

Chapter 308-63 WAC

WRECKERS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 308-63-150 | Partial sales transfer or disposition of noncorporate licensee. [Statutory Authority: RCW 46.55.190, 46.79.-080 and 46.80.140. WSR 93-08-076, § 308-63-150, filed 4/6/93, effective 5/7/93.] Repealed by WSR 00-13-019, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.80.140. |
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WAC 308-63-010 Definitions—General. (1) Department - means the department of licensing of the state of Washington.

(2) Director - Means the director of the department of licensing.

(3) Destroy - Means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

(4) Market value threshold amount is the amount assigned to vehicles which includes a motor vehicle having a designation that is at least six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged. For vehicles six through twenty years old a statement whether or not the vehicle meets the market value threshold amount as defined in RCW 46.12.005 and WAC 308-56A-500 is also required.

(5) Acquire - Means the physical custody together with proof of ownership as provided under WAC 308-63-080.

(6) Custody - Means the possession of a vehicle that the wrecker owns but for which ownership documents required in WAC 308-63-080 have not been received, or a vehicle placed for safekeeping by a law enforcement officer or others.

(7) Obscure - Means to screen the wrecker activity from public view.

(8) Segregated area - Means an area within the wrecking yard, which must be designated by a physical barrier. The physical barrier may be portable, made of substantial posts and connected by rope, chain, cable, or of other equally strong construction.

[Statutory Authority: RCW 46.12.005 and 46.01.110. WSR 09-19-113, § 308-63-010, filed 9/22/09, effective 10/23/09. Statutory Authority: RCW 46.80.140. WSR 09-08-065, § 308-63-010, filed 3/27/09, effective 4/27/09; WSR 01-03-141, § 308-63-010, filed 1/24/01, effective 2/24/01. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-010, filed 4/6/93, effective 5/7/93.]

WAC 308-63-020 Bill of sale. May I acquire a vehicle on a bill of sale?

(1) Bill of sale for acquiring vehicles. A bill of sale must include the names and addresses of the seller and purchaser; a description of the vehicle being purchased, including the make, model and identification or serial number; the date of purchase; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

(a) Vehicles from nontitle jurisdictions;

(b) When an insurance company or private owner has surrendered the title to a vehicle previously destroyed as provided under WAC 308-56A-460; or

(c) For vehicles of the type to which titles are not issued.

May I acquire a vehicle part on a bill of sale?

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale must be maintained on acquired parts for a period of three years.

[Statutory Authority: RCW 46.80.140. WSR 09-08-065, § 308-63-020, filed 3/27/09, effective 4/27/09; WSR 05-14-093, § 308-63-020, filed 6/30/05, effective 7/31/05; WSR 00-13-019, § 308-63-020, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-020, filed 4/6/93, effective 5/7/93.]

WAC 308-63-030 Established place of business.

What is a vehicle wrecker place of business? A vehicle wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals; and where the business books and records are kept available for inspection during normal business hours and dismantling of vehicles is accomplished. It must conform with local zoning regulations.

[Statutory Authority: RCW 46.80.140. WSR 05-14-093, § 308-63-030, filed 6/30/05, effective 7/31/05; WSR 00-13-019, § 308-63-030, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-030, filed 4/6/93, effective 5/7/93.]

WAC 308-63-040 Wreckers—Application for license. How must I apply for a vehicle wrecker license?

An original or renewal application for a wrecker license must be filed with the director on the form provided by the department for this purpose. The application must be endorsed by the chief of police of any city with a population over five thousand; otherwise, by a member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that the applicant's vehicle(s) are properly identified in accordance with WAC 308-63-070(5).

Each application must specify the number of vehicles owned, leased, rented or otherwise operated by the applicant for towing or transportation of vehicles on public roadways in the conduct of the business. Each endorsement must identify the vehicle by make, model, year or other adequate description, and identification number.

[Statutory Authority: RCW 46.80.140, WSR 09-08-065, § 308-63-040, filed 3/27/09, effective 4/27/09; WSR 01-03-141, § 308-63-040, filed 1/24/01, effective 2/24/01; WSR 00-13-019, § 308-63-040, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-040, filed 4/6/93, effective 5/7/93.]

WAC 308-63-050 Expiration of motor vehicle wrecker's license. When does my vehicle wrecker license expire? (1) A vehicle wrecker's license will expire twelve consecutive months from the date of issuance.

(2) Vehicle wrecker license plates will expire on the same date as the expiration of the license.

