
SUBSTITUTE SENATE BILL 5569

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Haugen and Benton)

READ FIRST TIME 02/12/2002.

1 AN ACT Relating to registered tow truck operators; and amending RCW
2 46.55.075, 46.55.110, 46.55.120, and 46.61.570.

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

4 **Sec. 1.** RCW 46.55.075 and 1999 c 398 s 3 are each amended to read
5 as follows:

6 The Washington state patrol shall provide by rule for a uniform
7 impound authorization and inventory form. All law enforcement agencies
8 must use this form for all vehicle impounds after June 30, 2001.

9 The Washington state patrol, in consultation with the administrator
10 for the courts, shall provide by rule a uniform release form to be used
11 by courts or agencies authorizing release of property from suspended
12 license impounds under RCW 46.55.120(1)(e). This form must be used to
13 order the release of all vehicles held in suspended license impounds
14 after October 1, 2002.

15 **Sec. 2.** RCW 46.55.110 and 1999 c 398 s 6 are each amended to read
16 as follows:

17 (1) When an unauthorized vehicle is impounded, the impounding
18 towing operator shall notify the legal and registered owners of the

1 impoundment of the unauthorized vehicle and the owners of any other
2 items of personal property registered or titled with the department.
3 The notification shall be sent by first-class mail within twenty-four
4 hours after the impoundment to the last known registered and legal
5 owners of the vehicle, and the owners of any other items of personal
6 property registered or titled with the department, as provided by the
7 law enforcement agency, and shall inform the owners of the identity of
8 the person or agency authorizing the impound. The notification shall
9 include the name of the impounding tow firm, its address, and telephone
10 number. The notice shall also include the location, time of the
11 impound, and by whose authority the vehicle was impounded. The notice
12 shall also include the written notice of the right of redemption and
13 opportunity for a hearing to contest the validity of the impoundment
14 pursuant to RCW 46.55.120.

15 (2) In addition, if a suspended license impound has been ordered,
16 the notice must state the length of the impound, the requirement of the
17 posting of a security deposit to ensure payment of the costs of
18 removal, towing, and storage, notification that if the security deposit
19 is not posted the vehicle will immediately be processed and sold at
20 auction as an abandoned vehicle, and the requirements set out in RCW
21 46.55.120(1)((~~b~~)) (e) regarding the payment of the costs of removal,
22 towing, and storage as well as providing proof of satisfaction of any
23 penalties, fines, or forfeitures before redemption. The notice must
24 also state that the registered owner is ineligible to purchase the
25 vehicle at the abandoned vehicle auction, if held.

26 (3) In the case of an abandoned vehicle, or other item of personal
27 property registered or titled with the department, within twenty-four
28 hours after receiving information on the owners from the department
29 through the abandoned vehicle report, the tow truck operator shall send
30 by certified mail, with return receipt requested, a notice of custody
31 and sale to the legal and registered owners.

32 (4) If the date on which a notice required by subsection (3) of
33 this section is to be mailed falls upon a Saturday, Sunday, or a postal
34 holiday, the notice may be mailed on the next day that is neither a
35 Saturday, Sunday, nor a postal holiday.

36 (5) No notices need be sent to the legal or registered owners of an
37 impounded vehicle or other item of personal property registered or
38 titled with the department, if the vehicle or personal property has
39 been redeemed.

1 **Sec. 3.** RCW 46.55.120 and 2000 c 193 s 1 are each amended to read
2 as follows:

3 (1) Vehicles or other items of personal property registered or
4 titled with the department that are impounded by registered tow truck
5 operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140
6 may be redeemed only under the following circumstances:

