CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6748

Chapter 279, Laws of 2002

57th Legislature
2002 Regular Session

VEHICLE REGISTRATION TRANSFERS--IMPOUND PROCEDURES

EFFECTIVE DATE: 6/13/02

Passed by the Senate March 11, 2002
YEAS 43  NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 7, 2002
YEAS 93  NAYS 0

FRANK CHOPP
Speaker of the House of Representatives

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 6748 as passed by the Senate and the House of Representatives on the dates hereon set forth.

FRANK CHOPP
Speaker of the House of Representatives

TONY M. COOK
Secretary

Approved March 29, 2002

GARY LOCKE
Governor of the State of Washington

FILED

March 29, 2002 - 4:14 p.m.

GARY LOCKE
Secretary of State
State of Washington
State of Washington 57th Legislature 2002 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Kline, Oke, Swecker and Haugen)

READ FIRST TIME 02/12/2002.

1 AN ACT Relating to procedures for vehicle registration transfers and impound; amending RCW 46.12.101, 46.12.102, 46.20.031, 46.20.289, 46.55.075, 46.55.085, 46.55.100, 46.55.105, 46.55.110, 46.55.130, 46.55.230, 46.63.030, and 46.63.110; and creating new sections.

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

6 Sec. 1. RCW 46.12.101 and 1998 c 203 s 11 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. The owner shall notify the department or its agents or subagents, in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, the transferee’s driver’s
license number if available, and such description of the vehicle, including the vehicle identification number, the license plate number, or both, as may be required in the appropriate form provided or approved for that purpose by the department. The report of sale will be deemed properly filed if all information required in this section is provided on the form and includes a department-authorized notation that the document was received by the department, its agents, or subagents on or before the fifth day after the sale of the vehicle, excluding Saturdays, Sundays, and state and federal holidays. Agents and subagents shall immediately electronically transmit the seller’s report of sale to the department. Reports of sale processed and recorded by the department’s agents or subagents may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the department shall create a system enabling the seller of a vehicle to transmit the report of sale electronically. The system created by the department must immediately indicate on the department’s vehicle record that a seller’s report of sale has been filed.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner’s assignment from the transferee, it shall transmit the transferee’s application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or
delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

(a) The department requesting additional supporting documents;
(b) Extended hospitalization or illness of the purchaser;
(c) Failure of a legal owner to release his or her interest;
(d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller’s report has been received but no transfer of title has taken place.

Sec. 2. RCW 46.12.102 and 1984 c 39 s 2 are each amended to read as follows:

(1) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of it to a purchaser shall not by reason
of any of the provisions of this title be deemed the owner of the
vehicle so as to be subject to civil liability or criminal liability
for the operation of the vehicle thereafter by another person when the
owner has also fulfilled both of the following requirements:

((1)) (a) When ((he)) the owner has made proper endorsement and
delivery of the certificate of ownership and has delivered the
certificate of registration as provided in this chapter;

((2)) (b) When ((he)) the owner has delivered to the department
either ((the notice as provided in)) a properly filed report of sale
that includes all of the information required in RCW 46.12.101(1) and
is delivered to the department within five days of the sale of the
vehicle excluding Saturdays, Sundays, and state and federal holidays,
or appropriate documents for registration of the vehicle pursuant to
the sale or transfer.

(2) When a registered tow truck operator submits an abandoned
vehicle report to the department for a vehicle sold at an abandoned
vehicle auction, any previous owner is relieved of civil or criminal
liability for the operation of the vehicle from the date of sale
thereafter, and liability is transferred to the purchaser of the
vehicle as listed on the abandoned vehicle report.

Sec. 3. RCW 46.20.031 and 1999 c 6 s 7 are each amended to read as
follows:

The department shall not issue a driver’s license to a person:
(1) Who is under the age of sixteen years;
(2) Whose driving privilege has been withheld unless and until the
department may authorize the driving privilege under RCW 46.20.311;
(3) Who has been classified as an alcoholic, drug addict, alcohol
abuser, or drug abuser by a program approved by the department of
social and health services. The department may, however, issue a
license if the person:
(a) Has been granted a deferred prosecution under chapter 10.05
RCW; or
(b) Is satisfactorily participating in or has successfully
completed an alcohol or drug abuse treatment program approved by the
department of social and health services and has established control of
his or her alcohol or drug abuse problem;
(4) Who has previously been adjudged to be mentally ill or insane,
or to be incompetent due to a mental disability or disease. The
department shall, however, issue a license to the person if he or she otherwise qualifies and:
(a) Has been restored to competency by the methods provided by law; or
(b) The superior court finds the person able to operate a motor vehicle with safety upon the highways during such incompetency;
(5) Who has not passed the driver’s licensing examination required by RCW 46.20.120 and 46.20.305, if applicable;
(6) Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;
(7) Who is unable to safely operate a motor vehicle upon the highways due to a physical or mental disability. The department’s conclusion that a person is barred from licensing under this subsection must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction;
(8) Who has violated his or her written promise to appear, respond, or comply regarding a notice of infraction issued for abandonment of a vehicle in violation of RCW 46.55.105, unless:
(a) The court has not notified the department of the violation;
(b) The department has received notice from the court showing that the person has been found not to have committed the violation of RCW 46.55.105; or
(c) The person has paid all monetary penalties owing, including completion of community service, and the court is satisfied that the person has made restitution as provided by RCW 46.55.105(2)).

