

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

BRAD OWEN

President of the Senate

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

FRANK CHOPP

Speaker of the House of Representatives

Approved April 18, 2005.

CERTIFICATE

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

FILED

April 18, 2005 - 2:15 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5966

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senators McCaslin, Haugen and Honeyford

Read first time 02/17/2005. Referred to Committee on Transportation.

1 AN ACT Relating to vehicle immobilization; amending RCW 46.55.010;
2 adding a new section to chapter 46.55 RCW; and prescribing penalties.

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

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

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

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

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

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

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

15 (1) "Abandoned vehicle" means a vehicle that a registered tow truck
16 operator has impounded and held in the operator's possession for one
17 hundred twenty consecutive hours.

1 (2) "Immobilize" means the use of a locking wheel boot that, when
2 attached to the wheel of a vehicle, prevents the vehicle from moving
3 without damage to the tire to which the locking wheel boot is attached.

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

7 (~~(3)~~) (4) "Impound" means to take and hold a vehicle in legal
8 custody. There are two types of impounds--public and private.

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

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

16 (~~(4)~~) (5) "Junk vehicle" means a vehicle certified under RCW
17 46.55.230 as meeting at least three of the following requirements:

18 (a) Is three years old or older;

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

22 (c) Is apparently inoperable;

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

25 (~~(5)~~) (6) "Master log" means the document or an electronic
26 facsimile prescribed by the department and the Washington state patrol
27 in which an operator records transactions involving impounded vehicles.

28 (~~(6)~~) (7) "Registered tow truck operator" or "operator" means any
29 person who engages in the impounding, transporting, or storage of
30 unauthorized vehicles or the disposal of abandoned vehicles.

31 (~~(7)~~) (8) "Residential property" means property that has no more
32 than four living units located on it.

33 (~~(8)~~) (9) "Suspended license impound" means an impound ordered
34 under RCW 46.55.113 because the operator was arrested for a violation
35 of RCW 46.20.342 or (~~(46.20.420)~~) 46.20.345.

36 (~~(9)~~) (10) "Tow truck" means a motor vehicle that is equipped for
37 and used in the business of towing vehicles with equipment as approved
38 by the state patrol.

1 (~~(+10)~~) (11) "Tow truck number" means the number issued by the
2 department to tow trucks used by a registered tow truck operator in the
3 state of Washington.

4 (~~(+11)~~) (12) "Tow truck permit" means the permit issued annually
5 by the department that has the classification of service the tow truck
6 may provide stamped upon it.

7 (~~(+12)~~) (13) "Tow truck service" means the transporting upon the
8 public streets and highways of this state of vehicles, together with
9 personal effects and cargo, by a tow truck of a registered operator.

10 (~~(+13)~~) (14) "Unauthorized vehicle" means a vehicle that is
11 subject to impoundment after being left unattended in one of the
12 following public or private locations for the indicated period of time:

13 Subject to removal after:

- 14 (a) Public locations:
- 15 (i) Constituting an accident or a traffic hazard as
16 defined in RCW 46.55.113 Immediately
- 17 (ii) On a highway and tagged as described in RCW
18 46.55.085 24 hours
- 19 (iii) In a publicly owned or controlled parking
20 facility, properly posted under RCW
21 46.55.070 Immediately
- 22 (b) Private locations:
- 23 (i) On residential property Immediately
- 24 (ii) On private, nonresidential property,
25 properly posted under RCW
26 46.55.070 Immediately
- 27 (iii) On private, nonresidential property,
28 not posted 24 hours

29 NEW SECTION. **Sec. 3.** Section 1 of this act shall include a part
30 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.