

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2629

Chapter 176, Laws of 1994

53rd Legislature
1994 Regular Session

JUNK VEHICLES--REMOVAL--NOTICE OF INFRACTION
FOR FAILURE TO REDEEM

EFFECTIVE DATE: 6/9/94

Passed by the House March 5, 1994
Yeas 87 Nays 6

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1994
Yeas 44 Nays 1

JOEL PRITCHARD

President of the Senate

Approved March 30, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2629** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

March 30, 1994 - 1:26 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2629

AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

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,
2 46.55.240, and 46.63.030.

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.

16 **Sec. 3.** RCW 46.63.030 and 1987 c 66 s 2 are each amended to read
17 as follows:

18 (1) A law enforcement officer has the authority to issue a notice
19 of traffic infraction:

20 (a) When the infraction is committed in the officer's presence;

21 (b) When the officer is acting upon the request of a law
22 enforcement officer in whose presence the traffic infraction was
23 committed; or

24 (c) If an officer investigating at the scene of a motor vehicle
25 accident has reasonable cause to believe that the driver of a motor
26 vehicle involved in the accident has committed a traffic infraction.

27 (2) A court may issue a notice of traffic infraction upon receipt
28 of a written statement of the officer that there is reasonable cause to
29 believe that an infraction was committed.

30 (3) If any motor vehicle without a driver is found parked,
31 standing, or stopped in violation of this title or an equivalent
32 administrative regulation or local law, ordinance, regulation, or
33 resolution, the officer finding the vehicle shall take its registration
34 number and may take any other information displayed on the vehicle
35 which may identify its user, and shall conspicuously affix to the
36 vehicle a notice of traffic infraction.

1 (4) In the case of failure to redeem an abandoned vehicle under RCW
2 46.55.120 an officer shall send a notice of infraction by certified
3 mail to the last known address of the registered owner of the vehicle.

Passed the House March 5, 1994.

Passed the Senate March 3, 1994.

Approved by the Governor March 30, 1994.

Filed in Office of Secretary of State March 30, 1994.