7 (a) Only the legal owner, the registered owner, a person authorized
8 in writing by the registered owner or the vehicle's insurer, a person
9 who is determined and verified by the operator to have the permission
10 of the registered owner of the vehicle or other item of personal
11 property registered or titled with the department, or one who has
12 purchased a vehicle or item of personal property registered or titled
13 with the department from the registered owner who produces proof of
14 ownership or written authorization and signs a receipt therefor, may
15 redeem an impounded vehicle or items of personal property registered or
16 titled with the department. In addition, a vehicle impounded because
17 the operator is in violation of RCW 46.20.342(1)(c) shall not be
18 released until a person eligible to redeem it under this subsection
19 (1)(a) satisfies the requirements of (e) of this subsection, including
20 paying all towing, removal, and storage fees, notwithstanding the fact
21 that the hold was ordered by a government agency. If the department's
22 records show that the operator has been convicted of a violation of RCW
23 46.20.342 or a similar local ordinance within the past five years, the
24 vehicle may be held for up to thirty days at the written direction of
25 the agency ordering the vehicle impounded. A vehicle impounded because
26 the operator is arrested for a violation of RCW 46.20.342 may be
27 released only pursuant to a written order from the agency that ordered
28 the vehicle impounded or from the court having jurisdiction. An agency
29 may issue a written order to release pursuant to a provision of an
30 applicable state agency rule or local ordinance authorizing release on
31 the basis of economic or personal hardship to the spouse of the
32 operator, taking into consideration public safety factors, including
33 the operator's criminal history and driving record.

34 If a vehicle is impounded because the operator is in violation of
35 RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty
36 days at the written direction of the agency ordering the vehicle
37 impounded. However, if the department's records show that the operator
38 has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a
39 similar local ordinance within the past five years, the vehicle may be

1 held at the written direction of the agency ordering the vehicle
2 impounded for up to sixty days, and for up to ninety days if the
3 operator has two or more such prior offenses. If a vehicle is
4 impounded because the operator is arrested for a violation of RCW
5 46.20.342, the vehicle may not be released until a person eligible to
6 redeem it under this subsection (1)(a) satisfies the requirements of
7 (e) of this subsection, including paying all towing, removal, and
8 storage fees, notwithstanding the fact that the hold was ordered by a
9 government agency.

10 (b) If the vehicle is directed to be held for a suspended license
11 impound, a person who desires to redeem the vehicle at the end of the
12 period of impound shall within five days of the impound at the request
13 of the tow truck operator pay a security deposit to the tow truck
14 operator of not more than one-half of the applicable impound storage
15 rate for each day of the proposed suspended license impound. The tow
16 truck operator shall credit this amount against the final bill for
17 removal, towing, and storage upon redemption. The tow truck operator
18 may accept other sufficient security in lieu of the security deposit.
19 If the person desiring to redeem the vehicle does not pay the security
20 deposit or provide other security acceptable to the tow truck operator,
21 the tow truck operator may process and sell at auction the vehicle as
22 an abandoned vehicle within the normal time limits set out in RCW
23 46.55.130(1). The security deposit required by this section may be
24 paid and must be accepted at any time up to twenty-four hours before
25 the beginning of the auction to sell the vehicle as abandoned. The
26 registered owner is not eligible to purchase the vehicle at the
27 auction, and the tow truck operator shall sell the vehicle to the
28 highest bidder who is not the registered owner.

29 (c) Notwithstanding (b) of this subsection, a rental car business
30 may immediately redeem a rental vehicle it owns by payment of the costs
31 of removal, towing, and storage, whereupon the vehicle will not be held
32 for a suspended license impound.

33 (d) Notwithstanding (b) of this subsection, a motor vehicle dealer
34 or lender with a perfected security interest in the vehicle may redeem
35 or lawfully repossess a vehicle immediately by payment of the costs of
36 removal, towing, and storage, whereupon the vehicle will not be held
37 for a suspended license impound. A motor vehicle dealer or lender with
38 a perfected security interest in the vehicle may not knowingly and
39 intentionally engage in collusion with a registered owner to repossess

