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**HOUSE BILL 2359**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Peterson, Donaghy, Reed, Ramel, and Simmons

AN ACT Relating to vehicle impounds; amending RCW 46.55.090, 46.55.120, 46.55.130, 46.55.140, 46.55.230, and 46.53.010; reenacting and amending RCW 46.55.010; and adding a new section to chapter 46.55 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 46.55 RCW to read as follows:

(1) An impounded vehicle that is used as a vehicle residence is subject to additional procedures and protections including, but not limited to, those outlined in this section.

(2) A state or its agents or a local government or its agents shall develop procedures to ensure that vehicle residences are only impounded pursuant to the provisions of this chapter and impounded as a last resort after considering all available, reasonable alternatives to impoundment including, but not limited to:

(a) Contacting the individual residing in the vehicle to inform the individual of parking laws and alternate places to move the individual's vehicle;

(b) Towing or moving the vehicle to a safe lot or safe parking area after proper notification; and

(c) Moving the vehicle to an alternative legal location within the jurisdiction where the vehicle may be retrieved at no cost to the individual residing in the vehicle.

(3) If a state or its agents or a local government or its agents receives information or observes an indication that a vehicle is a vehicle residence, the state or its agents or local government or its agents must notify the registered tow truck operator when requesting an impound or 24 hours after impoundment that the vehicle may be a vehicle residence and may be subject to additional protections.

(4)(a) If at any point before public auction, an operator or any of its agents or employees receives information pursuant to subsection (3) of this section, or if any individual tells an operator or any of its agents or employees that the impounded vehicle is a vehicle residence, any public auction procedures under RCW 46.55.130 must be stopped. The operator must provide to any individual claiming to live in the vehicle:

(i) Written notice of the right of redemption and opportunity for a hearing;

(ii) A form to be used for requesting a hearing;

(iii) The name of the person or agency authorizing the impound; and

(iv) A copy of the current towing and storage invoice.

(b) The information in (a)(i) through (iv) of this subsection must be provided again, even if it has already been previously mailed or provided under the procedures described in RCW 46.55.110.

(5) A vehicle residence may be considered an abandoned vehicle if:

(a) Ninety days have passed since notice from a state or its agents or local government or its agents under subsection (3) of this section;

(b) Ninety days have passed since providing or reproviding the notice under subsection (4) of this section; and

(c) No individual claiming to reside in the vehicle or any other individual authorized to redeem the vehicle under RCW 46.55.120 has requested a hearing, redeemed the vehicle by payment, or communicated with the operator to arrange redemption of the vehicle.

(6) An operator may proceed forward with the public auction procedures under RCW 46.55.130 after expiration of the 90-day period, by providing a mailing of notice of custody and sale to the registered and legal owners, and by providing the notice to any individuals that previously came forward to say they lived in the vehicle. The vehicle may then proceed to auction 15 days after expiration of the notice of custody and sale, pursuant to the general procedures of RCW 46.55.130, or 15 days after a court has ordered the vehicle released.

(7) If an impounded vehicle is subject to the provisions of this section, personal belongings shall be kept intact and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification, and may not be considered abandoned or disposed of at the operator's discretion until the date of auction. No personal belongings request form is required under RCW 46.55.090.

(8) If the impound was carried out at the direction of the state or its agents or a local government or its agents, they are responsible for paying any storage costs to the operator. If the impound was private and without governmental involvement, no additional storage costs may accrue once either an individual has notified the operator the individual resides in the vehicle or after a hearing has been requested.

**Sec.**  RCW 46.55.010 and 2023 c 326 s 1 are each reenacted and amended to read as follows:

The definitions ((~~set forth~~)) in this section apply throughout this chapter((~~:~~)) unless the context clearly requires otherwise.

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for 120 consecutive hours.

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

(3) "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.

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

(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 46.20.345.

(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.

(11) "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.

(12) "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.

(13) "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.

(14) "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 |
| (iv) | Within the right-of-way used by a regional transit authority for high capacity transportation where the vehicle constitutes an obstruction to the operation of high capacity transportation vehicles or  jeopardizes public safety 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 |

(15) "Vehicle residence" means a vehicle that is used as a home, residence, shelter, and/or homestead pursuant to chapter 6.13 RCW. Vehicle residences are not considered abandoned and are instead subject to additional protections and procedures, as outlined in this chapter.

