
SENATE BILL 5569

State of Washington

57th Legislature

2001 Regular Session

By Senators Haugen and Benton

Read first time 01/26/2001. Referred to Committee on Transportation.

1 AN ACT Relating to registered tow truck operators; and amending RCW
2 46.44.015, 46.55.075, 46.55.100, 46.55.120, and 46.61.570.

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

4 **Sec. 1.** RCW 46.44.015 and 1991 c 276 s 1 are each amended to read
5 as follows:

6 The limitations of RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034,
7 46.44.041, 46.44.042, 46.44.050, and 46.44.080 do not apply to the
8 movement of a tow truck, as defined in RCW 46.55.010, if the tow truck
9 is performing the initial tow truck service, as defined in RCW
10 46.55.010, regardless of the destination, for a vehicle disabled on the
11 public streets and highways of this state: PROVIDED, That an
12 overweight permit has been obtained by the tow truck operator with such
13 permit being available on a twenty-four hour basis by telephone.

14 The department shall establish by rule by January 1, 2002, a system
15 of annual overweight permits for registered tow truck operators.

16 **Sec. 2.** RCW 46.55.075 and 1999 c 398 s 3 are each amended to read
17 as follows:

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

4 The Washington state patrol, in consultation with the administrator
5 for the courts, shall provide by rule a uniform release form to be used
6 by courts or agencies authorizing release of property from suspended
7 license impounds under RCW 46.55.120(1)(e). This form must be used to
8 order the release of all vehicles held in suspended license impounds
9 after October 1, 2001.

10 **Sec. 3.** RCW 46.55.100 and 1999 c 398 s 5 are each amended to read
11 as follows:

12 (1) At the time of impoundment the registered tow truck operator
13 providing the towing service shall give immediate notification, by
14 telephone or radio, to a law enforcement agency having jurisdiction who
15 shall maintain a log of such reports. A law enforcement agency, or a
16 private communication center acting on behalf of a law enforcement
17 agency, shall within six to twelve hours of the impoundment, provide to
18 a requesting operator the name and address of the legal and registered
19 owners of the vehicle, and the registered owner of any personal
20 property registered or titled with the department that is attached to
21 or contained in or on the impounded vehicle, the vehicle identification
22 number, and any other necessary, pertinent information. The initial
23 notice of impoundment shall be followed by a written or electronic
24 facsimile notice within twenty-four hours. In the case of a vehicle
25 from another state, time requirements of this subsection do not apply
26 until the requesting law enforcement agency in this state receives the
27 information.

28 (2) The operator shall immediately send an abandoned vehicle report
29 to the department for any vehicle, and for any items of personal
30 property registered or titled with the department, that are in the
31 operator's possession after the one hundred twenty hour abandonment
32 period. Such report need not be sent when the impoundment is pursuant
33 to a writ, court order, or police hold that is not a suspended license
34 impound. The owner notification and abandonment process shall be
35 initiated by the registered tow truck operator immediately following
36 notification by a court or law enforcement officer that the writ, court
37 order, or police hold that is not a suspended license impound is no
38 longer in effect.

1 (3) Following the submittal of an abandoned vehicle report, the
2 department shall provide the registered tow truck operator with owner
3 information within seventy-two hours.

4 (4) Within fourteen days of the sale of an abandoned vehicle at
5 public auction, the towing operator shall send a copy of the abandoned
6 vehicle report showing the disposition of the abandoned vehicle and any
7 other items of personal property registered or titled with the
8 department to the (~~crime information center of the Washington state~~
9 ~~patrol~~) vehicle sales desk of the department for recording.

10 (5) If the operator sends an abandoned vehicle report to the
11 department and the department finds no owner information, an operator
12 may proceed with an inspection of the vehicle and any other items of
13 personal property registered or titled with the department to determine
14 whether owner identification is within the vehicle.

15 (6) If the operator finds no owner identification, the operator
16 shall immediately notify the appropriate law enforcement agency, which
17 shall search the vehicle and any other items of personal property
18 registered or titled with the department for the vehicle identification
19 number or other appropriate identification numbers and check the
20 necessary records to determine the vehicle's or other property's
21 owners.

