

CERTIFICATION OF ENROLLMENT

SENATE BILL 5049

52nd Legislature
1991 Regular Session

Passed by the Senate April 28, 1991
Yeas 47 Nays 0

President of the Senate

Passed by the House April 27, 1991
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5049** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5049

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

State of Washington

52nd Legislature

1991 Regular Session

By Senator Madsen.

Read first time January 17, 1991. Referred to Committee on
Transportation.

1 AN ACT Relating to disposal of abandoned junk vehicles; amending
2 RCW 46.55.010, 46.55.230, and 46.55.240.

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

4 **Sec. 1.** RCW 46.55.010 and 1989 c 111 s 1 are each amended to read
5 as follows:

6 The definitions set forth in this section apply throughout this
7 chapter:

8 (1) "Abandoned vehicle" means a vehicle that a registered tow truck
9 operator has impounded and held in the operator's possession for
10 ninety-six consecutive hours.

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

1 (3) "Impound" means to take and hold a vehicle in legal custody.
2 There are two types of impounds--public and private.

3 (a) "Public impound" means that the vehicle has been impounded at
4 the direction of a law enforcement officer or by a public official
5 having jurisdiction over the public property upon which the vehicle was
6 located.

7 (b) "Private impound" means that the vehicle has been impounded at
8 the direction of a person having control or possession of the private
9 property upon which the vehicle was located.

10 (4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as
11 meeting all the following requirements:

12 (a) Is three years old or older;

13 (b) Is extensively damaged, such damage including but not limited
14 to any of the following: A broken window or windshield or missing
15 wheels, tires, motor, or transmission;

16 (c) Is apparently inoperable;

17 (d) Is without a valid, current registration plate;

18 (e) Has ((a)) an approximate fair market value equal only to the
19 approximate value of the scrap in it.

20 (5) "Master log" means the document or an electronic facsimile
21 prescribed by the department and the Washington state patrol in which
22 an operator records transactions involving impounded vehicles.

23 (6) "Registered tow truck operator" or "operator" means any person
24 who engages in the impounding, transporting, or storage of unauthorized
25 vehicles or the disposal of abandoned vehicles.

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

28 (8) "Tow truck" means a motor vehicle that is equipped for and used
29 in the business of towing vehicles with equipment as approved by the
30 state patrol.

1 (9) "Tow truck number" means the number issued by the department to
2 tow trucks used by a registered tow truck operator in the state of
3 Washington.

4 (10) "Tow truck permit" means the permit issued annually by the
5 department that has the classification of service the tow truck may
6 provide stamped upon it.

7 (11) "Tow truck service" means the transporting upon the public
8 streets and highways of this state of vehicles, together with personal
9 effects and cargo, by a tow truck of a registered operator.

10 (12) "Unauthorized vehicle" means a vehicle that is subject to
11 impoundment after being left unattended in one of the following public
12 or private locations for the indicated period of time:

13 Subject to removal after:

14 (a) Public locations:

15 (i) Constituting an accident or a traffic hazard as
16 defined in RCW 46.55.113 Immediately

17 (ii) On a highway and tagged as
18 described in RCW 46.55.085 24 hours

19 (iii) In a publicly owned or controlled
20 parking facility, properly posted
21 under RCW 46.55.070 Immediately

22 (b) Private locations:

23 (i) On residential property Immediately

24 (ii) On private, nonresidential property,
25 properly posted under
26 RCW 46.55.070 Immediately

27 (iii) On private, nonresidential property,
28 not posted 24 hours

1 **Sec. 2.** RCW 46.55.230 and 1987 c 311 s 19 are each amended to read
2 as follows:

3 (1) Notwithstanding any other provision of law, any law enforcement
4 officer having jurisdiction or any person authorized by the director
5 ~~((may)) shall inspect and ((certify that a vehicle meets the~~
6 ~~requirements of a)) may authorize the disposal of an abandoned junk
7 vehicle. The person making the ~~((certification))~~ inspection shall
8 record the make and vehicle identification number or license number of
9 the vehicle if available, and shall also ~~((describe in detail the~~
10 ~~damage or missing equipment to))~~ verify that the approximate value of
11 the junk vehicle is equivalent only to the approximate value of the
12 scrap in it.~~

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

16 (3) Upon receiving information on the vehicle's registered and
17 legal owner, the landowner shall ~~((obtain a junk vehicle notification~~
18 ~~form from the department. The landowner shall send by certified mail,~~
19 ~~notification))~~ mail a notice to the registered and legal owners shown
20 on the records of the department. The notification shall describe the
21 redemption procedure and the right to ~~((contest the sale of a junk~~
22 ~~vehicle in a district court hearing))~~ arrange for the removal of the
23 vehicle.

24 (4) If the vehicle remains unclaimed more than fifteen days after
25 the landowner has mailed notification to the registered and legal
26 owner, the landowner may dispose of the vehicle or sign an affidavit of
27 sale to be used as a title document.