**Sec.**  RCW 46.55.090 and 2019 c 401 s 1 are each amended to read as follows:

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles and stored personal belongings shall be handled and returned in substantially the same condition as they existed before being towed.

(3) For purposes of this ((~~subsection [section]~~)) section, "personal belongings" means personal property and contents in a vehicle, with the exception of those items of personal property that are registered or titled with the department. For a period of ((~~twenty~~)) 20 days from impound, personal belongings shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. A vehicle's owner or agent may retrieve personal belongings from the vehicle and request that the registered tow truck operator store the personal belongings for a period of ((~~thirty~~)) 30 days from the date of signing a personal belongings storage request form. If a personal belongings storage request form is not submitted, personal belongings not claimed within ((~~twenty~~)) 20 days from the date of the impound are considered abandoned and may be disposed of at the registered tow truck operator's discretion. If a personal belongings storage request form is submitted to the registered tow truck operator, personal belongings not claimed within ((~~thirty~~)) 30 days of the date the personal belongings storage request form is submitted are considered abandoned and may be disposed of at the registered tow truck operator's discretion. Abandoned personal belongings may be sold at auction with the vehicle to fulfill a lien against the vehicle. The department shall adopt rules prescribing the content and format of the personal belongings storage request form. If an impounded vehicle is subject to section 1 of this act, the treatment of personal belongings is subject to section 1(7) of this act.

(4) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

(5) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

**Sec.**  RCW 46.55.120 and 2017 c 152 s 1 are each amended to read as follows:

(1)(a) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only by the following persons or entities:

(i) The legal owner;

(ii) The registered owner;

(iii) A person authorized in writing by the registered owner;

(iv) The vehicle's insurer or a vendor working on behalf of the vehicle's insurer;

(v) A third-party insurer that has a duty to repair or replace the vehicle, has obtained consent from the registered owner or the owner's agent to move the vehicle, and has documented that consent in the insurer's claim file, or a vendor working on behalf of a third-party insurer that has received such consent; provided, however, that at all times the registered owner must be granted access to and may reclaim possession of the vehicle. For the purposes of this subsection, "owner's agent" means the legal owner of the vehicle, a driver in possession of the vehicle with the registered owner's permission, or an adult member of the registered owner's family;

(vi) A person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department;

(vii) A person who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor; ((~~or~~))

(viii) If (a)(i) through (vii) of this subsection do not apply, a person, who is known to the registered or legal owner of a motorcycle or moped, as each are defined in chapter 46.04 RCW, that was towed from the scene of an accident, may redeem the motorcycle or moped as a bailment in accordance with RCW 46.55.125 while the registered or legal owner is admitted as a patient in a hospital due to the accident; or

(ix) A person who is authorized by a court, after an impound hearing or other procedure, to redeem the vehicle.

(A) A court or administrative hearing officer, for the jurisdiction in which the vehicle was impounded, may order release of the vehicle to any person meeting the criteria in (a)(i) through (viii) of this subsection after a hearing or legal proceeding.

(B) If ownership of the vehicle or authorization from the legal or registered owner to use, reside in, or retrieve the vehicle is disputed, a court or hearing officer may review any additionally presented information and evidence to determine ownership or authorization to the vehicle. If a person establishes at a hearing or other legal proceeding, by a preponderance of the evidence, that they own the vehicle, have authorization to retrieve or reside in the vehicle, or otherwise meet the criteria in (a)(i) through (viii) of this subsection, the court may order release of the vehicle to the requesting person.

(C) A court may also order release and retrieval of any personal property inside a vehicle, if a requesting person establishes ownership to that personal property, by a preponderance of the evidence.

(D) A court or administrative hearing officer, for the jurisdiction in which the vehicle was impounded, may continue a hearing for up to 30 days to clarify ownership or authorization to a vehicle. If a claimant files a claim to quiet title to the vehicle under RCW 46.12.680 during the 30-day period, a court shall grant an additional continuance until that claim has ended.

(b) In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under (a) of this subsection satisfies the requirements of (f) of this subsection((~~, including paying all towing, removal, and storage fees~~)) or if a court has ordered release, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to ((~~thirty~~)) 30 days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency shall issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of the following:

(i) Economic or personal hardship to the family, spouse, or domestic partner of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record; ((~~or~~))

(ii) The owner of the vehicle was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release under this subsection or RCW 46.55.113(3); or

(iii) The vehicle is a vehicle residence.