22 **Sec. 4.** RCW 46.55.120 and 2000 c 193 s 1 are each amended to read
23 as follows:

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

28 (a) Only the legal owner, the registered owner, a person authorized
29 in writing by the registered owner or the vehicle's insurer, a person
30 who is determined and verified by the operator to have the permission
31 of the registered owner of the vehicle or other item of personal
32 property registered or titled with the department, or one who has
33 purchased a vehicle or item of personal property registered or titled
34 with the department from the registered owner who produces proof of
35 ownership or written authorization and signs a receipt therefor, may
36 redeem an impounded vehicle or items of personal property registered or
37 titled with the department. In addition, a vehicle impounded because
38 the operator is in violation of RCW 46.20.342(1)(c) shall not be

1 released until a person eligible to redeem it under this subsection
2 (1)(a) satisfies the requirements of (e) of this subsection, including
3 paying all towing, removal, and storage fees, notwithstanding the fact
4 that the hold was ordered by a government agency. If the department's
5 records show that the operator has been convicted of a violation of RCW
6 46.20.342 or a similar local ordinance within the past five years, the
7 vehicle may be held for up to thirty days at the written direction of
8 the agency ordering the vehicle impounded. A vehicle impounded because
9 the operator is arrested for a violation of RCW 46.20.342 may be
10 released only pursuant to a written order from the agency that ordered
11 the vehicle impounded or from the court having jurisdiction. An agency
12 may issue a written order to release pursuant to a provision of an
13 applicable state agency rule or local ordinance authorizing release on
14 the basis of economic or personal hardship to the spouse of the
15 operator, taking into consideration public safety factors, including
16 the operator's criminal history and driving record.

17 If a vehicle is impounded because the operator is in violation of
18 RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty
19 days at the written direction of the agency ordering the vehicle
20 impounded. However, if the department's records show that the operator
21 has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a
22 similar local ordinance within the past five years, the vehicle may be
23 held at the written direction of the agency ordering the vehicle
24 impounded for up to sixty days, and for up to ninety days if the
25 operator has two or more such prior offenses. If a vehicle is
26 impounded because the operator is arrested for a violation of RCW
27 46.20.342, the vehicle may not be released until a person eligible to
28 redeem it under this subsection (1)(a) satisfies the requirements of
29 (e) of this subsection, including paying all towing, removal, and
30 storage fees, notwithstanding the fact that the hold was ordered by a
31 government agency.

32 (b) If the vehicle is directed to be held for a suspended license
33 impound, a person who desires to redeem the vehicle at the end of the
34 period of impound shall within five days of the impound at the request
35 of the tow truck operator pay a security deposit to the tow truck
36 operator of not more than one-half of the applicable impound storage
37 rate for each day of the proposed suspended license impound. The tow
38 truck operator shall credit this amount against the final bill for
39 removal, towing, and storage upon redemption. The tow truck operator

1 may accept other sufficient security in lieu of the security deposit.
2 If the person desiring to redeem the vehicle does not pay the security
3 deposit or provide other security acceptable to the tow truck operator,
4 the tow truck operator may process and sell at auction the vehicle as
5 an abandoned vehicle within the normal time limits set out in RCW
6 46.55.130(1). The security deposit required by this section may be
7 paid and must be accepted at any time up to twenty-four hours before
8 the beginning of the auction to sell the vehicle as abandoned. The
9 registered owner is not eligible to purchase the vehicle at the
10 auction, and the tow truck operator shall sell the vehicle to the
11 highest bidder who is not the registered owner.

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

16 (d) Notwithstanding (b) of this subsection, a motor vehicle dealer
17 or lender with a perfected security interest in the vehicle may redeem
18 or lawfully repossess a vehicle immediately by payment of the costs of
19 removal, towing, and storage, whereupon the vehicle will not be held
20 for a suspended license impound. A motor vehicle dealer or lender with
21 a perfected security interest in the vehicle may not knowingly and
22 intentionally engage in collusion with a registered owner to repossess
23 and then return or resell a vehicle to the registered owner in an
24 attempt to avoid a suspended license impound. However, this provision
25 does not preclude a vehicle dealer or a lender with a perfected
26 security interest in the vehicle from repossessing the vehicle and then
27 selling, leasing, or otherwise disposing of it in accordance with
28 chapter 62A.9A RCW, including providing redemption rights to the debtor
29 under RCW ((~~62A.9-506~~) 62A.9A-623). If the debtor is the registered
30 owner of the vehicle, the debtor's right to redeem the vehicle under
31 chapter 62A.9A RCW is conditioned upon the debtor obtaining and
32 providing proof from the impounding authority or court having
33 jurisdiction that any fines, penalties, and forfeitures owed by the
34 registered owner, as a result of the suspended license impound, have
35 been paid, and proof of the payment must be tendered to the vehicle
36 dealer or lender at the time the debtor tenders all other obligations
37 required to redeem the vehicle. Vehicle dealers or lenders are not
38 liable for damages if they rely in good faith on an order from the

1 impounding agency or a court in releasing a vehicle held under a
2 suspended license impound.

