

HOUSE BILL REPORT

HB 2844

As Amended by the Senate

Title: An act relating to deficiency claims against owners of impounded vehicles.

Brief Description: Removing the limitation on deficiency claims against owners of vehicles subjected to a law enforcement impound.

Sponsor(s): Representatives Zellinsky and R. Fisher.

Brief History:

Reported by House Committee on:
Transportation, February 10, 1992, DP;
Passed House, February 17, 1992, 96-1;
Amended by Senate.

**HOUSE COMMITTEE ON
TRANSPORTATION**

Majority Report: *Do pass.* Signed by 25 members:
Representatives R. Fisher, Chair; R. Meyers, Vice Chair;
Betrozoff, Ranking Minority Member; Chandler, Assistant
Ranking Minority Member; Brough; Cantwell; Cooper; Day;
G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson;
Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince;
Schmidt; Wilson; Wood; and Zellinsky.

Minority Report: *Do not pass.* Signed by 1 member:
Representative Heavey.

Staff: Brad Lovaas (786-7307).

Background: A registered tow truck operator who has lawfully impounded and stored a vehicle has a lien upon the vehicle for the impound and storage charges incurred.

If a vehicle remains unclaimed after the proper notification period, the tow truck operator must sell the vehicle at public auction.

Current statute provides that if an operator does not satisfy the lien through the sale of the vehicle at public auction, the operator may exert a deficiency claim of up to \$300, less the amount received at auction, against the last registered owner. For vehicles over 10,000 pounds gross

vehicle weight, the operator has a deficiency claim of \$1,000 less the bid at auction.

Summary of Bill: The limitation on deficiency claims does not apply to law enforcement-directed impounds.

EFFECT OF SENATE AMENDMENT(S): A technical amendment was added to clarify that the limitation applied to the deficiency claim and not the actual towing and storage charges.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Since most law enforcement impounds are set by contract, the need to limit charges is unnecessary.

Testimony Against: None.

Witnesses: Stu Halsan, Washington Tow Truck Association; and Al Runte, Ibsen Towing and Washington Tow Truck Association.

VOTE ON FINAL PASSAGE:

Yeas 96; Nays 1; Excused 1

Nays: Representative Braddock

Excused: Representative Hochstatter