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HOUSE BILL 1504

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Simpson, Woods and Lovick

Read first time 01/26/2005. Referred to Committee on Transportation.

1            AN ACT Relating to abandoned vehicle auctions; and amending RCW  
2 46.55.110 and 46.55.130.

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

4            **Sec. 1.** RCW 46.55.110 and 2002 c 279 s 11 are each amended to read  
5 as follows:

6            (1) When an unauthorized vehicle is impounded, the impounding  
7 towing operator shall notify the legal and registered owners of the  
8 impoundment of the unauthorized vehicle and the owners of any other  
9 items of personal property registered or titled with the department.  
10 The notification shall be sent by first-class mail within twenty-four  
11 hours after the impoundment to the last known registered and legal  
12 owners of the vehicle, and the owners of any other items of personal  
13 property registered or titled with the department, as provided by the  
14 law enforcement agency, and shall inform the owners of the identity of  
15 the person or agency authorizing the impound. The notification shall  
16 include the name of the impounding tow firm, its address, and telephone  
17 number. The notice shall also include the location, time of the  
18 impound, and by whose authority the vehicle was impounded. The notice

1 shall also include the written notice of the right of redemption and  
2 opportunity for a hearing to contest the validity of the impoundment  
3 pursuant to RCW 46.55.120.

4 (2) In addition, if a suspended license impound has been ordered,  
5 the notice must state the length of the impound, the requirement of the  
6 posting of a security deposit to ensure payment of the costs of  
7 removal, towing, and storage, notification that if the security deposit  
8 is not posted the vehicle will immediately be processed and sold at  
9 auction as an abandoned vehicle, and the requirements set out in RCW  
10 46.55.120(1)(b) regarding the payment of the costs of removal, towing,  
11 and storage as well as providing proof of satisfaction of any  
12 penalties, fines, or forfeitures before redemption. The notice must  
13 also state that the registered owner is ineligible to purchase the  
14 vehicle at the abandoned vehicle auction, if held.

15 (3) In the case of an abandoned vehicle, or other item of personal  
16 property registered or titled with the department, within twenty-four  
17 hours after receiving information on the owners from the department  
18 through the abandoned vehicle report, the tow truck operator shall send  
19 by (~~certified~~) first class mail, with return receipt or signature  
20 confirmation requested, a notice of custody and sale to the legal and  
21 registered owners and of the penalties for the traffic infraction  
22 littering--abandoned vehicle.

23 (4) If the date on which a notice required by subsection (3) of  
24 this section is to be mailed falls upon a Saturday, Sunday, or a postal  
25 holiday, the notice may be mailed on the next day that is neither a  
26 Saturday, Sunday, nor a postal holiday.

27 (5) No notices need be sent to the legal or registered owners of an  
28 impounded vehicle or other item of personal property registered or  
29 titled with the department, if the vehicle or personal property has  
30 been redeemed.

31 **Sec. 2.** RCW 46.55.130 and 2002 c 279 s 12 are each amended to read  
32 as follows:

33 (1) If, after the expiration of fifteen days from the date of  
34 mailing of notice of custody and sale required in RCW 46.55.110(3) to  
35 the registered and legal owners, the vehicle remains unclaimed and has  
36 not been listed as a stolen vehicle, or a suspended license impound has  
37 been directed, but no security paid under RCW 46.55.120, then the

1 registered tow truck operator having custody of the vehicle shall  
2 conduct a sale of the vehicle at public auction after having first  
3 published a notice of the date, place, and time of the auction in a  
4 newspaper of general circulation in the county in which the vehicle is  
5 located not less than three days and no more than ten days before the  
6 date of the auction. For the purposes of this section a newspaper of  
7 general circulation may be a commercial, widely circulated, free,  
8 classified advertisement circular not affiliated with the registered  
9 tow truck operator. The notice shall contain a description of the  
10 vehicle including the make, model, year, and license number and a  
11 notification that a ((~~three-hour~~)) public viewing period will be  
12 available before the auction and the length of that viewing period.  
13 The auction shall be held during daylight hours of a normal business  
14 day. The viewing period must be one hour if twenty-five or fewer  
15 vehicles are to be auctioned, two hours if more than twenty-five and  
16 fewer than fifty vehicles are to be auctioned, and three hours if fifty  
17 or more vehicles are to be auctioned.