In order to avoid discriminatory application, other than for the reasons for release set forth in (b)(i) ((~~and (ii)~~)) through (iii) of this subsection, an agency shall, under a provision of an applicable state agency rule or local ordinance, deny release in all other circumstances without discretion.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to ((~~thirty~~)) 30 days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to ((~~sixty~~)) 60 days, and for up to ((~~ninety~~)) 90 days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under (a) of this subsection satisfies the requirements of (f) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(c) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to ((~~twenty-four~~)) 24 hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(d) Notwithstanding (c) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

(e) Notwithstanding (c) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9A RCW, including providing redemption rights to the debtor under RCW 62A.9A-623. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9A RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

(f) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (c) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards issued by financial institutions, or personal checks drawn on Washington state branches of financial institutions if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm cannot determine through the customer's bank or a check verification service that the presented check would be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable ((~~attorney's~~)) attorneys' fees.

(2)(a) The registered tow truck operator shall give to each and any person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided. The form to request a hearing shall be given to any person who seeks to redeem an impounded vehicle, even if the person does not appear on record as the registered or legal owner. The form to request a hearing must also be made available in all languages spoken by more than 10 percent of the population in the county where the operator is registered. The department shall adopt rules prescribing the content and format of the hearing form to ensure that individuals have adequate notice of the hearing procedures and rights outlined in this section.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment, an operator's retention of an impounded vehicle, or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents or impoundments involving tows from private property. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ((~~ten~~)) 10 days of the date the opportunity was provided for in (a) of this subsection and more than five days before the date of the auction. ((~~At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court.~~)) If an individual wishes to request a hearing but has misplaced or claims to have not received the hearing request form from the operator, courts shall ensure that an additional copy of the form is provided to anyone who requests it. Courts may require filing fees for hearing requests, but courts shall waive these fees for individuals who cannot pay due to financial hardship or if they are requesting a hearing to redeem a vehicle they claim is a vehicle residence. If the hearing request is not received by the court within the ((~~ten-day~~)) 10-day period, the right to a hearing ((~~is~~)) may be waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter, unless the court has received information that the vehicle is lived in and comes under the alternate provisions of this section, which allow for additional time to request a hearing. Courts may consider late hearing requests, prior to auction of the vehicle, upon good cause. Good cause shall be freely granted where an individual claims financial hardship due to loss of the vehicle or where the vehicle is a vehicle residence.

(c) If an impounded vehicle is still held by the operator and has not been redeemed, courts shall develop procedures to ensure that a hearing is conducted within two business days after the request for a hearing. If extraordinary circumstances delay the hearing beyond two business days and the impounded vehicle is claimed to be used as a vehicle residence, courts shall order the release of the vehicle to the claimed occupant and hearing requester if they qualify to redeem the vehicle under subsection (1)(a)(i) through (viii) of this section, pending final determination at the hearing. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(d) If an impounded vehicle has already been redeemed by the hearing requester and is not in the operator's possession, courts shall schedule hearings within 30 days of the request for hearing. Upon receipt of a request, the court shall proceed to hear and determine the validity of the impoundment. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, ((~~within five days~~)) immediately after receiving the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper and in accord with applicable law and constitutional standards, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. ((~~The court may not adjust fees or charges that are in compliance with the posted or contracted rates.~~)) If the impoundment is found proper, the court shall determine whether those fees are proper in light of the responsible individual's financial circumstances. If the vehicle is still within the operator's possession, the court shall also determine whether the vehicle shall be released to the individual requesting the hearing.

(d) ((~~If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.~~

~~(e)~~)) If the impoundment was authorized at the direction or request of the state or its agents or a local government or its agents, the court must determine whether the impound fees, storage fees, or any other impound related charges are excessive, taking into consideration the individual's ability to pay, the effect of the impound and fees on the individual's livelihood, and any other applicable factors. The court shall lower fees and charges if they are excessive. In addition to lowering the fees and charges, the court may also allow payment of any reduced imposed towing and storage fees on an affordable monthly or other term payment plan. If the court lowers impound or storage fees, the state or its agents or local government or its agents must pay the remaining costs of the impoundment or storage to the operator, or as otherwise determined by the contract with the operator.