3 (e) The vehicle or other item of personal property registered or
4 titled with the department shall be released upon the presentation to
5 any person having custody of the vehicle of commercially reasonable
6 tender sufficient to cover the costs of towing, storage, or other
7 services rendered during the course of towing, removing, impounding, or
8 storing any such vehicle, with credit being given for the amount of any
9 security deposit paid under (b) of this subsection. In addition, if a
10 vehicle is impounded because the operator was arrested for a violation
11 of RCW 46.20.342 or 46.20.345 and was being operated by the registered
12 owner when it was impounded under local ordinance or agency rule, it
13 must not be released to any person until the registered owner
14 establishes with the agency that ordered the vehicle impounded or the
15 court having jurisdiction that any penalties, fines, or forfeitures
16 owed by him or her have been satisfied. Registered tow truck operators
17 are not liable for damages if they rely in good faith on an order from
18 the impounding agency or a court in releasing a vehicle held under a
19 suspended license impound. Commercially reasonable tender shall
20 include, without limitation, cash, major bank credit cards issued by
21 financial institutions, or personal checks drawn on Washington state
22 branches of financial institutions if accompanied by two pieces of
23 valid identification, one of which may be required by the operator to
24 have a photograph. If the towing firm cannot determine through the
25 customer's bank or a check verification service that the presented
26 check would be paid by the bank or guaranteed by the service, the
27 towing firm may refuse to accept the check. Any person who stops
28 payment on a personal check or credit card, or does not make
29 restitution within ten days from the date a check becomes insufficient
30 due to lack of funds, to a towing firm that has provided a service
31 pursuant to this section or in any other manner defrauds the towing
32 firm in connection with services rendered pursuant to this section
33 shall be liable for damages in the amount of twice the towing and
34 storage fees, plus costs and reasonable attorney's fees.

35 (2)(a) The registered tow truck operator shall give to each person
36 who seeks to redeem an impounded vehicle, or item of personal property
37 registered or titled with the department, written notice of the right
38 of redemption and opportunity for a hearing, which notice shall be
39 accompanied by a form to be used for requesting a hearing, the name of

1 the person or agency authorizing the impound, and a copy of the towing
2 and storage invoice. The registered tow truck operator shall maintain
3 a record evidenced by the redeeming person's signature that such
4 notification was provided.

5 (b) Any person seeking to redeem an impounded vehicle under this
6 section has a right to a hearing in the district or municipal court for
7 the jurisdiction in which the vehicle was impounded to contest the
8 validity of the impoundment or the amount of towing and storage
9 charges. The district court has jurisdiction to determine the issues
10 involving all impoundments including those authorized by the state or
11 its agents. The municipal court has jurisdiction to determine the
12 issues involving impoundments authorized by agents of the municipality.
13 Any request for a hearing shall be made in writing on the form provided
14 for that purpose and must be received by the appropriate court within
15 ten days of the date the opportunity was provided for in subsection
16 (2)(a) of this section and more than five days before the date of the
17 auction. At the time of the filing of the hearing request, the
18 petitioner shall pay to the court clerk a filing fee in the same amount
19 required for the filing of a suit in district court. If the hearing
20 request is not received by the court within the ten-day period, the
21 right to a hearing is waived and the registered owner is liable for any
22 towing, storage, or other impoundment charges permitted under this
23 chapter. Upon receipt of a timely hearing request, the court shall
24 proceed to hear and determine the validity of the impoundment.

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

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

37 (c) At the conclusion of the hearing, the court shall determine
38 whether the impoundment was proper, whether the towing or storage fees
39 charged were in compliance with the posted rates, and who is

1 responsible for payment of the fees. The court may not adjust fees or
2 charges that are in compliance with the posted or contracted rates.

