.55.010(14), it may be impounded by a registered tow truck operator 17 18 at the direction of a law enforcement officer, authorized regional 19 transit authority representative under the conditions described in RCW 46.55.010(14)(a)(iv), or other public official with jurisdiction 20 21 if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law 22 23 enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order. 24

25 (2) The person requesting a private impound or a law enforcement 26 officer, authorized regional transit authority representative, or 27 public official requesting a public impound shall provide a signed 28 authorization for the impound at the time and place of the impound to 29 the registered tow truck operator before the operator may proceed 30 with the impound. A registered tow truck operator, employee, or his 31 or her agent may not serve as an agent of a property owner for the 32 purposes of signing an impound authorization or, independent of the 33 property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

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1 (4) A registered tow truck operator shall record and keep in the 2 operator's files the date and time that a vehicle is put in the 3 operator's custody and released. The operator shall make an entry 4 into a master log regarding transactions relating to impounded 5 vehicles. The operator shall make this master log available, upon 6 request, to representatives of the department or the state patrol.

7 (5) A person who engages in or offers to engage in the activities 8 of a registered tow truck operator may not be associated in any way 9 with a person or business whose main activity is authorizing the 10 impounding of vehicles."

11 Correct the title.

EFFECT: Limits the definition of an unauthorized vehicle subject to immediate impoundment in instances when a vehicle in a public location constitutes an obstruction to the operation of high capacity transportation vehicles or jeopardizes public safety to instances when a vehicle is within, rather than on or within 10 feet of, the right of way used by a regional transit authority.

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