1 and then return or resell a vehicle to the registered owner in an
2 attempt to avoid a suspended license impound. However, this provision
3 does not preclude a vehicle dealer or a lender with a perfected
4 security interest in the vehicle from repossessing the vehicle and then
5 selling, leasing, or otherwise disposing of it in accordance with
6 chapter 62A.9A RCW, including providing redemption rights to the debtor
7 under RCW ((62A.9-506)) 62A.9A-623. If the debtor is the registered
8 owner of the vehicle, the debtor's right to redeem the vehicle under
9 chapter 62A.9A RCW is conditioned upon the debtor obtaining and
10 providing proof from the impounding authority or court having
11 jurisdiction that any fines, penalties, and forfeitures owed by the
12 registered owner, as a result of the suspended license impound, have
13 been paid, and proof of the payment must be tendered to the vehicle
14 dealer or lender at the time the debtor tenders all other obligations
15 required to redeem the vehicle. Vehicle dealers or lenders are not
16 liable for damages if they rely in good faith on an order from the
17 impounding agency or a court in releasing a vehicle held under a
18 suspended license impound.

19 (e) The vehicle or other item of personal property registered or
20 titled with the department shall be released upon the presentation to
21 any person having custody of the vehicle of commercially reasonable
22 tender sufficient to cover the costs of towing, storage, or other
23 services rendered during the course of towing, removing, impounding, or
24 storing any such vehicle, with credit being given for the amount of any
25 security deposit paid under (b) of this subsection. In addition, if a
26 vehicle is impounded because the operator was arrested for a violation
27 of RCW 46.20.342 or 46.20.345 and was being operated by the registered
28 owner when it was impounded under local ordinance or agency rule, it
29 must not be released to any person until the registered owner
30 establishes with the agency that ordered the vehicle impounded or the
31 court having jurisdiction that any penalties, fines, or forfeitures
32 owed by him or her have been satisfied. Registered tow truck operators
33 are not liable for damages if they rely in good faith on an order from
34 the impounding agency or a court in releasing a vehicle held under a
35 suspended license impound. Commercially reasonable tender shall
36 include, without limitation, cash, major bank credit cards issued by
37 financial institutions, or personal checks drawn on Washington state
38 branches of financial institutions if accompanied by two pieces of
39 valid identification, one of which may be required by the operator to

1 have a photograph. If the towing firm cannot determine through the
2 customer's bank or a check verification service that the presented
3 check would be paid by the bank or guaranteed by the service, the
4 towing firm may refuse to accept the check. Any person who stops
5 payment on a personal check or credit card, or does not make
6 restitution within ten days from the date a check becomes insufficient
7 due to lack of funds, to a towing firm that has provided a service
8 pursuant to this section or in any other manner defrauds the towing
9 firm in connection with services rendered pursuant to this section
10 shall be liable for damages in the amount of twice the towing and
11 storage fees, plus costs and reasonable attorney's fees.

12 (2)(a) The registered tow truck operator shall give to each person
13 who seeks to redeem an impounded vehicle, or item of personal property
14 registered or titled with the department, written notice of the right
15 of redemption and opportunity for a hearing, which notice shall be
16 accompanied by a form to be used for requesting a hearing, the name of
17 the person or agency authorizing the impound, and a copy of the towing
18 and storage invoice. The registered tow truck operator shall maintain
19 a record evidenced by the redeeming person's signature that such
20 notification was provided.

21 (b) Any person seeking to redeem an impounded vehicle under this
22 section has a right to a hearing in the district or municipal court for
23 the jurisdiction in which the vehicle was impounded to contest the
24 validity of the impoundment or the amount of towing and storage
25 charges. The district court has jurisdiction to determine the issues
26 involving all impoundments including those authorized by the state or
27 its agents. The municipal court has jurisdiction to determine the
28 issues involving impoundments authorized by agents of the municipality.
29 Any request for a hearing shall be made in writing on the form provided
30 for that purpose and must be received by the appropriate court within
31 ten days of the date the opportunity was provided for in subsection
32 (2)(a) of this section and more than five days before the date of the
33 auction. At the time of the filing of the hearing request, the
34 petitioner shall pay to the court clerk a filing fee in the same amount
35 required for the filing of a suit in district court. If the hearing
36 request is not received by the court within the ten-day period, the
37 right to a hearing is waived and the registered owner is liable for any
38 towing, storage, or other impoundment charges permitted under this

1 chapter. Upon receipt of a timely hearing request, the court shall
2 proceed to hear and determine the validity of the impoundment.

