
SUBSTITUTE HOUSE BILL 1219

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

By House Transportation (originally sponsored by Representatives Orcutt, Fey, and Goodman)

READ FIRST TIME 02/06/17.

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

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

4 **Sec. 1.** RCW 46.55.140 and 2010 c 161 s 1121 are each amended to
5 read as follows:

6 (1) A registered tow truck operator who has a valid and signed
7 impoundment authorization has a lien upon the impounded vehicle for
8 services provided in the towing and storage of the vehicle, unless
9 the impoundment is determined to have been invalid. The lien does not
10 apply to personal property in or upon the vehicle that is not
11 permanently attached to or is not an integral part of the vehicle
12 except for items of personal property registered or titled with the
13 department. The registered tow truck operator also has a deficiency
14 claim against the registered owner of the vehicle for services
15 provided in the towing and storage of the vehicle not to exceed the
16 sum of (~~five~~) eight hundred dollars after deduction of the amount
17 bid at auction, and for vehicles of over ten thousand pounds gross
18 vehicle weight, the operator has a deficiency claim of (~~one~~) two
19 thousand two hundred fifty dollars after deduction of the amount bid
20 at auction, unless the impound is determined to be invalid. The
21 dollar thresholds established in this subsection must be adjusted

1 every three years to reflect the percentage change for that three-
2 year period in the consumer price index. For the purpose of this
3 section, "consumer price index" means, for any calendar year, the
4 consumer price index for all urban consumers as compiled by the
5 bureau of labor statistics of the United States department of labor.
6 The department of licensing must also adjust the dollar thresholds
7 established in this subsection on July 1st of the year that an
8 adjustment under this section is authorized. The limitation on towing
9 and storage deficiency claims does not apply to an impound directed
10 by a law enforcement officer. In no case may the cost of the auction
11 or a buyer's fee be added to the amount charged for the vehicle at
12 the auction, the vehicle's lien, or the overage due. A registered
13 owner who has completed and filed with the department the report of
14 sale as provided for in RCW 46.12.650 and has timely and properly
15 filed the report of sale is relieved of liability under this section.
16 The person named as the new owner of the vehicle on the timely and
17 properly filed report of sale shall assume liability under this
18 section.

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

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