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**SUBSTITUTE HOUSE BILL 2629**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives R. Fisher, Appelwick, Campbell, Sommers, Edmondson and Dorn)

Read first time 02/04/94.

1 AN ACT Relating to junk vehicles; and amending RCW 46.55.010 and  
2 46.55.240.

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

4 **Sec. 1.** RCW 46.55.010 and 1991 c 292 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.

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

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

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

4 (4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as  
5 meeting ~~((all))~~ at least three of the following requirements:

6 (a) Is three years old or older;

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

10 (c) Is apparently inoperable;

11 ~~((Is without a valid, current registration plate;~~

12 ~~(e)))~~ Has an approximate fair market value equal only to the  
13 approximate value of the scrap in it.

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

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

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

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

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

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

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

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

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- (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
- (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

**Sec. 2.** RCW 46.55.240 and 1991 c 292 s 3 are each amended to read as follows:

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

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

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

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

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

1 (2) A city, town, or county may adopt an ordinance establishing  
2 procedures for the abatement and removal as public nuisances of junk  
3 vehicles or parts thereof from private property. Costs of removal may  
4 be assessed against the registered owner of the vehicle if the identity  
5 of the owner can be determined, unless the owner in the transfer of  
6 ownership of the vehicle has complied with RCW 46.12.101, or the costs  
7 may be assessed against the owner of the property on which the vehicle  
8 is stored. A city, town, or county may also provide for the payment to  
9 the tow truck operator or wrecker as a part of a neighborhood  
10 revitalization program.

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

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

15 (b) A provision requiring that if a request for a hearing is  
16 received, a notice giving the time, location, and date of the hearing  
17 on the question of abatement and removal of the vehicle or part thereof  
18 as a public nuisance shall be mailed, by certified mail, with a five-  
19 day return receipt requested, to the owner of the land as shown on the  
20 last equalized assessment roll and to the last registered and legal  
21 owner of record unless the vehicle is in such condition that  
22 identification numbers are not available to determine ownership;

23 (c) A provision that the ordinance shall not apply to (i) a vehicle  
24 or part thereof that is completely enclosed within a building in a  
25 lawful manner where it is not visible from the street or other public  
26 or private property or (ii) a vehicle or part thereof that is stored or  
27 parked in a lawful manner on private property in connection with the  
28 business of a licensed dismantler or licensed vehicle dealer and is  
29 fenced according to RCW 46.80.130;

30 (d) A provision that the owner of the land on which the vehicle is  
31 located may appear in person at the hearing or present a written  
32 statement in time for consideration at the hearing, and deny  
33 responsibility for the presence of the vehicle on the land, with his  
34 reasons for the denial. If it is determined at the hearing that the  
35 vehicle was placed on the land without the consent of the landowner and  
36 that he has not subsequently acquiesced in its presence, then the local  
37 agency shall not assess costs of administration or removal of the  
38 vehicle against the property upon which the vehicle is located or  
39 otherwise attempt to collect the cost from the owner;

1 (e) A provision that after notice has been given of the intent of  
2 the city, town, or county to dispose of the vehicle and after a  
3 hearing, if requested, has been held, the vehicle or part thereof shall  
4 be removed at the request of a law enforcement officer with notice to  
5 the Washington state patrol and the department of licensing that the  
6 vehicle has been wrecked. The city, town, or county may operate such  
7 a disposal site when its governing body determines that commercial  
8 channels of disposition are not available or are inadequate, and it may  
9 make final disposition of such vehicles or parts, or may transfer such  
10 vehicle or parts to another governmental body provided such disposal  
11 shall be only as scrap.

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

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