

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2034

Chapter 393, Laws of 2007

60th Legislature
2007 Regular Session

MOTOR VEHICLE THEFT--CIVIL ACTION

EFFECTIVE DATE: 07/22/07

Passed by the House April 14, 2007
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 6, 2007
Yeas 44 Nays 3

BRAD OWEN

President of the Senate

Approved May 8, 2007, 4:52 p.m.

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 **HOUSE BILL 2034** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 10, 2007

**Secretary of State
State of Washington**

HOUSE BILL 2034

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Representatives Jarrett, Clibborn, Roberts and Hurst

Read first time 02/06/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to providing a civil cause of action for victims of
2 motor vehicle theft; amending RCW 46.20.291; adding a new section to
3 chapter 9A.56 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.56 RCW
6 to read as follows:

7 (1) A person who is deprived of his or her motor vehicle because of
8 a violation of RCW 9A.56.030, 9A.56.040, 9A.56.070, or 9A.56.075 may
9 file an action in superior court against the perpetrator for the
10 recovery of actual damages, limited to the value of any damage to the
11 vehicle and any property stolen from the vehicle, civil damages of up
12 to five thousand dollars, and the costs of the suit, including
13 reasonable attorneys' fees.

14 (2)(a) Except as provided in (b) of this subsection, service of any
15 summons or other process under this section shall be by personal
16 service.

17 (b)(i) If the defendant cannot be found after a due and diligent
18 search, the defendant's violation of RCW 9A.56.030, 9A.56.040,
19 9A.56.070, or 9A.56.075 shall be deemed to constitute an appointment by

1 the defendant of the secretary of state of the state of Washington to
2 be his or her true and lawful attorney upon whom may be served all
3 lawful summons and processes against him or her under this section.
4 The plaintiff shall perform the service allowed under this subsection
5 (2)(b)(i) by leaving two copies of the summons or other process with
6 the secretary of state or at the secretary of state's office. Service
7 in this manner constitutes sufficient and valid personal service upon
8 the defendant.

9 (ii) After performing service under (b)(i) of this subsection, the
10 plaintiff shall promptly send notice of service under (b)(i) of this
11 subsection and a copy of the summons or process to the defendant by
12 registered mail, with return receipt requested, to the defendant's last
13 known address. After complying with this subsection (2)(b)(ii), the
14 plaintiff shall file the following with the secretary of state to be
15 attached to the summons or process filed under (b)(i) of this
16 subsection:

17 (A) An affidavit from the plaintiff attesting to compliance with
18 (b)(ii) of this subsection; and

19 (B) An affidavit from the plaintiff's attorney that he or she has,
20 with due diligence, attempted to serve personal process upon the
21 defendant at all addresses known to him or her and listing the
22 addresses at which he or she attempted to personally serve the
23 defendant. However, if the defendant's endorsed return receipt is
24 received, then the affidavit need only show that the defendant received
25 personal service by mail.

26 (iii) The secretary of state shall send, by prepaid mail, a copy of
27 the summons or process received under (b)(i) of this subsection to the
28 defendant's address, if known. The secretary of state shall keep a
29 record that shows the day of service of all summons and processes made
30 under (b)(i) of this subsection.

31 (iv) The court in which an action is brought under this section may
32 order continuances as may be necessary to afford the defendant a
33 reasonable opportunity to defend the action.

34 (v) The secretary of state may charge a fee for his or her services
35 under (b) of this subsection. The fee shall be part of the costs of
36 suit that may be awarded to the plaintiff.

37 (3) The department of licensing shall suspend the driver's license
38 or driving privilege of a defendant until any monetary obligation

1 imposed under subsection (1) of this section is paid in full, unless
2 the defendant has entered into a payment plan under subsection (4) of
3 this section.

4 (4) If the court determines that a person is not able to pay a
5 monetary obligation made under subsection (1) of this section in full,
6 the court may enter into a payment plan with the person. If the person
7 fails to meet the obligations of the payment plan, the court may modify
8 or revoke the plan and order the defendant to pay the obligation in
9 full. If the court revokes the plan, it shall notify the department of
10 licensing and the department of licensing shall suspend the driver's
11 license or driving privilege of the defendant until the monetary
12 obligation is paid in full.

13 (5) The court shall notify the department of licensing when the
14 monetary obligation of a defendant whose license is suspended under
15 this section is paid in full.

16 **Sec. 2.** RCW 46.20.291 and 1998 c 165 s 12 are each amended to read
17 as follows:

18 The department is authorized to suspend the license of a driver
19 upon a showing by its records or other sufficient evidence that the
20 licensee:

21 (1) Has committed an offense for which mandatory revocation or
22 suspension of license is provided by law;

23 (2) Has, by reckless or unlawful operation of a motor vehicle,
24 caused or contributed to an accident resulting in death or injury to
25 any person or serious property damage;

26 (3) Has been convicted of offenses against traffic regulations
27 governing the movement of vehicles, or found to have committed traffic
28 infractions, with such frequency as to indicate a disrespect for
29 traffic laws or a disregard for the safety of other persons on the
30 highways;

31 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

32 (5) Has failed to respond to a notice of traffic infraction, failed
33 to appear at a requested hearing, violated a written promise to appear
34 in court, or has failed to comply with the terms of a notice of traffic
35 infraction or citation, as provided in RCW 46.20.289;

36 (6) Is subject to suspension under RCW 46.20.305 or section 1 of
37 this act;

1 (7) Has committed one of the prohibited practices relating to
2 drivers' licenses defined in RCW ((~~46.20.336~~) 46.20.0921); or

3 (8) Has been certified by the department of social and health
4 services as a person who is not in compliance with a child support
5 order or a residential or visitation order as provided in RCW
6 74.20A.320.

Passed by the House April 14, 2007.

Passed by the Senate April 6, 2007.

Approved by the Governor May 8, 2007.

Filed in Office of Secretary of State May 10, 2007.