Sec. 4. RCW 46.20.289 and 1999 c 274 s 1 are each amended to read as follows:
The department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(5), or 46.64.025 that the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, other than for (a notice of a violation of RCW 46.55.105 or) a standing, stopping, or parking violation. A suspension under this section takes effect thirty days after the date the department mails notice of the suspension, and remains in effect.
until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid. A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated.

Sec. 5. RCW 46.55.075 and 1999 c 398 s 3 are each amended to read as follows:
(1) The Washington state patrol shall provide by rule for a uniform impound authorization and inventory form. All law enforcement agencies must use this form for all vehicle impounds after June 30, 2001.
(2) By January 1, 2003, the Washington state patrol shall develop uniform impound procedures, which must include but are not limited to defining an impound and a visual inspection. Local law enforcement agencies shall adopt the procedures by July 1, 2003.

Sec. 6. RCW 46.55.085 and 1993 c 121 s 1 are each amended to read as follows:
(1) A law enforcement officer discovering an unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:
   (a) The date and time the sticker was attached;
   (b) The identity of the officer;
   (c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner’s expense; ((and))
   (d) A statement that if the vehicle is not redeemed as provided in RCW 46.55.120, the registered owner will have committed the traffic infraction of littering--abandoned vehicle; and
   (e) The address and telephone number where additional information may be obtained.
(2) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable
effort to contact the owner by telephone in order to give the owner the
information on the notification sticker.

(3) If the vehicle is not removed within twenty-four hours from the
time the notification sticker is attached, the law enforcement officer
may take custody of the vehicle and provide for the vehicle’s removal
to a place of safety. A vehicle that does not pose a safety hazard may
remain on the roadside for more than twenty-four hours if the owner or
operator is unable to remove it from the place where it is located and
so notifies law enforcement officials and requests assistance.

(4) For the purposes of this section a place of safety includes the
business location of a registered tow truck operator.

NEW SECTION. Sec. 7. The Washington state patrol and local law
enforcement agencies shall convene a task force to consider the
advantages and disadvantages of law enforcement agencies immediately
transmitting, electronically or by facsimile, the impound authorization
form to the impounding tow operator. The task force shall report its
findings and recommendations to the house of representatives and senate
transportation committees by January 1, 2003.

NEW SECTION. Sec. 8. The department of licensing shall study the
feasibility of requiring the seller of a vehicle to remove the
vehicle’s license plates at the time of the sale. The department shall
specifically examine the fiscal impacts of implementing this proposal,
the experiences of other states, and the advantages and disadvantages
of this proposal. The department shall report its findings and
recommendations to the house of representatives and senate
transportation committees by January 1, 2003.

Sec. 9. RCW 46.55.100 and 1999 c 398 s 5 are each amended to read
as follows:

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

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

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

(4) Within fourteen days of the sale of an abandoned vehicle at
public auction, the towing operator shall send a copy of the abandoned
vehicle report showing the disposition of the abandoned vehicle and any
other items of personal property registered or titled with the
department to the (crime information center of the Washington state
patrol) department. The vehicle buyer information sent to the
department on the abandoned vehicle report relieves the previous owner
of the vehicle from any civil or criminal liability for the operation
of the vehicle from the date of sale thereafter and transfers full
liability for the vehicle to the buyer. By January 1, 2003, the
department shall create a system enabling tow truck operators the
option of sending the portion of the abandoned vehicle report that
contains the vehicle’s buyer information to the department
electronically.

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

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

Sec. 10. RCW 46.55.105 and 1999 c 86 s 5 are each amended to read
as follows:

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

(2) If an unauthorized vehicle is found abandoned under subsection
(1) of this section and removed at the direction of law enforcement,
the last registered owner of record is guilty of ((a)) the traffic
infraction of "littering--abandoned vehicle," unless the vehicle is
redeemed as provided in RCW 46.55.120. In addition to any other
monetary penalty payable under chapter 46.63 RCW, the court shall not
consider all monetary penalties as having been paid until the court is
satisfied that the person found to have committed the infraction has
made restitution in the amount of the deficiency remaining after
disposal of the vehicle under RCW 46.55.140.