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

9 (e) If the impoundment is determined to be in violation of this
10 chapter, then the registered and legal owners of the vehicle or other
11 item of personal property registered or titled with the department
12 shall bear no impoundment, towing, or storage fees, and any security
13 shall be returned or discharged as appropriate, and the person or
14 agency who authorized the impoundment shall be liable for any towing,
15 storage, or other impoundment fees permitted under this chapter. The
16 court shall enter judgment in favor of the registered tow truck
17 operator against the person or agency authorizing the impound for the
18 impoundment, towing, and storage fees paid. In addition, the court
19 shall enter judgment in favor of the registered and legal owners of the
20 vehicle, or other item of personal property registered or titled with
21 the department, for the amount of the filing fee required by law for
22 the impound hearing petition as well as reasonable damages for loss of
23 the use of the vehicle during the time the same was impounded, for not
24 less than fifty dollars per day, against the person or agency
25 authorizing the impound. However, if an impoundment arising from an
26 alleged violation of RCW 46.20.342 or 46.20.345 is determined to be in
27 violation of this chapter, then the law enforcement officer directing
28 the impoundment and the government employing the officer are not liable
29 for damages if the officer relied in good faith and without gross
30 negligence on the records of the department in ascertaining that the
31 operator of the vehicle had a suspended or revoked driver's license.
32 If any judgment entered is not paid within fifteen days of notice in
33 writing of its entry, the court shall award reasonable attorneys' fees
34 and costs against the defendant in any action to enforce the judgment.
35 Notice of entry of judgment may be made by registered or certified
36 mail, and proof of mailing may be made by affidavit of the party
37 mailing the notice. Notice of the entry of the judgment shall read
38 essentially as follows:

1 TO:
2 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the
3 Court located at in the sum of
4 \$., in an action entitled, Case No.
5 YOU ARE FURTHER NOTIFIED that attorneys fees and costs
6 will be awarded against you under RCW . . . if the judgment is
7 not paid within 15 days of the date of this notice.
8 DATED this day of, (year) . . .

9 Signature
10 Typed name and address
11 of party mailing notice

12 (f) If the court determines that the impoundment is in violation of
13 law and the person or agency authorizing the impound appeals the
14 decision, the person or agency authorizing the impound shall still pay
15 all towing, storage, or other impoundment fees permitted under this
16 chapter to the registered tow truck operator within fifteen days of
17 notice of judgment or be required to pay reasonable attorneys' fees and
18 costs. However, the registered tow truck operator shall execute an
19 assignment of any interest in the claim against the registered owner to
20 the person or agency authorizing the impound in exchange for the
21 payment.

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

30 **Sec. 5.** RCW 46.61.570 and 1977 ex.s. c 151 s 40 are each amended
31 to read as follows:

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

- 35 (a) Stop, stand, or park a vehicle:
36 (i) On the roadway side of any vehicle stopped or parked at the
37 edge or curb of a street;
38 (ii) On a sidewalk or street planting strip;

1 (iii) Within an intersection;

2 (iv) On a crosswalk;

3 (v) Between a safety zone and the adjacent curb or within thirty

4 feet of points on the curb immediately opposite the ends of a safety

5 zone, unless official signs or markings indicate a different no-parking

6 area opposite the ends of a safety zone;

7 (vi) Alongside or opposite any street excavation or obstruction

8 when stopping, standing, or parking would obstruct traffic;

9 (vii) Upon any bridge or other elevated structure upon a highway or

10 within a highway tunnel;

11 (viii) On any railroad tracks;

12 (ix) In the area between roadways of a divided highway including

13 crossovers; or

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

15 (b) Stand or park a vehicle, whether occupied or not, except

16 momentarily to pick up or discharge a passenger or passengers:

17 (i) In front of a public or private driveway or within five feet of

18 the end of the curb radius leading thereto;

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

20 (iii) Within twenty feet of a crosswalk;

21 (iv) Within thirty feet upon the approach to any flashing signal,

22 stop sign, yield sign, or traffic control signal located at the side of

23 a roadway;

24 (v) Within twenty feet of the driveway entrance to any fire station

25 and on the side of a street opposite the entrance to any fire station

26 within seventy-five feet of said entrance when properly signposted; or

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

28 (c) Park a vehicle, whether occupied or not, except temporarily for

29 the purpose of and while actually engaged in loading or unloading

30 property or passengers:

31 (i) Within fifty feet of the nearest rail of a railroad crossing;

32 or

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

34 (2) Parking or standing shall be permitted in the manner provided

35 by law at all other places except a time limit may be imposed or

36 parking restricted at other places but such limitation and restriction

37 shall be by city ordinance or county resolution or order of the

38 secretary of transportation upon highways under their respective

39 jurisdictions.

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

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

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

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