CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5966

Chapter 88, Laws of 2005

59th Legislature
2005 Regular Session

VEHICLE IMMOBILIZATION

EFFECTIVE DATE: 7/24/05

Passed by the Senate March 12, 2005
YEAS 46   NAYS 0

Passed by the House April 6, 2005
YEAS 94   NAYS 0

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SENATE BILL 5966 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN
Secretary

Approved April 18, 2005.

Christine Gregoire
Governor of the State of Washington

FILED
April 18, 2005 - 2:15 p.m.
AN ACT Relating to vehicle immobilization; amending RCW 46.55.010; adding a new section to chapter 46.55 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. A new section is added to chapter 46.55 RCW, to be codified between RCW 46.55.240 and 46.55.900, to read as follows:

(1) A property owner shall not immobilize any vehicle owned by a person other than the property owner.

(2) This section does not apply to property owned by the state or any unit of local government.

(3) A violation of this section is a gross misdemeanor.

Sec. 2. RCW 46.55.010 and 1999 c 398 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.
(2) "Immobilize" means the use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents the vehicle from moving without damage to the tire to which the locking wheel boot is attached.

(3) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

((4)) (4) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

((5)) (5) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

((6)) (6) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

((7)) (7) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

((8)) (8) "Residential property" means property that has no more than four living units located on it.

((9)) (9) "Suspended license impound" means an impound ordered under RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or ((46.20.420)) 46.20.345.

((10)) (10) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.
"Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

"Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

"Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

"Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

(i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113 ........ Immediately

(ii) On a highway and tagged as described in RCW 46.55.085 ......................... 24 hours

(iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 ......................... Immediately

(b) Private locations:

(i) On residential property ............ Immediately

(ii) On private, nonresidential property, properly posted under RCW 46.55.070 ................. Immediately

(iii) On private, nonresidential property, not posted ......................... 24 hours

NEW SECTION. Sec. 3. Section 1 of this act shall include a part heading titled "VEHICLE IMMOBILIZATION."

Passed by the Senate March 12, 2005.
Passed by the House April 6, 2005.
Approved by the Governor April 18, 2005.
Filed in Office of Secretary of State April 18, 2005.