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HOUSE BILL 2844

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Zellinsky and R. Fisher

Read first time 01/29/92. Referred to Committee on Transportation.

1            AN ACT Relating to deficiency claims against owners of impounded  
2 vehicles; 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 1991 c 20 s 2 are each amended to read  
5 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 the  
9 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. The  
12 registered tow truck operator also has a deficiency claim against the  
13 registered owner of the vehicle for services provided in the towing and  
14 storage of the vehicle not to exceed the sum of three hundred dollars

1 less the amount bid at auction, and for vehicles of over ten thousand  
2 pounds gross vehicle weight, the operator has a deficiency claim of one  
3 thousand dollars less the amount bid at auction, unless the impound is  
4 determined to be invalid. The limitation on towing and storage charges  
5 does not apply to an impound directed by a law enforcement officer. In  
6 no case may the cost of the auction or a buyer's fee be added to the  
7 amount charged for the vehicle at the auction, the vehicle's lien, or  
8 the overage due. A registered owner who has completed and filed with  
9 the department the seller's report as provided for by RCW 46.12.101 and  
10 has timely and properly filed the seller's report is relieved of  
11 liability under this section. The person named as the new owner of the  
12 vehicle on the timely and properly filed seller's report shall assume  
13 liability under this section.

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