[Statutory Authority: RCW 46.80.140, WSR 09-08-065, § 308-63-050, filed 3/27/09, effective 4/27/09; WSR 05-14-093, § 308-63-050, filed 6/30/05, effective 7/31/05; WSR 00-13-019, § 308-63-050, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-050, filed 4/6/93, effective 5/7/93.]

WAC 308-63-060 Vehicle wrecker—Special plates. How do I use the special vehicle wrecker license plates?

All vehicles used for towing or transporting vehicles or vehicle parts by a vehicle wrecker on the highways of this state in the conduct of the business must bear regular license plates and, in addition, special wrecker's plates.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on the application as owned, rented, leased and operated by the applicant for towing or transporting of vehicles or vehicle parts in the conduct of the business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or vehicle parts, the applicant must so inform the department and may obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or vehicle parts must display both wrecker plates of the same number. However, when any vehicle being towed does not have valid license plates, the set of wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

[Statutory Authority: RCW 46.80.140, WSR 16-23-132, § 308-63-060, filed 11/21/16, effective 12/22/16; WSR 09-08-065, § 308-63-060, filed 3/27/09, effective 4/27/09; WSR 05-14-093, § 308-63-060, filed 6/30/05, effective 7/31/05; WSR 00-13-019, § 308-63-060, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-060, filed 4/6/93, effective 5/7/93.]

WAC 308-63-070 Wreckers—General procedures and requirements. Vehicle wreckers must comply with all rules set forth in this chapter and the requirements of chapter 46.80 RCW relative to the handling of vehicle parts or vehicles to be dismantled.

(1) Enclosure. The activities of a vehicle wrecker must be conducted entirely within the established place of business. A physical barrier must designate the boundary of the wrecking yard. Where necessary to obscure public view of the premises, it must be enclosed by a sight-obscuring wall or fence at least eight feet high.

(a) Where required, such sight-obscuring wall or fence must be painted or stained in a neutral shade to blend with the surrounding premises. If the fence is made of chain link, it must have sufficient slats or other construction to obscure public view of the premises.

(b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(c) All enclosures and barriers must be kept in good repair.

(d) Reasonable consideration will be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

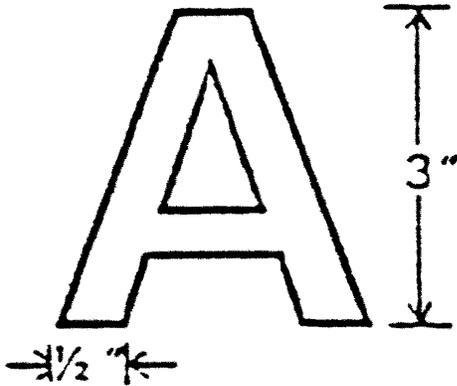
(e) Exceptions to this section must be granted in writing by the department.

(2) Additional places of business. Each licensed vehicle wrecker may maintain one or more additional places of business within the same county, under the same license. The vehicle wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard must comply with local zoning regulations, chapter 46.80 RCW, and the requirements of this chapter. Duplicate vehicle wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department must be notified within ten days of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate issued by the department to a licensed wrecker must be displayed conspicuously at each business address and must be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or vehicle parts which are operated on the highways of this state must display the licensee's name, the city in which the licensee's established place of business is located, and the current business telephone number of the licensee. Such information must be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch in solid width and must be at least three inches high. See example.



(6) License plates from vehicles entered into the wrecking yard must be removed within twenty-four hours. Plates on vehicles in the segregated area may be left on until the vehicle is entered into the wrecking yard. The wrecker must destroy such plates prior to submitting the monthly report for the month the vehicle was entered into the wrecking yard.

(7) Major component parts. A catalytic converter is a major component part. Under RCW 46.80.010(5) the term "engines, short blocks, transmissions and drive axles" will not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" will mean bucket seat. The term "drive axle" means a differential assembly.

(8) Vehicles in custody and awaiting approved ownership documents, as provided under WAC 308-63-080, must be placed in a segregated storage area within the wrecking yard which must be designated by a physical barrier. Vehicles may remain in this area after ownership documents have arrived and the vehicle has been properly entered into the wrecking yard inventory. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the vehicle wrecker is both a vehicle wrecker and a dealer however, there will be no storage of vehicle parts.

