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HOUSE BILL 1964

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State of Washington

55th Legislature

1997 Regular Session

By Representative Boldt

Read first time 02/17/97. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to responsibility of registered owners for stolen  
2 or impounded vehicles; amending RCW 46.55.105 and 46.55.110; and  
3 providing an effective date.

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

5 **Sec. 1.** RCW 46.55.105 and 1995 c 219 s 4 are each amended to read  
6 as follows:

7 (1) The abandonment of any vehicle creates a prima facie  
8 presumption that the last registered owner of record is responsible for  
9 the abandonment and is liable for costs incurred in removing, storing,  
10 and disposing of the abandoned vehicle, less amounts realized at  
11 auction.

12 (2) If an unauthorized vehicle is found abandoned under subsection  
13 (1) of this section and removed at the direction of law enforcement,  
14 the last registered owner of record is guilty of a traffic infraction,  
15 unless the vehicle is redeemed as provided in RCW 46.55.120 or the  
16 vehicle has been stolen. In addition to any other monetary penalty  
17 payable under chapter 46.63 RCW, the court shall not consider all  
18 monetary penalties as having been paid until the court is satisfied  
19 that the person found to have committed the infraction has made

1 restitution in the amount of the deficiency remaining after disposal of  
2 the vehicle under RCW 46.55.140.

3 (3) Filing a report of sale or transfer regarding the vehicle  
4 involved in accordance with RCW 46.12.101(1) or a vehicle theft report  
5 filed with a law enforcement agency relieves the last registered owner  
6 of liability under subsections (1) and (2) of this section.

7 (4) For the purposes of reporting notices of traffic infraction to  
8 the department under RCW 46.20.270 and 46.52.100, and for purposes of  
9 reporting notices of failure to appear, respond, or comply regarding a  
10 notice of traffic infraction to the department under RCW 46.63.070(5),  
11 a traffic infraction under subsection (2) of this section is not  
12 considered to be a standing, stopping, or parking violation.

13 (5) A notice of infraction for a violation of this section may be  
14 filed with a court of limited jurisdiction organized under Title 3, 35,  
15 or 35A RCW, or with a violations bureau subject to the court's  
16 jurisdiction.

17 **Sec. 2.** RCW 46.55.110 and 1995 c 360 s 6 are each amended to read  
18 as follows:

19 (1) When an unauthorized vehicle is impounded, the impounding  
20 towing operator shall notify the legal and registered owners of the  
21 impoundment of the unauthorized vehicle and the owners of any other  
22 items of personal property registered or titled with the department.  
23 The notification shall be sent by (~~first-class~~) certified mail, with  
24 return receipt, within twenty-four hours after the impoundment to the  
25 last known registered and legal owners of the vehicle, and the owners  
26 of any other items of personal property registered or titled with the  
27 department, as provided by the law enforcement agency, and shall inform  
28 the owners of the identity of the person or agency authorizing the  
29 impound. The notification shall include the name of the impounding tow  
30 firm, its address, and telephone number. The notice shall also include  
31 the location, time of the impound, and by whose authority the vehicle  
32 was impounded. The notice shall also include the written notice of the  
33 right of redemption and opportunity for a hearing to contest the  
34 validity of the impoundment pursuant to RCW 46.55.120. Storage costs  
35 are limited to ten dollars per day until the registered owner of the  
36 vehicle receives the impoundment notification as verified by the signed  
37 postal return receipt.

1           (2) In the case of an abandoned vehicle, or other item of personal  
2 property registered or titled with the department, within twenty-four  
3 hours after receiving information on the owners from the department  
4 through the abandoned vehicle report, the tow truck operator shall send  
5 by certified mail, with return receipt requested, a notice of custody  
6 and sale to the legal and registered owners. Storage costs are limited  
7 to ten dollars per day until the registered owner of the vehicle  
8 receives the impoundment notification as verified by the signed postal  
9 return receipt.

10           (3) No notices need be sent to the legal or registered owners of an  
11 impounded vehicle or other item of personal property registered or  
12 titled with the department, if the vehicle or personal property has  
13 been redeemed.

14           NEW SECTION.   **Sec. 3.**   This act takes effect August 1, 1997.

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