(3) A vehicle theft report filed with a law enforcement agency
relieves the last registered owner of liability under subsection (2) of
this section for failure to redeem the vehicle. However, the last
registered owner remains liable for the costs incurred in removing,
storing, and disposing of the abandoned vehicle under subsection (1) of
this section. Nothing in this section limits in any way the registered
owner’s rights in a civil action or as restitution in a criminal action
against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the
vehicle involved in accordance with RCW 46.12.101(1) relieves the last
registered owner of liability under subsections (1) and (2) of this
section. If the date of sale as indicated on the report of sale is on

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or before the date of impoundment, the buyer identified on the latest
properly filed report of sale with the department is assumed liable for
the costs incurred in removing, storing, and disposing of the abandoned
vehicle, less amounts realized at auction. If the date of sale is
after the date of impoundment, the previous registered owner is assumed
to be liable for such costs. A licensed vehicle dealer is not liable
under subsections (1) and (2) of this section if the dealer, as
transferee or assignee of the last registered owner of the vehicle
involved, has complied with the requirements of RCW 46.70.122 upon
selling or otherwise disposing of the vehicle, or if the dealer has
timely filed a transitional ownership record or report of sale under
RCW 46.12.103. In that case the person to whom the licensed vehicle
dealer has sold or transferred the vehicle is assumed liable for the
costs incurred in removing, storing, and disposing of the abandoned
vehicle, less amounts realized at auction.

(5) For the purposes of reporting notices of traffic infraction to
the department under RCW 46.20.270 and 46.52.101, and for purposes of
reporting notices of failure to appear, respond, or comply regarding a
notice of traffic infraction to the department under RCW 46.63.070((5)) (6), a traffic infraction under subsection (2) of this
section is not considered to be a standing, stopping, or parking
violation.

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

Sec. 11. RCW 46.55.110 and 1999 c 398 s 6 are each amended to read
as follows:

(1) When an unauthorized vehicle is impounded, the impounding
towing operator shall notify the legal and registered owners of the
impoundment of the unauthorized vehicle and the owners of any other
items of personal property registered or titled with the department.
The notification shall be sent by first-class mail within twenty-four
hours after the impoundment to the last known registered and legal
owners of the vehicle, and the owners of any other items of personal
property registered or titled with the department, as provided by the
law enforcement agency, and shall inform the owners of the identity of
the person or agency authorizing the impound. The notification shall
include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

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

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

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

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

Sec. 12. RCW 46.55.130 and 2000 c 193 s 2 are each amended to read as follows:

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110(3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, or a suspended license impound has
been directed, but no security paid under RCW 46.55.120, then the
registered tow truck operator having custody of the vehicle shall
conduct a sale of the vehicle at public auction after having first
published a notice of the date, place, and time of the auction in a
newspaper of general circulation in the county in which the vehicle is
located not less than three days and no more than ten days before the
date of the auction. The notice shall contain a description of the
vehicle including the make, model, year, and license number and a
notification that a three-hour public viewing period will be available
before the auction. The auction shall be held during daylight hours of
a normal business day.

(2) The following procedures are required in any public auction of
such abandoned vehicles:
   
   (a) The auction shall be held in such a manner that all persons
   present are given an equal time and opportunity to bid;

   (b) All bidders must be present at the time of auction unless they
   have submitted to the registered tow truck operator, who may or may not
   choose to use the preauction bid method, a written bid on a specific
   vehicle. Written bids may be submitted up to five days before the
   auction and shall clearly state which vehicle is being bid upon, the
   amount of the bid, and who is submitting the bid;

   (c) The open bid process, including all written bids, shall be used
   so that everyone knows the dollar value that must be exceeded;

   (d) The highest two bids received shall be recorded in written form
   and shall include the name, address, and telephone number of each such
   bidder;

   (e) In case the high bidder defaults, the next bidder has the right
   to purchase the vehicle for the amount of his or her bid;

   (f) The successful bidder shall apply for title within fifteen
days;

   (g) The registered tow truck operator shall post a copy of the
   auction procedure at the bidding site. If the bidding site is
different from the licensed office location, the operator shall post a
   clearly visible sign at the office location that describes in detail
   where the auction will be held. At the bidding site a copy of the
   newspaper advertisement that lists the vehicles for sale shall be
   posted;