3 (3)(a) The court, within five days after the request for a hearing,
4 shall notify the registered tow truck operator, the person requesting
5 the hearing if not the owner, the registered and legal owners of the
6 vehicle or other item of personal property registered or titled with
7 the department, and the person or agency authorizing the impound in
8 writing of the hearing date and time.

9 (b) At the hearing, the person or persons requesting the hearing
10 may produce any relevant evidence to show that the impoundment, towing,
11 or storage fees charged were not proper. The court may consider a
12 written report made under oath by the officer who authorized the
13 impoundment in lieu of the officer's personal appearance at the
14 hearing.

15 (c) At the conclusion of the hearing, the court shall determine
16 whether the impoundment was proper, whether the towing or storage fees
17 charged were in compliance with the posted rates, and who is
18 responsible for payment of the fees. The court may not adjust fees or
19 charges that are in compliance with the posted or contracted rates.

20 (d) If the impoundment is found proper, the impoundment, towing,
21 and storage fees as permitted under this chapter together with court
22 costs shall be assessed against the person or persons requesting the
23 hearing, unless the operator did not have a signed and valid
24 impoundment authorization from a private property owner or an
25 authorized agent.

26 (e) If the impoundment is determined to be in violation of this
27 chapter, then the registered and legal owners of the vehicle or other
28 item of personal property registered or titled with the department
29 shall bear no impoundment, towing, or storage fees, and any security
30 shall be returned or discharged as appropriate, and the person or
31 agency who authorized the impoundment shall be liable for any towing,
32 storage, or other impoundment fees permitted under this chapter. The
33 court shall enter judgment in favor of the registered tow truck
34 operator against the person or agency authorizing the impound for the
35 impoundment, towing, and storage fees paid. In addition, the court
36 shall enter judgment in favor of the registered and legal owners of the
37 vehicle, or other item of personal property registered or titled with
38 the department, for the amount of the filing fee required by law for
39 the impound hearing petition as well as reasonable damages for loss of

1 the use of the vehicle during the time the same was impounded, for not
2 less than fifty dollars per day, against the person or agency
3 authorizing the impound. However, if an impoundment arising from an
4 alleged violation of RCW 46.20.342 or 46.20.345 is determined to be in
5 violation of this chapter, then the law enforcement officer directing
6 the impoundment and the government employing the officer are not liable
7 for damages if the officer relied in good faith and without gross
8 negligence on the records of the department in ascertaining that the
9 operator of the vehicle had a suspended or revoked driver's license.
10 If any judgment entered is not paid within fifteen days of notice in
11 writing of its entry, the court shall award reasonable attorneys' fees
12 and costs against the defendant in any action to enforce the judgment.
13 Notice of entry of judgment may be made by registered or certified
14 mail, and proof of mailing may be made by affidavit of the party
15 mailing the notice. Notice of the entry of the judgment shall read
16 essentially as follows:

17 TO:
18 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the
19 Court located at in the sum of
20 \$., in an action entitled, Case No.
21 YOU ARE FURTHER NOTIFIED that attorneys fees and costs
22 will be awarded against you under RCW . . . if the judgment is
23 not paid within 15 days of the date of this notice.
24 DATED this day of, (year) . . .
25 Signature
26 Typed name and address
27 of party mailing notice

28 (f) If the court determines that the impoundment is in violation of
29 law and the person or agency authorizing the impound appeals the
30 decision, the person or agency authorizing the impound shall still pay
31 all towing, storage, or other impoundment fees permitted under this
32 chapter to the registered tow truck operator within fifteen days of
33 notice of judgment or be required to pay reasonable attorneys' fees and
34 costs. However, the registered tow truck operator shall execute an
35 assignment of any interest in the claim against the registered owner to
36 the person or agency authorizing the impound in exchange for the
37 payment.

