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ENGROSSED SENATE BILL 5966

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators McCaslin, Haugen and Honeyford

Read first time 02/17/2005. Referred to Committee on Transportation.

1            AN ACT Relating to vehicle immobilization; amending RCW 46.55.010;  
2 adding a new section to chapter 46.55 RCW; and prescribing penalties.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.55 RCW,  
5 to be codified between RCW 46.55.240 and 46.55.900, to read as follows:

6            (1) A property owner shall not immobilize any vehicle owned by a  
7 person other than the property owner.

8            (2) This section does not apply to property owned by the state or  
9 any unit of local government.

10           (3) A violation of this section is a gross misdemeanor.

11           **Sec. 2.** RCW 46.55.010 and 1999 c 398 s 2 are each amended to read  
12 as follows:

13           The definitions set forth in this section apply throughout this  
14 chapter:

15           (1) "Abandoned vehicle" means a vehicle that a registered tow truck  
16 operator has impounded and held in the operator's possession for one  
17 hundred twenty consecutive hours.

1       (2) "Immobilize" means the use of a locking wheel boot that, when  
2 attached to the wheel of a vehicle, prevents the vehicle from moving  
3 without damage to the tire to which the locking wheel boot is attached.

4       (3) "Abandoned vehicle report" means the document prescribed by the  
5 state that the towing operator forwards to the department after a  
6 vehicle has become abandoned.

7       (~~(3)~~) (4) "Impound" means to take and hold a vehicle in legal  
8 custody. There are two types of impounds--public and private.

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

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

16       (~~(4)~~) (5) "Junk vehicle" means a vehicle certified under RCW  
17 46.55.230 as meeting at least three of the following requirements:

18       (a) Is three years old or older;

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

22       (c) Is apparently inoperable;

23       (d) Has an approximate fair market value equal only to the  
24 approximate value of the scrap in it.

25       (~~(5)~~) (6) "Master log" means the document or an electronic  
26 facsimile prescribed by the department and the Washington state patrol  
27 in which an operator records transactions involving impounded vehicles.

28       (~~(6)~~) (7) "Registered tow truck operator" or "operator" means any  
29 person who engages in the impounding, transporting, or storage of  
30 unauthorized vehicles or the disposal of abandoned vehicles.

31       (~~(7)~~) (8) "Residential property" means property that has no more  
32 than four living units located on it.

33       (~~(8)~~) (9) "Suspended license impound" means an impound ordered  
34 under RCW 46.55.113 because the operator was arrested for a violation  
35 of RCW 46.20.342 or (~~(46.20.420)~~) 46.20.345.

36       (~~(9)~~) (10) "Tow truck" means a motor vehicle that is equipped for  
37 and used in the business of towing vehicles with equipment as approved  
38 by the state patrol.