   (h) All surplus moneys derived from the auction after satisfaction
of the registered tow truck operator’s lien shall be remitted within
thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record as determined by the department within one year from the date of the auction, the surplus moneys shall be remitted to such owner;

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within forty-five days, sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) A tow truck operator may refuse to accept a bid at an abandoned vehicle auction under this section for any reason in the operator’s posted operating procedures and for any of the following reasons: (a) The bidder is currently indebted to the operator; (b) the operator has knowledge that the bidder has previously abandoned vehicles purchased at auction; or (c) the bidder has purchased, at auction, more than four vehicles in the last calendar year without obtaining title to any or all of the vehicles. In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4)(a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110(3).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available. However, storage charges begin to accrue again on the date the correct and complete information is provided to the department by the registered tow truck operator.

Sec. 13. RCW 46.55.230 and 2001 c 139 s 3 are each amended to read as follows:

(1)(a) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction, or any employee or officer of a jurisdictional health department acting pursuant to RCW 70.95.240, or
any person authorized by the director shall inspect and may authorize
the disposal of an abandoned junk vehicle. The person making the
inspection shall record the make and vehicle identification number or
license number of the vehicle if available, and shall also verify that
the approximate value of the junk vehicle is equivalent only to the
approximate value of the ((scrap in it)) parts.

(b) A tow truck operator may authorize the disposal of an abandoned
junk vehicle if the vehicle has been abandoned two or more times, the
registered ownership information has not changed since the first
abandonment, and the registered owner is also the legal owner.

(2) The law enforcement officer or department representative shall
provide information on the vehicle’s registered and legal owner to the
landowner.

(3) Upon receiving information on the vehicle’s registered and
legal owner, the landowner shall mail a notice to the registered and
legal owners shown on the records of the department. The notification
shall describe the redemption procedure and the right to arrange for
the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after
the landowner has mailed notification to the registered and legal
owner, the landowner may dispose of the vehicle or sign an affidavit of
sale to be used as a title document.

(5) If no information on the vehicle’s registered and legal owner
is found in the records of the department, the landowner may
immediately dispose of the vehicle or sign an affidavit of sale to be
used as a title document.

(6) It is a gross misdemeanor for a person to abandon a junk
vehicle on property. If a junk vehicle is abandoned, the vehicle’s
registered owner shall also pay a cleanup restitution payment equal to
twice the costs incurred in the removal of the junk vehicle. The court
shall distribute one-half of the restitution payment to the landowner
of the property upon which the junk vehicle is located, and one-half of
the restitution payment to the law enforcement agency or jurisdictional
health department investigating the incident.

(7) For the purposes of this section, the term "landowner" includes
a legal owner of private property, a person with possession or control
of private property, or a public official having jurisdiction over
public property.
A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

Sec. 14. RCW 46.63.030 and 1995 c 219 s 5 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:
   (a) When the infraction is committed in the officer’s presence;
   (b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; or
   (c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled “Littering--Abandoned Vehicle” and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the
monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

Sec. 15. RCW 46.63.110 and 2001 c 289 s 2 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of RCW 46.55.105(2) is two hundred fifty dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall
notify the department of the failure to pay the penalty, and the
department shall suspend the person’s driver’s license or driving
privilege until the penalty has been paid and the penalty provided in
subsection (((4))) of this section has been paid.

((6)) In addition to any other penalties imposed under this
section and not subject to the limitation of subsection (1) of this
section, a person found to have committed a traffic infraction shall be
assessed a fee of five dollars per infraction. Under no circumstances
shall this fee be reduced or waived. Revenue from this fee shall be
forwarded to the state treasurer for deposit in the emergency medical
services and trauma care system trust account under RCW 70.168.040.

((7)) (a) In addition to any other penalties imposed under
this section and not subject to the limitation of subsection (1) of
this section, a person found to have committed a traffic infraction
other than of RCW 46.61.527 shall be assessed an additional penalty of
ten dollars. The court may not reduce, waive, or suspend the
additional penalty unless the court finds the offender to be indigent.
If a community service program for offenders is available in the
jurisdiction, the court shall allow offenders to offset all or a part
of the penalty due under this subsection ((7)) by participation
in the community service program.

(b) Revenue from the additional penalty must be remitted under
 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
under this subsection to the state treasurer must be deposited as
provided in RCW 43.08.250. The balance of the revenue received by the
county or city treasurer under this subsection must be deposited into
the county or city current expense fund. Moneys retained by the city
or county under this subsection shall constitute reimbursement for any
liabilities under RCW 43.135.060.

Passed the Senate March 11, 2002.
Passed the House March 7, 2002.
Approved by the Governor March 29, 2002.
Filed in Office of Secretary of State March 29, 2002.