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**SUBSTITUTE SENATE BILL 5276**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Nelson, Moore, Thorsness and Oke).

Read first time February 21, 1991.

1       AN ACT Relating to impounded vehicles; and amending RCW 46.55.100  
2 and 46.55.140.

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

4       **Sec. 1.** RCW 46.55.100 and 1989 c 111 s 9 are each amended to read  
5 as follows:

6       (1) At the time of impoundment the registered tow truck operator  
7 providing the towing service shall give immediate notification, by  
8 telephone or radio, to a law enforcement agency having jurisdiction who  
9 shall maintain a log of such reports. A law enforcement agency, or a  
10 private communication center acting on behalf of a law enforcement  
11 agency, shall ~~((immediately))~~ within six to twelve hours of the  
12 impoundment, provide to a requesting operator the name and address of  
13 the legal and registered owners of the vehicle, the vehicle  
14 identification number, and any other necessary, pertinent information.  
15 The initial notice of impoundment shall be followed by a written or

1 electronic facsimile notice within twenty-four hours. In the case of  
2 a vehicle from another state, time requirements of this subsection do  
3 not apply until the requesting law enforcement agency in this state  
4 receives the information.

5 (2) The operator shall immediately send an abandoned vehicle report  
6 to the department for any vehicle in the operator's possession after  
7 the ninety-six hour abandonment period. Such report need not be sent  
8 when the impoundment is pursuant to a writ, court order, or police  
9 hold. The owner notification and abandonment process shall be  
10 initiated by the registered tow truck operator immediately following  
11 notification by a court or law enforcement officer that the writ, court  
12 order, or police hold is no longer in effect.

13 (3) Following the submittal of an abandoned vehicle report, the  
14 department shall provide the registered tow truck operator with owner  
15 information within seventy-two hours.

16 (4) Within fifteen days of the sale of an abandoned vehicle at  
17 public auction, the towing operator shall send a copy of the abandoned  
18 vehicle report showing the disposition of the abandoned vehicle to the  
19 crime information center of the Washington state patrol.

20 (5) If the operator sends an abandoned vehicle report to the  
21 department and the department finds no owner information, an operator  
22 may proceed with an inspection of the vehicle to determine whether  
23 owner identification is within the vehicle.

24 (6) If the operator finds no owner identification, the operator  
25 shall immediately notify the appropriate law enforcement agency, which  
26 shall search the vehicle for the vehicle identification number and  
27 check the necessary records to determine the vehicle's owners.

28 **Sec. 2.** RCW 46.55.140 and 1989 c 111 s 13 are each amended to read  
29 as follows:

1 (1) A registered tow truck operator who has a valid and signed  
2 impoundment authorization has a lien upon the impounded vehicle for  
3 services provided in the towing and storage of the vehicle, unless the  
4 impoundment is determined to have been invalid. The lien does not  
5 apply to personal property in or upon the vehicle that is not  
6 permanently attached to or is not an integral part of the vehicle. The  
7 registered tow truck operator also has a deficiency claim against the  
8 registered owner of the vehicle for services provided in the towing and  
9 storage of the vehicle not to exceed the sum of three hundred dollars  
10 less the amount bid at auction, and for vehicles of over ten thousand  
11 pounds gross vehicle weight, the operator has a deficiency claim of one  
12 thousand dollars less the amount bid at auction, unless the impound is  
13 determined to be invalid. In no case may the cost of the auction or a  
14 buyer's fee be added to the amount charged for the vehicle at the  
15 auction, the vehicle's lien, or the overage due. A registered owner  
16 who has completed and filed with the department the seller's report as  
17 provided for by RCW 46.12.101 and has timely and properly filed the  
18 seller's report is relieved of liability under this section. The  
19 person named as the new owner of the vehicle on the timely and properly  
20 filed seller's report shall assume liability under this section.

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