[Statutory Authority: RCW 46.80.140, WSR 09-08-065, § 308-63-070, filed 3/27/09, effective 4/27/09; WSR 05-14-093, § 308-63-070, filed 6/30/05, effective 7/31/05; WSR 01-03-141, § 308-63-070, filed 1/24/01, effective 2/24/01; WSR 00-13-019, § 308-63-070, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-070, filed 4/6/93, effective 5/7/93.]

WAC 308-63-080 Vehicle wrecker—Procedures for acquiring vehicles and vehicle parts. What ownership documents may I use to acquire vehicles or vehicle parts? The vehicle wrecker may acquire vehicles and vehicle parts if the seller can furnish ownership documents as follows:

(1) Certificate of title, including salvage certificates, properly endorsed in the case of vehicles from states issuing a title.

(2) Bills of sale pursuant to WAC 308-63-020(1) for vehicles from nontitle jurisdictions, for vehicles that have had their title surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Insurance company bills of sale pursuant to WAC 308-56A-460(2).

(5) Affidavit of sale of an abandoned vehicle pursuant to WAC 308-61-026(1).

(6) Affidavit of junk vehicle pursuant to RCW 46.55-230.

(7) A court order.

(8) A bill of sale for parts pursuant to WAC 308-63-020(2).

(9) A bill of sale from another licensed vehicle wrecker.

(10) Bill of sale from a salvage pool auction.

[Statutory Authority: RCW 46.80.140, WSR 09-08-065, § 308-63-080, filed 3/27/09, effective 4/27/09; WSR 05-14-093, § 308-63-080, filed 6/30/05, effective 7/31/05; WSR 00-13-019, § 308-63-080, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-080, filed 4/6/93, effective 5/7/93.]

WAC 308-63-090 Vehicle wrecker—Records and procedures for monthly reports. What records must I keep and how do I handle the monthly report? (1) Wrecker books and files. The wrecker must maintain books and files that contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts, except core parts, the vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the vehicle wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;

(iii) The certificate of ownership number if registered in a title state, or registration number if a nontitling state; or description of the document used in lieu of title, such as an affidavit of sale, a bill of sale for a vehicle or vehicle part;

(iv) The name of the state and license number in the state that a vehicle was last registered; and

(v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the market value threshold amount prior to the vehicle being wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460. If this statement is not provided, when required, the department will treat the vehicle as if the wrecker indicated that the market value threshold was met prior to the vehicle being wrecked.

What is "market value threshold amount?" The current market value threshold amount is six thousand seven hundred ninety dollars. For vehicles six through twenty years old a statement whether or not the vehicle meets the market value threshold amount as defined in RCW 46.12.005 and WAC 308-56A-500 is also required.

How is the market value threshold amount determined? Using the current market value threshold amount described in RCW 46.12.005 each year the department will add the increased value if the increase is equal to or greater than fifty dollars.

If the value is less than fifty dollars the department will track the increased value amount each year until the amount is equal to or greater than fifty dollars.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors must be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker must retain a copy of the invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The information must be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) The vehicle wrecker must furnish written reports. By the tenth of the month following the month of acquisition of vehicles entered into the wrecking yard inventory, each wrecker must submit a report on the form prescribed by the department documenting that the vehicles were acquired and entered into the wrecking yard inventory during the previous month. Vehicles being held in the segregated storage area awaiting ownership documents, under WAC 308-63-070(8), will not be reported. The report must be made in duplicate. The original must be sent to the department and the duplicate retained for the wrecker's files. If no vehicles were acquired during that month, the monthly report must be sent in stating "none." The report must contain information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), (iv), and (v) of this section. The report must be accompanied by properly endorsed certificates of ownership or other adequate evidence of ownership and registration certificates. Records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records must be kept for three years from the date of purchase and made available for inspection.

(3) Identity of vehicles in yard. A yard number must identify all vehicles placed in the wrecking yard. The number must be assigned in the wrecker's records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the yard number of the vehicle must be remarked in another location on the vehicle.

[Statutory Authority: RCW 46.12.005 and 46.01.110. WSR 09-19-113, § 308-63-090, filed 9/22/09, effective 10/23/09. Statutory Authority: RCW 46.80.140. WSR 09-08-065, § 308-63-090, filed 3/27/09, effective 4/27/09. Statutory Authority: RCW 46.01.110 and 46.12.101. WSR 06-23-038, § 308-63-090, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 46.80.140. WSR 05-14-093, § 308-63-090, filed 6/30/05, effective 7/31/05. Statutory Authority: Chapter 46.55 RCW. WSR 02-19-036, § 308-63-090, filed 9/10/02, effective 10/11/02. Statutory Authority: RCW 46.80.140. WSR 00-13-019, § 308-63-090, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-090, filed 4/6/93, effective 5/7/93.]