(e) If the impoundment was not authorized at the direction or request of a state or its agents or a local government or its agents such as during a privately requested impound from private property, the court may determine whether the fees or charges and impound were proper, but the court may not adjust fees or charges that are in compliance with posted or contracted rates. However, the court shall take into consideration the individual's ability to pay and financial hardship, and must order payment of any imposed towing and storage fees on an affordable monthly or other term payment plan.

(f) If the impounded vehicle is a vehicle residence, regardless of whether the impound was authorized by the state or its agents or a local government or its agents or at the request of a private citizen, the vehicle may not be sold under the public auction procedures under RCW 46.55.130 and may not be retained by the operator for unpaid charges. If the person or persons who requested the hearing provide any information, evidence, or statements to the court that they reside in the vehicle or if they provide any information to the court that the vehicle is a vehicle residence, the court must order release of the vehicle to the person requesting the hearing after determining that any other person was authorized or deemed eligible by the court under this section. A statement on the record in court that someone resided in the vehicle before impound is sufficient information that the vehicle qualifies as a vehicle residence, and any vehicle claimed as a vehicle residence is presumed valid. A state or its agents or a local government or its agents who authorized an impound may contest the fact that a vehicle is not a vehicle residence at an impound hearing, but must provide clear and convincing evidence that the vehicle is not used as a residence. The court may additionally lower imposed towing and storage fees, but the court may not condition release of the vehicle upon any immediate payment of any of those fees. If the person at the hearing does not meet the requirements of a person authorized to redeem the vehicle under this section, the court may reschedule the hearing to allow the requester time to gather additional information to show authorization to redeem the vehicle, such as a written statement from the registered owner, and/or proof of pending title or registration change.

(g) If the impoundment is determined to be in violation of this chapter or if the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee if required ((~~by law~~)) for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.345 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within ((~~fifteen~~)) 15 days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . . .

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . . Court located at . . . . . . in the sum of $. . . . . ., in an action entitled . . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this . . . . day of . . . . . ., (year) . . .

Signature . . . . . . . . . .

Typed name and address

of party mailing notice

(4) ((~~Any~~)) An impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within ((~~fifteen~~)) 15 days of mailing of the notice of custody and sale as required by RCW 46.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. If the impounded vehicle is a vehicle residence it is subject to additional procedures under section 1 of this act. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

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

(1) If, after the expiration of ((~~fifteen~~)) 15 days from the date of mailing of notice of custody and sale required in RCW 46.55.110(3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, a suspended license impound has been directed but no commercially reasonable tender has been paid under RCW 46.55.120, ((~~or~~)) a person eligible to redeem under RCW 46.55.120(1)(a)(viii) has not come forth providing information that the registered or legal owner of a motorcycle or moped is an admitted patient in a hospital, or no individual or agency has come forth providing any information to the operator that the vehicle is a vehicle residence pursuant to section 1 of this act, the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction, and a method to contact the tow truck operator conducting the auction such as a telephone number, email address, or website, in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ((~~ten~~)) 10 days before the date of the auction. For the purposes of this section, a newspaper of general circulation may be a commercial, widely circulated, free, classified advertisement circular not affiliated with the registered tow truck operator and the notice may be listed in a classification delineating "auctions" or similar language designed to attract potential bidders to the auction. The notice shall contain a notification that a public viewing period will be available before the auction and the length of the viewing period. The auction shall be held during daylight hours of a normal business day. The viewing period must be one hour if ((~~twenty-five~~)) 25 or fewer vehicles are to be auctioned, two hours if more than ((~~twenty-five~~)) 25 and fewer than ((~~fifty~~)) 50 vehicles are to be auctioned, and three hours if ((~~fifty~~)) 50 or more vehicles are to be auctioned. If the registered tow truck operator is notified that the registered or legal owner of the moped or motorcycle is an admitted patient in the hospital as evidenced by a declaration on a form authorized by the department, the registered tow truck operator may delay the auction of the moped or motorcycle for a reasonable time in a good faith effort to provide additional time for the redemption of the vehicle.

(2) Vehicles used as a vehicle residence are subject to the procedures of section 1 of this act.

