
SUBSTITUTE SENATE BILL 5685

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Long, Haugen, Wood, Kohl, Prince, Fraser, Owen, Schow, Sellar, Heavey, Rasmussen, Winsley and Sheldon)

Read first time 03/06/95.

1 AN ACT Relating to salvaged vehicles; amending RCW 46.12.310,
2 46.80.005, 46.80.010, 46.80.020, 46.80.040, 46.80.050, 46.80.060,
3 46.80.070, 46.80.080, 46.80.090, 46.80.100, 46.80.110, 46.80.130,
4 46.80.150, 46.80.160, 46.80.170, and 46.80.900; adding a new section to
5 chapter 46.12 RCW; adding new sections to chapter 46.80 RCW; repealing
6 RCW 46.80.055; and prescribing penalties.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.12 RCW
9 to read as follows:

10 It is a class C felony for a person to sell or convey a vehicle
11 certificate of ownership except in conjunction with the sale or
12 transfer of the vehicle for which the certificate was originally
13 issued.

14 **Sec. 2.** RCW 46.12.310 and 1975-'76 2nd ex.s. c 91 s 2 are each
15 amended to read as follows:

16 (1) Any vehicle, watercraft, camper, or any component part thereof,
17 from which the manufacturer's serial number or any other distinguishing
18 number or identification mark has been removed, defaced, covered,

1 altered, obliterated, or destroyed, (~~(there being reasonable grounds to~~
2 ~~believe that such was done for the purpose of concealing or~~
3 ~~misrepresenting identity, shall))~~ may be impounded and held by the
4 seizing law enforcement agency for the purpose of conducting an
5 investigation to determine the identity of the article or articles, and
6 to determine whether it had been reported stolen.

7 (2) Within five days of the impounding of any vehicle, watercraft,
8 camper, or component part thereof, the law enforcement agency seizing
9 the article or articles shall send written notice of such impoundment
10 by certified mail to all persons known to the agency as claiming an
11 interest in the article or articles. The seizing agency shall exercise
12 reasonable diligence in ascertaining the names and addresses of those
13 persons claiming an interest in the article or articles. Such notice
14 shall advise the person of the fact of seizure, the possible
15 disposition of the article or articles, the requirement of filing a
16 written claim requesting notification of potential disposition, and the
17 right of the person to request a hearing to establish a claim of
18 ownership. Within five days of receiving notice of other persons
19 claiming an interest in the article or articles, the seizing agency
20 shall send a like notice to each such person.

21 (3) If reported as stolen, the seizing law enforcement agency shall
22 promptly release such vehicle, watercraft, camper, or parts thereof as
23 have been stolen, to the person who is the lawful owner or the lawful
24 successor in interest, upon receiving proof that such person presently
25 owns or has a lawful right to the possession of the article or
26 articles.

27 **Sec. 3.** RCW 46.80.005 and 1977 ex.s. c 253 s 1 are each amended to
28 read as follows:

29 The legislature finds and declares that the distribution and sale
30 of vehicle parts in the state of Washington vitally affects the general
31 economy of the state and the public interest and the public welfare,
32 and that in order to promote the public interest and the public welfare
33 and in the exercise of its police power, it is necessary to regulate
34 and license (~~(motor)~~) vehicle wreckers and dismantlers, the buyers-for-
35 resale, and the sellers of second-hand vehicle components doing
36 business in Washington, in order to prevent the sale of stolen vehicle
37 parts, to prevent frauds, impositions, and other abuses, and to
38 preserve the investments and properties of the citizens of this state.

1 **Sec. 4.** RCW 46.80.010 and 1977 ex.s. c 253 s 2 are each amended to
2 read as follows:

3 The definitions set forth in this section apply throughout this
4 chapter.

5 (1) "~~((Motor))~~ Vehicle wrecker~~((,))~~" ~~((whenever used in this~~
6 ~~chapter, shall))~~ means every person, firm, partnership, association, or
7 corporation engaged in the business of buying, selling, or dealing in
8 vehicles of a type required to be licensed under the laws of this
9 state, for the purpose of wrecking, dismantling, disassembling, or
10 substantially changing the form of ~~((any motor))~~ a vehicle, or who buys
11 or sells integral second-hand parts of component material thereof, in
12 whole or in part, or who deals in second-hand ~~((motor))~~ vehicle parts.

