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**SENATE BILL 5463**

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**State of Washington**                      **66th Legislature**                      **2019 Regular Session**

**By** Senators Warnick, Takko, Fortunato, Hasegawa, and Wagoner

Read first time 01/22/19. Referred to Committee on Transportation.

1            AN ACT Relating to notice for active duty military owners of  
2 impounded vehicles; and amending RCW 46.55.110 and 46.55.130.

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

4            **Sec. 1.** RCW 46.55.110 and 2017 c 43 s 1 are each amended to read  
5 as follows:

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

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

12 (3)(a) In the case of an abandoned vehicle, or other item of  
13 personal property registered or titled with the department, within  
14 twenty-four hours after receiving information on the legal and  
15 registered owners, which includes an active duty military status  
16 check, from the department through the abandoned vehicle report, the  
17 tow truck operator shall send by first-class mail a notice of custody  
18 and sale to the legal and registered owners and of the penalties for  
19 the traffic infraction littering—abandoned vehicle. The tow truck  
20 operator shall obtain a certificate of mailing from the United States  
21 postal service when notice is mailed.

22 (b) If the legal or registered owner shows an active duty  
23 military status, as provided by the department, then the registered  
24 tow truck operator shall not sell the vehicle until criteria provided  
25 in the servicemembers civil relief act has been satisfied.

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

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

34 **Sec. 2.** RCW 46.55.130 and 2017 c 152 s 2 are each amended to  
35 read as follows:

36 (1) If, after the expiration of fifteen days from the date of  
37 mailing of notice of custody and sale required in RCW 46.55.110(3) to  
38 the registered and legal owners, the vehicle remains unclaimed and  
39 has not been listed as a stolen vehicle, a suspended license impound

1 has been directed but no commercially reasonable tender has been paid  
2 under RCW 46.55.120, or a person eligible to redeem under RCW  
3 46.55.120(1)(a)(viii) has not come forth providing information that  
4 the registered or legal owner of a motorcycle or moped is an admitted  
5 patient in a hospital, the registered tow truck operator having  
6 custody of the vehicle shall conduct a sale of the vehicle at public  
7 auction after having first published a notice of the date, place, and  
8 time of the auction, and a method to contact the tow truck operator  
9 conducting the auction such as a telephone number, email address, or  
10 web site, in a newspaper of general circulation in the county in  
11 which the vehicle is located not less than three days and no more  
12 than ten days before the date of the auction. For the purposes of  
13 this section, a newspaper of general circulation may be a commercial,  
14 widely circulated, free, classified advertisement circular not  
15 affiliated with the registered tow truck operator and the notice may  
16 be listed in a classification delineating "auctions" or similar  
17 language designed to attract potential bidders to the auction. The  
18 notice shall contain a notification that a public viewing period will  
19 be available before the auction and the length of the viewing period.  
20 The auction shall be held during daylight hours of a normal business  
21 day. The viewing period must be one hour if twenty-five or fewer  
22 vehicles are to be auctioned, two hours if more than twenty-five and  
23 fewer than fifty vehicles are to be auctioned, and three hours if  
24 fifty or more vehicles are to be auctioned. If the registered tow  
25 truck operator is notified that the registered or legal owner of the  
26 moped or motorcycle is an admitted patient in the hospital as  
27 evidenced by a declaration on a form authorized by the department,  
28 the registered tow truck operator may delay the auction of the moped  
29 or motorcycle for a reasonable time in a good faith effort to provide  
30 additional time for the redemption of the vehicle.

31 (2) The following procedures are required in any public auction  
32 of such abandoned vehicles:

33 (a) The auction shall be held in such a manner that all persons  
34 present are given an equal time and opportunity to bid;

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

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

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

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

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

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

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

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

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

1 police or judicial hold or subject to the servicemembers civil relief  
2 act.

3 (4) (a) The accumulation of storage charges applied to the lien at  
4 auction under RCW 46.55.140 may not exceed fifteen additional days  
5 from the date of receipt of the information by the operator from the  
6 department as provided by RCW 46.55.110(3) plus the storage charges  
7 accumulated prior to the receipt of the information. However,  
8 vehicles redeemed pursuant to RCW 46.55.120 prior to their sale at  
9 auction are subject to payment of all accumulated storage charges  
10 from the time of impoundment up to the time of redemption.

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

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