28 (5) If no information on the vehicle's registered and legal owner
29 is found in the records of the department, the landowner ~~((shall place~~
30 ~~a legal notice of custody and sale in a newspaper of general~~

1 ~~circulation in the county. The newspaper notice shall include (a) the~~
2 ~~description of the vehicle; (b) the address of the location of the junk~~
3 ~~vehicle; (c) the date by which the registered or legal owner must~~
4 ~~redeem the vehicle; and (d) a telephone number where the landowner can~~
5 ~~be reached. If the vehicle remains unclaimed more than twenty days~~
6 ~~after publication of the notice, the landowner)) may immediately~~
7 ~~dispose of the vehicle or sign an affidavit of sale to be used as a~~
8 ~~title document.~~

9 (6) The landowner of the property upon which the junk vehicle is
10 located is entitled to recover from the vehicle's registered owner any
11 costs incurred in the removal of the junk vehicle.

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

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

19 **Sec. 3.** RCW 46.55.240 and 1989 c 111 s 17 are each amended to read
20 as follows:

21 (1) A city, town, or county that adopts an ordinance or resolution
22 concerning unauthorized, abandoned, or impounded vehicles shall include
23 the applicable provisions of this chapter.

24 (a) A city, town, or county may, by ordinance, authorize other
25 impound situations that may arise locally upon the public right-of-way
26 or other publicly owned or controlled property.

27 (b) A city, town, or county ordinance shall contain language that
28 establishes a written form of authorization to impound, which may

1 include a law enforcement notice of infraction or citation, clearly
2 denoting the agency's authorization to impound.

3 (c) A city, town, or county may, by ordinance, provide for release
4 of an impounded vehicle by means of a promissory note in lieu of
5 immediate payment, if at the time of redemption the legal or registered
6 owner requests a hearing on the validity of the impoundment. If the
7 municipal ordinance directs the release of an impounded vehicle before
8 the payment of the impoundment charges, the municipality is responsible
9 for the payment of those charges to the registered tow truck operator
10 within thirty days of the hearing date.

11 (d) The hearing specified in RCW 46.55.120(2) and in this section
12 may be conducted by an administrative hearings officer instead of in
13 the district court. A decision made by an administrative hearing
14 officer may be appealed to the district court for final judgment.

15 (2) A city, town, or county may adopt an ordinance establishing
16 procedures for the abatement and removal as public nuisances of
17 ((unauthorized)) junk vehicles or parts thereof from private property.
18 Costs of removal may be assessed against the registered owner of the
19 vehicle if the identity of the owner can be determined, unless the
20 owner in the transfer of ownership of the vehicle has complied with RCW
21 46.12.101, or the costs may be assessed against the owner of the
22 property on which the vehicle is stored.

23 (3) Ordinances pertaining to public nuisances shall contain:

24 (a) A provision requiring notice to the last registered owner of
25 record and the property owner of record that a hearing may be requested
26 and that if no hearing is requested, the vehicle will be removed;

27 (b) A provision requiring that if a request for a hearing is
28 received, a notice giving the time, location, and date of the hearing
29 on the question of abatement and removal of the vehicle or part thereof
30 as a public nuisance shall be mailed, by certified mail, with a five-

1 day return receipt requested, to the owner of the land as shown on the
2 last equalized assessment roll and to the last registered and legal
3 owner of record unless the vehicle is in such condition that
4 identification numbers are not available to determine ownership;

5 (c) A provision that the ordinance shall not apply to (i) a vehicle
6 or part thereof that is completely enclosed within a building in a
7 lawful manner where it is not visible from the street or other public
8 or private property or (ii) a vehicle or part thereof that is stored or
9 parked in a lawful manner on private property in connection with the
10 business of a licensed dismantler or licensed vehicle dealer and is
11 fenced according to RCW 46.80.130;

12 (d) A provision that the owner of the land on which the vehicle is
13 located may appear in person at the hearing or present a written
14 statement in time for consideration at the hearing, and deny
15 responsibility for the presence of the vehicle on the land, with his
16 reasons for the denial. If it is determined at the hearing that the
17 vehicle was placed on the land without the consent of the landowner and
18 that he has not subsequently acquiesced in its presence, then the local
19 agency shall not assess costs of administration or removal of the
20 vehicle against the property upon which the vehicle is located or
21 otherwise attempt to collect the cost from the owner;

22 (e) A provision that after notice has been given of the intent of
23 the city, town, or county to dispose of the vehicle and after a
24 hearing, if requested, has been held, the vehicle or part thereof shall
25 be removed at the request of a law enforcement officer with notice to
26 the Washington state patrol and the department of licensing that the
27 vehicle has been wrecked. The city, town, or county may operate such
28 a disposal site when its governing body determines that commercial
29 channels of disposition are not available or are inadequate, and it may
30 make final disposition of such vehicles or parts, or may transfer such

1 vehicle or parts to another governmental body provided such disposal
2 shall be only as scrap.

3 (4) A registered disposer under contract to a city or county for
4 the impounding of vehicles shall comply with any administrative
5 regulations adopted by the city or county on the handling and disposing
6 of vehicles.