WAC 308-63-100 Vehicle wrecker—Must furnish bill of sale for parts. What document must I use to sell a vehicle part? No vehicle wrecker may sell a vehicle part unless the vehicle wrecker gives the purchaser a bill of sale for such part. Whenever the vehicle wrecker sells a motor, frame, or other major component part, except for a core part, the bill of sale must describe the part fully, giving make, model, year, and vehicle identification number or yard number of the vehicle from which the part was taken.

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No vehicle wrecker may sell vehicles to a scrap processor or to a hulk hauler for transportation to a scrap processor without giving the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle by yard number. The vehicle wrecker must retain a copy of such invoices for inspection purposes.

[Statutory Authority: RCW 46.80.140. WSR 09-08-065, § 308-63-100, filed 3/27/09, effective 4/27/09; WSR 05-14-093, § 308-63-100, filed 6/30/05, effective 7/31/05; WSR 01-03-141, § 308-63-100, filed 1/24/01, effective 2/24/01; WSR 00-13-019, § 308-63-100, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-100, filed 4/6/93, effective 5/7/93.]

WAC 308-63-110 Vehicle wrecker—Selling used vehicles. Where do I store inoperable vehicles that I acquire for sale under my vehicle dealer license? (1) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition must be kept inside the wrecking yard and must be segregated from the remainder of the operation by a continuous physical barrier.

(2) "Inoperable" as used in this section means a vehicle which does not comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable does not include a requirement to be currently licensed.

[Statutory Authority: RCW 46.80.140. WSR 09-08-065, § 308-63-110, filed 3/27/09, effective 4/27/09; WSR 05-14-093, § 308-63-110, filed 6/30/05, effective 7/31/05; WSR 00-13-019, § 308-63-110, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-110, filed 4/6/93, effective 5/7/93.]

WAC 308-63-120 Statement of change in business structure, ownership interest or control. When must I report a change? Any person, firm, association, corporation or trust licensed under chapter 46.80 RCW must, within ten days following any change in its business or ownership structure, file a statement with the department, describing with particularity the change in its business structure or the change in ownership interest.

[Statutory Authority: RCW 46.80.140. WSR 09-08-065, § 308-63-120, filed 3/27/09, effective 4/27/09; WSR 00-13-019, § 308-63-120, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-120, filed 4/6/93, effective 5/7/93.]

WAC 308-63-130 Termination of business. If I terminate my business, must I surrender my vehicle wrecker license? A vehicle wrecker who terminates business must, within ten days of such termination return the vehicle wrecker license and special license plates to the department for cancellation.

[Statutory Authority: RCW 46.80.140. WSR 09-08-065, § 308-63-130, filed 3/27/09, effective 4/27/09; WSR 05-14-093, § 308-63-130, filed 6/30/05, effective 7/31/05; WSR 00-13-019, § 308-63-130, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-63-130, filed 4/6/93, effective 5/7/93.]

WAC 308-63-140 Sale, transfer or other disposition of noncorporate licensee. What must I do if there is a change of ownership in my noncorporate license? Upon the sale, transfer or other disposition of an ownership interest in a noncorporate licensee:

(1) A new bond or rider to the bond revealing the change in ownership must be filed with the department.

(2) A new application for an appropriate license by the purchaser or transferee is required and the fee will be the same as for an original application.

(3) The former owner must surrender to the department the special license plates. The new owners or transferees must purchase new plates in their own name.

[Statutory Authority: RCW 46.80.140, WSR 09-08-065, § 308-63-140, filed 3/27/09, effective 4/27/09; WSR 00-13-019, § 308-63-140, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140, WSR 93-08-076, § 308-63-140, filed 4/6/93, effective 5/7/93.]

WAC 308-63-160 Incorporation of licensee while licensed. If my business is not a corporation, what do I do if I incorporate? A licensee which incorporates while licensed:

(1) Must file an application for an appropriate license.

(2) Must file a new bond with the department.

(3) The firm may request the preincorporation license number upon application.

[Statutory Authority: RCW 46.80.140, WSR 09-08-065, § 308-63-160, filed 3/27/09, effective 4/27/09; WSR 00-13-019, § 308-63-160, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140, WSR 93-08-076, § 308-63-160, filed 4/6/93, effective 5/7/93.]