
HOUSE BILL 1820

State of Washington

54th Legislature

1995 Regular Session

By Representative K. Schmidt

Read first time 02/10/95. Referred to Committee on Transportation.

1 AN ACT Relating to towing vehicles; amending RCW 46.55.090,
2 46.55.140, 46.20.435, and 46.61.625; adding a new section to chapter
3 46.37 RCW; adding a new section to chapter 46.55 RCW; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.37 RCW
7 to read as follows:

8 (1) "Safety chains" means flexible tension members connected from
9 the front portion of the towed vehicle to the rear portion of the
10 towing vehicle for the purpose of retaining connection between towed
11 and towing vehicle in the event of failure of the connection provided
12 by the primary connecting system, as prescribed by rule of the
13 Washington state patrol.

14 (2) The term "safety chains" includes chains, cables, or wire
15 ropes, or an equivalent flexible member meeting the strength
16 requirements prescribed by rule of the Washington state patrol.

17 (3) A tow truck towing a vehicle and a vehicle towing a trailer
18 must use safety chains. Failure to use safety chains shall result in
19 a monetary penalty of two hundred fifty dollars.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.55 RCW
2 to read as follows:

3 A vehicle engaging in the recovery of disabled vehicles from or on
4 a public road or highway must either be a registered tow truck
5 operator, or at a minimum, have posted a bond and have insurance in a
6 like manner and amount as prescribed in RCW 46.55.030 (2) and (3), and
7 have had its equipment inspected in a like manner as prescribed by RCW
8 46.55.040. The department shall adopt rules to enforce this section.
9 Failure to comply with this section is a class 1 civil infraction
10 punishable under RCW 7.80.120.

11 **Sec. 3.** RCW 46.55.090 and 1989 c 178 s 25 are each amended to read
12 as follows:

13 (1) All vehicles impounded shall be taken to the nearest storage
14 location that has been inspected and is listed on the application filed
15 with the department.

16 (2) All vehicles shall be handled and returned in substantially the
17 same condition as they existed before being towed.

18 (3) All personal belongings and contents in the vehicle, with the
19 exception of those items of personal property that are registered or
20 titled with the department, shall be kept intact, and shall be returned
21 to the vehicle's owner or agent during normal business hours upon
22 request and presentation of a driver's license or other sufficient
23 identification. Personal belongings, with the exception of those items
24 of personal property that are registered or titled with the department,
25 shall not be sold at auction to fulfill a lien against the vehicle.

26 (4) All personal belongings, with the exception of those items of
27 personal property that are registered or titled with the department,
28 not claimed before the auction shall be turned over to the local law
29 enforcement agency to which the initial notification of impoundment was
30 given. Such personal belongings shall be disposed of pursuant to
31 chapter 63.32 or 63.40 RCW.

32 (5) Tow truck drivers shall have a Washington state driver's
33 license endorsed for the appropriate classification under chapter 46.25
34 RCW or the equivalent issued by another state.

35 (6) Any person who shows proof of ownership or written
36 authorization from the impounded vehicle's registered or legal owner or
37 the vehicle's insurer may view the vehicle without charge during normal
38 business hours.

1 **Sec. 4.** RCW 46.55.140 and 1992 c 200 s 1 are each amended to read
2 as follows:

3 (1) A registered tow truck operator who has a valid and signed
4 impoundment authorization has a lien upon the impounded vehicle for
5 services provided in the towing and storage of the vehicle, unless the
6 impoundment is determined to have been invalid. The lien does not
7 apply to personal property in or upon the vehicle that is not
8 permanently attached to or is not an integral part of the vehicle. The
9 registered tow truck operator also has a deficiency claim against the
10 registered owner of the vehicle for services provided in the towing and
11 storage of the vehicle not to exceed the sum of (~~three~~) five hundred
12 dollars less the amount bid at auction, and for vehicles of over ten
13 thousand pounds gross vehicle weight, the operator has a deficiency
14 claim of one thousand dollars less the amount bid at auction, unless
15 the impound is determined to be invalid. The limitation on towing and
16 storage deficiency claims does not apply to an impound directed by a
17 law enforcement officer. In no case may the cost of the auction or a
18 buyer's fee be added to the amount charged for the vehicle at the
19 auction, the vehicle's lien, or the overage due. A registered owner
20 who has completed and filed with the department the seller's report as
21 provided for by RCW 46.12.101 and has timely and properly filed the
22 seller's report is relieved of liability under this section. The
23 person named as the new owner of the vehicle on the timely and properly
24 filed seller's report shall assume liability under this section.