18 (2) The following procedures are required in any public auction of  
19 such abandoned vehicles:

20 (a) The auction shall be held in such a manner that all persons  
21 present are given an equal time and opportunity to bid;

22 (b) All bidders must be present at the time of auction unless they  
23 have submitted to the registered tow truck operator, who may or may not  
24 choose to use the preauction bid method, a written bid on a specific  
25 vehicle. Written bids may be submitted up to five days before the  
26 auction and shall clearly state which vehicle is being bid upon, the  
27 amount of the bid, and who is submitting the bid;

28 (c) The open bid process, including all written bids, shall be used  
29 so that everyone knows the dollar value that must be exceeded;

30 (d) The highest two bids received shall be recorded in written form  
31 and shall include the name, address, and telephone number of each such  
32 bidder;

33 (e) In case the high bidder defaults, the next bidder has the right  
34 to purchase the vehicle for the amount of his or her bid;

35 (f) The successful bidder shall apply for title within fifteen  
36 days;

37 (g) The registered tow truck operator shall post a copy of the  
38 auction procedure at the bidding site. If the bidding site is

1 different from the licensed office location, the operator shall post a  
2 clearly visible sign at the office location that describes in detail  
3 where the auction will be held. At the bidding site a copy of the  
4 newspaper advertisement that lists the vehicles for sale shall be  
5 posted;

6 (h) All surplus moneys derived from the auction after satisfaction  
7 of the registered tow truck operator's lien shall be remitted within  
8 thirty days to the department for deposit in the state motor vehicle  
9 fund. A report identifying the vehicles resulting in any surplus shall  
10 accompany the remitted funds. If the director subsequently receives a  
11 valid claim from the registered vehicle owner of record as determined  
12 by the department within one year from the date of the auction, the  
13 surplus moneys shall be remitted to such owner;

14 (i) If an operator receives no bid, or if the operator is the  
15 successful bidder at auction, the operator shall, within forty-five  
16 days, sell the vehicle to a licensed vehicle wrecker, hulk hauler, or  
17 scrap processor by use of the abandoned vehicle report-affidavit of  
18 sale, or the operator shall apply for title to the vehicle.

19 (3) A tow truck operator may refuse to accept a bid at an abandoned  
20 vehicle auction under this section for any reason in the operator's  
21 posted operating procedures and for any of the following reasons: (a)  
22 The bidder is currently indebted to the operator; (b) the operator has  
23 knowledge that the bidder has previously abandoned vehicles purchased  
24 at auction; or (c) the bidder has purchased, at auction, more than four  
25 vehicles in the last calendar year without obtaining title to any or  
26 all of the vehicles. In no case may an operator hold a vehicle for  
27 longer than ninety days without holding an auction on the vehicle,  
28 except for vehicles that are under a police or judicial hold.

29 (4)(a) In no case may the accumulation of storage charges exceed  
30 fifteen days from the date of receipt of the information by the  
31 operator from the department as provided by RCW 46.55.110(3).

32 (b) The failure of the registered tow truck operator to comply with  
33 the time limits provided in this chapter limits the accumulation of  
34 storage charges to five days except where delay is unavoidable.  
35 Providing incorrect or incomplete identifying information to the  
36 department in the abandoned vehicle report shall be considered a  
37 failure to comply with these time limits if correct information is

1 available. However, storage charges begin to accrue again on the date  
2 the correct and complete information is provided to the department by  
3 the registered tow truck operator.

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