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**SENATE BILL 5016**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Hobbs, Rivers, and Warnick

AN ACT Relating to deficiency claims after auction of a private property vehicle impound; and amending RCW 46.55.140.

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

**Sec.**  RCW 46.55.140 and 2010 c 161 s 1121 are each amended to read as follows:

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle except for items of personal property registered or titled with the department. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of ((~~five~~)) eight hundred dollars after deduction of the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of ((~~one~~)) two thousand two hundred fifty dollars after deduction of the amount bid at auction, unless the impound is determined to be invalid. The dollar thresholds established in this subsection must be adjusted every three years to reflect the percentage change for that three-year period in the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor. The limitation on towing and storage deficiency claims does not apply to an impound directed by a law enforcement officer. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the report of sale as provided for in RCW 46.12.650 and has timely and properly filed the report of sale is relieved of liability under this section. The person named as the new owner of the vehicle on the timely and properly filed report of sale shall assume liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

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