13 (2) "Established place of business~~((,))~~" ~~((whenever used in this~~
14 ~~chapter, shall))~~ means a building or enclosure which the ~~((motor))~~
15 vehicle wrecker occupies either continuously or at regular periods and
16 where his books and records are kept and business is transacted and
17 which must conform with zoning regulations.

18 (3) "Major component part~~((, whenever used in this chapter,~~
19 ~~shall))~~ includes at least each of the following vehicle parts: (a)
20 Engines and short blocks; (b) frame; (c) transmission and/or transfer
21 case; (d) cab; (e) door; (f) front or rear differential; (g) front or
22 rear clip; (h) quarter panel; (i) truck bed or box; (j) seat; (k) hood;
23 ~~((and))~~ (l) bumper; (m) fender; and (n) airbag. The director may
24 supplement this list by rule.

25 (4) "Wrecked vehicle~~((, whenever used in this chapter, shall))~~
26 means a vehicle which is disassembled or dismantled or a vehicle which
27 is acquired with the intent to dismantle or disassemble and never again
28 to operate as a vehicle, or a vehicle which has sustained such damage
29 that its cost to repair exceeds the fair market value of a like vehicle
30 which has not sustained such damage, or a damaged vehicle whose salvage
31 value plus cost to repair equals or exceeds its fair market value, if
32 repaired, or a vehicle which has sustained such damage or deterioration
33 that it may not lawfully operate upon the highways of this state for
34 which the salvage value plus cost to repair exceeds its fair market
35 value, if repaired; further, it is presumed that a vehicle is a wreck
36 if it has sustained such damage or deterioration that it may not
37 lawfully operate upon the highways of this state.

1 **Sec. 5.** RCW 46.80.020 and 1979 c 158 s 192 are each amended to
2 read as follows:

3 It (~~shall be~~) is unlawful for (~~any motor vehicle wrecker, as~~
4 ~~defined herein,~~) a person to engage in the business of wrecking
5 (~~motor~~) vehicles (~~or trailers~~) without having first applied for and
6 received a license (~~from the department of licensing authorizing him~~
7 ~~so to do~~). A person or firm engaged in the unlawful activity is
8 guilty of a gross misdemeanor. A second or subsequent offense is a
9 class C felony.

10 **Sec. 6.** RCW 46.80.040 and 1971 ex.s. c 7 s 3 are each amended to
11 read as follows:

12 (~~Such~~) The application, together with a fee of twenty-five
13 dollars, and a surety bond as (~~hereinafter~~) provided in RCW
14 46.80.070, shall be forwarded to the department. Upon receipt of the
15 application the department shall, if the application (~~be~~) is in
16 order, issue a (~~motor~~) vehicle wrecker's license authorizing (~~him~~)
17 the wrecker to do business as such and forward the fee(~~, together with~~
18 ~~an itemized and detailed report,~~) to the state treasurer, to be
19 deposited in the motor vehicle fund. Upon receiving the certificate
20 the owner shall cause it to be prominently displayed in (~~his~~) the
21 place of business, where it may be inspected by an investigating
22 officer at any time.

23 **Sec. 7.** RCW 46.80.050 and 1985 c 109 s 7 are each amended to read
24 as follows:

25 A license issued on this application (~~shall~~) remains in force
26 until suspended or revoked and may be renewed annually upon
27 reapplication according to RCW 46.80.030 and upon payment of a fee of
28 ten dollars. (~~Any motor~~) A vehicle wrecker who fails or neglects to
29 renew (~~his~~) the license before the assigned expiration date shall
30 (~~be required to~~) pay the fee for an original (~~motor~~) vehicle
31 wrecker license as provided in this chapter.