25 (2) Any person who tows, removes, or otherwise disturbs any vehicle
26 parked, stalled, or otherwise left on privately owned or controlled
27 property, and any person owning or controlling the private property, or
28 either of them, are liable to the owner or operator of a vehicle, or
29 each of them, for consequential and incidental damages arising from any
30 interference with the ownership or use of the vehicle which does not
31 comply with the requirements of this chapter.

32 **Sec. 5.** RCW 46.20.435 and 1985 c 391 s 1 are each amended to read
33 as follows:

34 (1) Upon determining that a person is operating a motor vehicle
35 without a valid driver's license in violation of RCW 46.20.021 or with
36 a license that has been expired for ninety days or more, or with a
37 suspended or revoked license in violation of RCW 46.20.342 or

1 46.20.420, a law enforcement officer may immediately impound the
2 vehicle that the person is operating.

3 ~~(2) ((If the driver of the vehicle is the owner of the vehicle,))~~
4 The officer shall not release the vehicle impounded under subsection
5 (1) of this section until the owner of the vehicle:

6 (a) Establishes that any penalties, fines, or forfeitures owed by
7 the person driving the vehicle when it was impounded have been
8 satisfied; and

9 (b) Pays the reasonable costs of such impoundment and storage.

10 ~~(3) ((If the driver of the vehicle is not the owner of the vehicle,~~
11 ~~the driver shall be responsible for any penalties, fines, or~~
12 ~~forfeitures owed or due and for the costs of impoundment and storage.~~
13 ~~The vehicle shall be released to the owner immediately upon proof of~~
14 ~~such ownership.~~

15 ~~(4))~~ Whenever a vehicle has been impounded by a law enforcement
16 officer, the officer shall immediately serve upon the driver of the
17 impounded vehicle a notice informing the recipient of his or her right
18 to a hearing in the district court for the jurisdiction in which the
19 vehicle was impounded to contest the validity of the impoundment or the
20 amount of towing or the amount of towing and storage charges. A
21 request for a hearing shall be made in writing on the form provided for
22 that purpose and must be received by the district court within ten days
23 of the date of the impound. If the hearing request is not received by
24 the district court within the ten-day period, the right to a hearing is
25 waived and the driver is liable for any towing, storage, or other
26 impoundment charges permitted under this chapter. Upon receipt of a
27 timely hearing request, the district court shall proceed to hear and
28 determine the validity of the impoundment.

29 ~~((5))~~ (4)(a) The district court, within five days after the
30 request for a hearing, shall notify the driver in writing of the
31 hearing date and time.

32 (b) At the hearing, the person requesting the hearing may produce
33 any relevant evidence to show that the impoundment was not proper.

34 (c) At the conclusion of the hearing, the district court shall
35 determine whether the impoundment was proper, whether the driver was
36 responsible for any penalties, fines, or forfeitures owed or due at the
37 time of the impoundment, and whether they have been satisfied.

38 (d) A certified transcript or abstract of the driving record of the
39 driver, as maintained by the department, is admissible in evidence in

1 any hearing and is prima facie evidence of the status of the driving
2 privilege of the person named in it at the time of the impoundment and
3 whether there were penalties, fines, or forfeitures due and owing by
4 the person named in it at the time the impoundment occurred.

5 **Sec. 6.** RCW 46.61.625 and 1965 ex.s. c 155 s 73 are each amended
6 to read as follows:

7 (1) No person or persons shall occupy any trailer while it is being
8 moved upon a public highway, except a person occupying a proper
9 position for steering a trailer designed to be steered from a rear-end
10 position.

11 (2) No person or persons may occupy a vehicle while it is being
12 towed.

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