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

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

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

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

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

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

(f) The successful bidder shall apply for title within ((~~fifteen~~)) 15 days;

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

(h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within ((~~thirty~~)) 30 days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record as determined by the department within one year from the date of the auction, the surplus moneys shall be remitted to such owner;

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within ((~~forty-five~~)) 45 days, sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

((~~(3)~~)) (4) A tow truck operator may refuse to accept a bid at an abandoned vehicle auction under this section for any reason in the operator's posted operating procedures and for any of the following reasons: (a) The bidder is currently indebted to the operator; (b) the operator has knowledge that the bidder has previously abandoned vehicles purchased at auction; or (c) the bidder has purchased, at auction, more than four vehicles in the last calendar year without obtaining title to any or all of the vehicles. In no case may an operator hold a vehicle for longer than ((~~ninety~~)) 90 days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold or vehicle residences.

((~~(4)~~)) (5)(a) The accumulation of storage charges applied to the lien at auction under RCW 46.55.140 may not exceed ((~~fifteen~~)) 15 additional days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110(3) plus the storage charges accumulated prior to the receipt of the information. However, vehicles redeemed pursuant to RCW 46.55.120 prior to their sale at auction are subject to payment of all accumulated storage charges from the time of impoundment up to the time of redemption.

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

**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 or is discharged or adjusted by the court under RCW 46.55.130. 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 hundred dollars~~)) $500 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 thousand dollars~~)) $1,000 after deduction of the amount bid at auction, unless the impound is determined to be invalid or is discharged or adjusted by the court under RCW 46.55.130. 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.

**Sec.**  RCW 46.55.230 and 2021 c 65 s 52 are each amended to read as follows:

(1)(a) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction, or any employee or officer of a jurisdictional health department acting pursuant to RCW 70A.205.195, or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle if that abandoned junk vehicle is not a vehicle residence. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the parts.

(b) A tow truck operator may authorize the disposal of an abandoned junk vehicle if the vehicle has been abandoned two or more times, the registered ownership information has not changed since the first abandonment, and the registered owner is also the legal owner.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle. This notification shall also be posted directly on the vehicle.

(4) If the vehicle remains unclaimed more than ((~~fifteen~~)) 15 days after the landowner has mailed notification to the registered and legal owner, posted notification on the vehicle, and if no one has come forward claiming the vehicle as a residence or home, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) ((~~If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.~~

~~(6)~~)) It is a gross misdemeanor for a person to abandon a junk vehicle on property. If a junk vehicle is abandoned, the vehicle's registered owner shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The court shall distribute one-half of the restitution payment to the landowner of the property upon which the junk vehicle is located, and one-half of the restitution payment to the law enforcement agency or jurisdictional health department investigating the incident.

((~~(7)~~)) (6) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

((~~(8)~~)) (7) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

**Sec.**  RCW 46.53.010 and 2018 c 287 s 5 are each amended to read as follows:

(1) A registered tow truck operator, as defined in RCW 46.55.010, vehicle wrecker, as defined in RCW 46.80.010, or scrap processor, as defined in RCW 46.79.010, and scrap metal businesses, as defined in RCW 19.290.010, may apply to the department on a form prescribed by the department for cost reimbursement for the towing, transport, storage, dismantling, and disposal of abandoned recreational vehicles from public property.

(2) The department may only use funds under RCW 46.68.175 for cost reimbursement for the towing, transport, storage, dismantling, and disposal of abandoned recreational vehicles. The department may not authorize reimbursements that total more than ((~~ten thousand dollars~~)) $10,000 per vehicle for which cost reimbursements are requested.

(3) After consulting with the 2017 stakeholder group, the department may develop rules including, but not limited to, towing, transport, storage, dismantling, and disposal rates, application form and contents, and cost reimbursement and the reimbursement process, to implement this section.

(4) The department shall convene a stakeholder work group every two years, with the first meeting to be held within ((~~twelve~~)) 12 months of rule adoption, to make recommendations on rule amendments.

(5) For the purposes of this section, an "abandoned recreational vehicle" means a camper, motor home, or travel trailer not claimed as a vehicle residence under section 1 of this act that has been impounded from public property, abandoned pursuant to chapter 46.55 RCW, and received no bids at auction, or declared an abandoned junk vehicle by a law enforcement officer, pursuant to chapter 46.55 RCW, while on public property.

**--- END ---**