32 Whenever a (~~motor~~) vehicle wrecker ceases to do business as such
33 or (~~his~~) the license has been suspended or revoked, (~~he~~) the
34 wrecker shall immediately surrender (~~such~~) the license to the
35 department.

1 **Sec. 8.** RCW 46.80.060 and 1961 c 12 s 46.80.060 are each amended
2 to read as follows:

3 (~~The motor vehicle wrecker shall obtain a special set of license~~
4 ~~plates in addition to the regular licenses and plates required for the~~
5 ~~operation of such vehicles which shall be displayed on vehicles owned~~
6 ~~and/or operated by him and used in the conduct of his business. The~~
7 ~~fee for these plates shall be five dollars for the original plates and~~
8 ~~two dollars for each additional set of plates bearing the same license~~
9 ~~number.)) All vehicles used for towing or transporting vehicles or
10 hulks on the highways of this state in the conduct of a vehicle wrecker
11 business must display the firm's name, city of address, and telephone
12 number. This information must be painted on or permanently affixed to
13 both sides of the vehicle in accordance with rules adopted by the
14 department.~~

15 **Sec. 9.** RCW 46.80.070 and 1977 ex.s. c 253 s 5 are each amended to
16 read as follows:

17 Before issuing a (~~motor~~) vehicle wrecker's license, the
18 department shall require the applicant to file with (~~said~~) the
19 department a surety bond in the amount of one thousand dollars, running
20 to the state of Washington and executed by a surety company authorized
21 to do business in the state of Washington. (~~Such~~) The bond shall be
22 approved as to form by the attorney general and conditioned (~~that~~
23 ~~such~~) upon the wrecker (~~shall conduct his~~) conducting the business
24 in conformity with the provisions of this chapter. Any person who
25 (~~shall have~~) has suffered any loss or damage by reason of fraud,
26 carelessness, neglect, violation of the terms of this chapter, or
27 misrepresentation on the part of the wrecking company, (~~shall have the~~
28 ~~right to~~) may institute an action for recovery against (~~such motor~~)
29 the vehicle wrecker and surety upon (~~such~~) the bond(~~(:—PROVIDED,~~
30 ~~That)~~). However, the aggregate liability of the surety to all persons
31 shall in no event exceed the amount of the bond.

32 **Sec. 10.** RCW 46.80.080 and 1977 ex.s. c 253 s 6 are each amended
33 to read as follows:

34 (1) Every (~~motor~~) vehicle wrecker shall maintain books or files
35 in which (~~he~~) the wrecker shall keep a record and a description of:
36 (a) Every vehicle wrecked, dismantled, disassembled, or
37 substantially altered by (~~him~~) the wrecker; and

1 (b) Every major component part acquired by ~~((him))~~ the wrecker;
2 together with a bill of sale signed by a seller whose identity has been
3 verified and the name and address of the person, firm, or corporation
4 from whom ~~((he))~~ the wrecker purchased the vehicle or part(~~(+~~
5 ~~PROVIDED, That))~~). Major component parts shall be further identified by
6 the vehicle identification number of the vehicle from which the part
7 came.

8 (2) ~~((Such))~~ The record shall also contain the following data
9 regarding the wrecked or acquired vehicle or vehicle ~~((which))~~ that is
10 the source of a major component part:

11 (a) The certificate of title number (if previously titled in this
12 or any other state);

13 (b) Name of state where last registered;

14 (c) Number of the last license number plate issued;

15 (d) Name of vehicle;

16 (e) Motor or identification number and serial number of the
17 vehicle;

18 (f) Date purchased;

19 (g) Disposition of the motor and chassis;

20 (h) Yard number assigned by the licensee to the vehicle or major
21 component part, which shall also appear on the identified vehicle or
22 part; and

23 (i) Such other information as the department may require.

24 (3) ~~((Such))~~ The records shall also contain a bill of sale signed
25 by the seller for other minor component parts acquired by the licensee,
26 identifying the seller by name, address, and date of sale.

27 (4) ~~((Such))~~ The records shall be maintained by the licensee at his
28 or her established place of business for a period of three years from
29 the date of acquisition.

