

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1504

Chapter 28, Laws of 2006

59th Legislature
2006 Regular Session

ABANDONED VEHICLE AUCTIONS

EFFECTIVE DATE: 6/7/06

Passed by the House February 10, 2006
Yeas 97 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2006
Yeas 48 Nays 1

BRAD OWEN

President of the Senate

Approved March 14, 2006.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1504** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 14, 2006 - 2:40 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1504

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Simpson, Woods and Lovick)

READ FIRST TIME 02/07/06.

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

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

4 **Sec. 1.** RCW 46.55.130 and 2002 c 279 s 12 are each amended to read
5 as follows:

6 (1) If, after the expiration of fifteen days from the date of
7 mailing of notice of custody and sale required in RCW 46.55.110(3) to
8 the registered and legal owners, the vehicle remains unclaimed and has
9 not been listed as a stolen vehicle, or a suspended license impound has
10 been directed, but no security paid under RCW 46.55.120, then the
11 registered tow truck operator having custody of the vehicle shall
12 conduct a sale of the vehicle at public auction after having first
13 published a notice of the date, place, and time of the auction, and a
14 method to contact the tow truck operator conducting the auction such as
15 a telephone number, electronic mail address, or web site, in a
16 newspaper of general circulation in the county in which the vehicle is
17 located not less than three days and no more than ten days before the
18 date of the auction. For the purposes of this section, a newspaper of
19 general circulation may be a commercial, widely circulated, free,

1 classified advertisement circular not affiliated with the registered
2 tow truck operator and the notice may be listed in a classification
3 delineating "Auctions" or similar language designed to attract
4 potential bidders to the auction. The notice shall contain a
5 ~~((description of the vehicle including the make, model, year, and~~
6 ~~license number and a))~~ notification that a ~~((three hour))~~ public
7 viewing period will be available before the auction and the length of
8 the viewing period. The auction shall be held during daylight hours of
9 a normal business day. The viewing period must be one hour if twenty-
10 five or fewer vehicles are to be auctioned, two hours if more than
11 twenty-five and fewer than fifty vehicles are to be auctioned, and
12 three hours if fifty or more vehicles are to be auctioned.

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

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

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

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

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

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

30 (f) The successful bidder shall apply for title within fifteen
31 days;

32 (g) The registered tow truck operator shall post a copy of the
33 auction procedure at the bidding site. If the bidding site is
34 different from the licensed office location, the operator shall post a
35 clearly visible sign at the office location that describes in detail
36 where the auction will be held. At the bidding site a copy of the
37 newspaper advertisement that lists the vehicles for sale shall be
38 posted;

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

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

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

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

27 (b) The failure of the registered tow truck operator to comply with
28 the time limits provided in this chapter limits the accumulation of
29 storage charges to five days except where delay is unavoidable.
30 Providing incorrect or incomplete identifying information to the
31 department in the abandoned vehicle report shall be considered a
32 failure to comply with these time limits if correct information is
33 available. However, storage charges begin to accrue again on the date
34 the correct and complete information is provided to the department by
35 the registered tow truck operator.

Passed by the House February 10, 2006.

Passed by the Senate March 2, 2006.

Approved by the Governor March 14, 2006.

Filed in Office of Secretary of State March 14, 2006.