1 (4) Any impounded abandoned vehicle or item of personal property
2 registered or titled with the department that is not redeemed within
3 fifteen days of mailing of the notice of custody and sale as required
4 by RCW 46.55.110(3) shall be sold at public auction in accordance with
5 all the provisions and subject to all the conditions of RCW 46.55.130.
6 A vehicle or item of personal property registered or titled with the
7 department may be redeemed at any time before the start of the auction
8 upon payment of the applicable towing and storage fees.

9 **Sec. 4.** RCW 46.61.570 and 1977 ex.s. c 151 s 40 are each amended
10 to read as follows:

11 (1) Except when necessary to avoid conflict with other traffic, or
12 in compliance with law or the directions of a police officer or
13 official traffic control device, no person shall:

14 (a) Stop, stand, or park a vehicle:

15 (i) On the roadway side of any vehicle stopped or parked at the
16 edge or curb of a street;

17 (ii) On a sidewalk or street planting strip;

18 (iii) Within an intersection;

19 (iv) On a crosswalk;

20 (v) Between a safety zone and the adjacent curb or within thirty
21 feet of points on the curb immediately opposite the ends of a safety
22 zone, unless official signs or markings indicate a different no-parking
23 area opposite the ends of a safety zone;

24 (vi) Alongside or opposite any street excavation or obstruction
25 when stopping, standing, or parking would obstruct traffic;

26 (vii) Upon any bridge or other elevated structure upon a highway or
27 within a highway tunnel;

28 (viii) On any railroad tracks;

29 (ix) In the area between roadways of a divided highway including
30 crossovers; or

31 (x) At any place where official signs prohibit stopping.

32 (b) Stand or park a vehicle, whether occupied or not, except
33 momentarily to pick up or discharge a passenger or passengers:

34 (i) In front of a public or private driveway or within five feet of
35 the end of the curb radius leading thereto;

36 (ii) Within fifteen feet of a fire hydrant;

37 (iii) Within twenty feet of a crosswalk;

1 (iv) Within thirty feet upon the approach to any flashing signal,
2 stop sign, yield sign, or traffic control signal located at the side of
3 a roadway;

4 (v) Within twenty feet of the driveway entrance to any fire station
5 and on the side of a street opposite the entrance to any fire station
6 within seventy-five feet of said entrance when properly signposted; or

7 (vi) At any place where official signs prohibit standing.

8 (c) Park a vehicle, whether occupied or not, except temporarily for
9 the purpose of and while actually engaged in loading or unloading
10 property or passengers:

11 (i) Within fifty feet of the nearest rail of a railroad crossing;
12 or

13 (ii) At any place where official signs prohibit parking.

14 (2) Parking or standing shall be permitted in the manner provided
15 by law at all other places except a time limit may be imposed or
16 parking restricted at other places but such limitation and restriction
17 shall be by city ordinance or county resolution or order of the
18 secretary of transportation upon highways under their respective
19 jurisdictions.

20 (3) No person shall move a vehicle not lawfully under his or her
21 control into any such prohibited area or away from a curb such a
22 distance as is unlawful.

23 (4) It shall be unlawful for any person to reserve or attempt to
24 reserve any portion of a highway for the purpose of stopping, standing,
25 or parking to the exclusion of any other like person, nor shall any
26 person be granted such right.

27 (5) This section does not apply to a registered tow truck operator
28 engaged in the impoundment of a vehicle, the recovery or removal of an
29 abandoned or disabled vehicle, or performing emergency service on a
30 vehicle, when the stopping, standing, or parking is reasonably
31 necessary and for only a time as is reasonably necessary.

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