30 (5) ~~((Such record shall be))~~ The record is subject to inspection at
31 all times during regular business hours by members of the police
32 department, sheriff's office, members of the Washington state patrol,
33 or officers or employees of the department.

34 (6) A ~~((motor))~~ vehicle wrecker shall also maintain a similar
35 record of all disabled vehicles that have been towed or transported to
36 the motor vehicle wrecker's place of business or to other places
37 designated by the owner of the vehicle or his or her representative.
38 This record shall specify the name and description of the vehicle, name

1 of owner, number of license plate, condition of the vehicle and place
2 to which it was towed or transported.

3 (7) Failure to comply with this section is a gross misdemeanor.

4 **Sec. 11.** RCW 46.80.090 and 1979 c 158 s 194 are each amended to
5 read as follows:

6 Within thirty days after acquiring a vehicle (~~((has been acquired by~~
7 ~~the motor vehicle wrecker it shall be the duty of such motor)),~~ the
8 vehicle wrecker (~~((to))~~) shall furnish a written report to the department
9 (~~((on forms furnished by the department))~~). This report shall be in such
10 form as the department shall prescribe and shall be accompanied by
11 (~~((the certificate of title, if the vehicle has been last registered in~~
12 ~~a state which issues a certificate, or a record of registration if~~
13 ~~registered in a state which does not issue a certificate of title))~~)
14 evidence of ownership as determined by the department. No (~~((motor))~~)
15 vehicle wrecker (~~((shall))~~) may acquire a vehicle without first obtaining
16 (~~((such record or title. It shall be the duty of the motor))~~) evidence
17 of ownership as determined by the department. The vehicle wrecker
18 (~~((to))~~) shall furnish a monthly report of all acquired vehicles
19 (~~((wrecked, dismantled, disassembled, or substantially changed in form~~
20 ~~by him))~~). This report shall be made on forms prescribed by the
21 department and contain such information as the department may require.
22 This statement shall be signed by the (~~((motor))~~) vehicle wrecker or
23 (~~((his))~~) an authorized representative and the facts therein sworn to
24 before a notary public, or before an officer or employee of the
25 department (~~((of licensing))~~) designated by the director to administer
26 oaths or acknowledge signatures, pursuant to RCW 46.01.180.

27 **Sec. 12.** RCW 46.80.100 and 1977 ex.s. c 253 s 8 are each amended
28 to read as follows:

29 If, after issuing a (~~((motor))~~) vehicle wrecker's license, the bond
30 is canceled by the surety in a method provided by law, the department
31 shall immediately notify the principal covered by (~~((such))~~) the bond
32 (~~((by registered mail))~~) and afford (~~((him))~~) the principal the opportunity
33 of obtaining another bond before the termination of the original (~~((and~~
34 ~~should such))~~). If the principal fails, neglects, or refuses to obtain
35 (~~((such))~~) a replacement, the director may cancel or suspend the
36 (~~((motor))~~) vehicle wrecker's license (~~((which has been issued to him~~
37 ~~under the provisions of this chapter))~~). Notice of cancellation of the

1 bond may be accomplished by sending a notice by first class mail using
2 the last known address in department records for the principal covered
3 by the bond and recording the transmittal on an affidavit of first
4 class mail.

5 **Sec. 13.** RCW 46.80.110 and 1989 c 337 s 17 are each amended to
6 read as follows:

7 (1) The director or a designee may, pursuant to the provisions of
8 chapter 34.05 RCW, by order deny, suspend, or revoke the license of
9 ~~((any motor))~~ a vehicle wrecker, or assess a civil fine of up to five
10 hundred dollars for each violation, if the director finds that the
11 applicant or licensee has:

12 ~~((+1))~~ (a) Acquired a vehicle or major component part other than
13 by first obtaining title or other documentation as provided by this
14 chapter;

15 ~~((+2))~~ (b) Willfully misrepresented the physical condition of any
16 motor or integral part of a ~~((motor))~~ vehicle;

17 ~~((+3))~~ (c) Sold, had in ~~((his))~~ the wrecker's possession, or
18 disposed of a ~~((motor))~~ vehicle ~~((or trailer))~~ or any part thereof when
19 he or she knows that ~~((such))~~ the vehicle or part has been stolen, or
20 appropriated without the consent of the owner;

21 ~~((+4))~~ (d) Sold, bought, received, concealed, had in ~~((his))~~ the
22 wrecker's possession, or disposed of a ~~((motor))~~ vehicle ~~((or trailer))~~
23 or part thereof having a missing, defaced, altered, or covered
24 manufacturer's identification number, unless approved by a law
25 enforcement officer;

26 ~~((+5))~~ (e) Committed forgery or misstated a material fact on any
27 title, registration, or other document covering a vehicle that has been
28 reassembled from parts obtained from the disassembling of other
29 vehicles;

30 ~~((+6))~~ (f) Committed any dishonest act or omission ~~((which))~~ that
31 the director has reason to believe has caused loss or serious
32 inconvenience as a result of a sale of a ~~((motor))~~ vehicle ~~((or~~
33 ~~trailer,))~~ or part thereof;

34 ~~((+7))~~ (g) Failed to comply with any of the provisions of this
35 chapter or with any of the rules adopted under it, or with any of the
36 provisions of Title 46 RCW relating to registration and certificates of
37 title of vehicles;

1 (~~(8)~~) (h) Procured a license fraudulently or dishonestly (~~(or~~
2 ~~that such license was erroneously issued)~~);

3 (~~(9)~~) (i) Been convicted of a crime that directly relates to the
4 business of a vehicle wrecker and the time elapsed since conviction is
5 less than ten years, or suffered any judgment within the preceding five
6 years in any civil action involving fraud, misrepresentation, or
7 conversion. For the purposes of this section, conviction means in
8 addition to a final conviction in either a federal, state, or municipal
9 court, an unvacated forfeiture of bail or collateral deposited to
10 secure a defendant's appearance in court, the payment of a fine, a plea
11 of guilty, or a finding of guilt regardless of whether the sentence is
12 deferred or the penalty is suspended.

13 (2) In addition to actions by the department under this section, it
14 is a gross misdemeanor to violate subsection (1) (a), (b), or (h) of
15 this section.

16 NEW SECTION. Sec. 14. A new section is added to chapter 46.80 RCW
17 to read as follows:

18 If a person whose vehicle wrecker license has previously been
19 canceled for cause by the department files an application for a license
20 to conduct business as a vehicle wrecker, or if the department is of
21 the opinion that the application is not filed in good faith or that the
22 application is filed by some person as a subterfuge for the real person
23 in interest whose license has previously been canceled for cause, the
24 department may refuse to issue the person a license to conduct business
25 as a vehicle wrecker.

26 Sec. 15. RCW 46.80.130 and 1971 ex.s. c 7 s 9 are each amended to
27 read as follows:

28 (1) It (~~(shall be)~~) is unlawful for (~~(any motor)~~) a vehicle wrecker
29 to keep (~~(any motor)~~) a vehicle or any integral part thereof in any
30 place other than the established place of business, designated in the
31 certificate issued by the department, without permission of the
32 department.

33 (2) All premises containing (~~(such motor)~~) vehicles or parts
34 thereof shall be enclosed by a wall or fence of such height as to
35 obscure the nature of the business carried on therein, except as
36 provided in subsection (3) of this section. To the extent reasonably
37 necessary or permitted by the topography of the land, the department

1 (~~shall have the right to~~) may establish specifications or standards
2 for (~~said~~) the fence or wall(~~(: PROVIDED, HOWEVER, That such)~~). The
3 wall or fence shall be painted or stained a neutral shade (~~which~~)
4 ~~shall~~) that blends in with the surrounding premises, and (~~that such~~)
5 the wall or fence must be kept in good repair. A living hedge of
6 sufficient density to prevent a view of the confined area may be
7 substituted for such a wall or fence. Any dead or dying portion of
8 (~~such~~) the hedge shall be replaced.

9 (3) Beginning July 1, 1996, vehicles and parts may be displayed
10 outside the fence or building only during business hours and only if
11 the display is not in conflict with applicable county or city
12 regulations.

13 (4) Violation of subsection (1) or (3) of this section is a gross
14 misdemeanor.

15 **Sec. 16.** RCW 46.80.150 and 1983 c 142 s 9 are each amended to read
16 as follows:

17 It shall be the duty of the chiefs of police, or the Washington
18 state patrol, in cities having a population of over five thousand
19 persons, and in all other cases the Washington state patrol, to make
20 periodic inspection of the (~~motor~~) vehicle wrecker's licensed
21 premises and records provided for in this chapter during normal
22 business hours, and furnish a certificate of inspection to the
23 department in such manner as may be determined by the department(~~(: PROVIDED, That the above inspection)~~). In any instance (~~can be made~~
24 ~~by~~), an authorized representative of the department may make the
25 inspection.

27 **Sec. 17.** RCW 46.80.160 and 1961 c 12 s 46.80.160 are each amended
28 to read as follows:

29 Any municipality or political subdivision of this state (~~which~~)
30 that now has or subsequently makes provision for the regulation of
31 (~~automobile~~) vehicle wreckers shall comply strictly with the
32 provisions of this chapter.

33 **Sec. 18.** RCW 46.80.170 and 1977 ex.s. c 253 s 11 are each amended
34 to read as follows:

35 (~~It shall be~~) Unless otherwise provided by law, it is a (~~gross~~)
36 misdemeanor for any person to violate any of the provisions of this

1 chapter or the rules (~~and regulations promulgated as provided~~)
2 adopted under this chapter(~~, and any person so convicted shall be~~
3 ~~punished by imprisonment for not less than thirty days or more than one~~
4 ~~year in jail or by a fine of one thousand dollars~~)).

5 NEW SECTION. Sec. 19. A new section is added to chapter 46.80 RCW
6 to read as follows:

7 (1) If it appears to the director that an unlicensed person has
8 engaged in an act or practice constituting a violation of this chapter,
9 or a rule adopted or an order issued under this chapter, the director
10 may issue an order directing the person to cease and desist from
11 continuing the act or practice. The director shall give the person
12 reasonable notice of and opportunity for a hearing. The director may
13 issue a temporary order pending a hearing. The temporary order remains
14 in effect until ten days after the hearing is held and becomes final if
15 the person to whom the notice is addressed does not request a hearing
16 within fifteen days after receipt of the notice.

17 (2) The director may assess a fine of up to one thousand dollars
18 with the final order for each act or practice constituting a violation
19 of this chapter.

20 NEW SECTION. Sec. 20. A new section is added to chapter 46.80 RCW
21 to read as follows:

22 The department of licensing or its authorized agent may examine or
23 subpoena any persons, books, papers, records, data, vehicles, or
24 vehicle parts bearing upon the investigation or proceeding under this
25 chapter.

26 The persons subpoenaed may be required to testify and produce any
27 books, papers, records, data, vehicles, or vehicle parts that the
28 director deems relevant or material to the inquiry.

29 The director or an authorized agent may administer an oath to the
30 person required to testify, and a person giving false testimony after
31 the administration of the oath is guilty of perjury in the first
32 degree.

33 A court of competent jurisdiction may, upon application by the
34 director, issue to a person who fails to comply, an order to appear
35 before the director or officer designated by the director, to produce
36 documentary or other evidence touching the matter under investigation
37 or in question.

1 **Sec. 21.** RCW 46.80.900 and 1977 ex.s. c 253 s 13 are each amended
2 to read as follows:

3 The provisions of this chapter shall be liberally construed to the
4 end that traffic in stolen vehicle parts may be prevented, and
5 irresponsible, unreliable, or dishonest persons may be prevented from
6 engaging in the business of wrecking (~~motor~~) vehicles or selling used
7 vehicle parts in this state and reliable persons may be encouraged to
8 engage in businesses of wrecking or reselling vehicle parts in this
9 state.

10 NEW SECTION. **Sec. 22.** RCW 46.80.055 and 1985 c 109 s 8 are each
11 repealed.

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