S-2315.1

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**SUBSTITUTE SENATE BILL 5652**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Fortunato, Rivers, Becker, Hawkins, Brown, Hobbs, Warnick, Honeyford, Wilson, L., Short, and Palumbo)

AN ACT Relating to personal belongings disposal; and amending RCW 46.55.090 and 46.55.110.

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

**Sec.**  RCW 46.55.090 and 1995 c 360 s 4 are each amended to read as follows:

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) ((~~All~~)) For purposes of this subsection, "personal belongings" means personal property and contents in ((~~the~~)) a vehicle, with the exception of those items of personal property that are registered or titled with the department((~~,~~)). For a period of thirty days from impound if a personal belongings storage request has not been submitted to the registered tow truck operator, or sixty days from impound if a personal belongings storage request has been submitted to the registered tow truck operator, personal belongings shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. ((~~Personal belongings, with the exception of those items of personal property that are registered or titled with the department, shall not~~)) If a personal belongings storage request is submitted to the registered tow truck operator within thirty days of receipt of the impound notice sent pursuant to RCW 46.55.110, the personal belongings must be stored for sixty days from date of the impound. If a personal belongings storage request form is not submitted, personal belongings not claimed within thirty days from the date of the impound are considered abandoned and may be disposed of at the registered tow truck operator's discretion. If a personal belongings storage request form is submitted to the registered tow truck operator, personal belongings not claimed within sixty days of the date of impound are considered abandoned and may be disposed of at the registered tow truck operator's discretion. Abandoned personal belongings may be sold at auction with the vehicle to fulfill a lien against the vehicle. The department shall adopt rules prescribing the content and format of the personal belongings storage request form.

(4) ((~~All personal belongings, with the exception of those items of personal property that are registered or titled with the department, not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 RCW.~~

~~(5)~~)) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

((~~(6)~~)) (5) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

**Sec.**  RCW 46.55.110 and 2017 c 43 s 1 are each amended to read as follows:

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120. The notice must include a personal belongings storage request form, providing notice that the registered tow truck operator will store personal belongings found in the vehicle for thirty days from the date of impound. However, if the personal belongings storage request form is submitted to the registered tow truck operator, the personal belongings will be stored for sixty days from the date of impound.

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

(3) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the legal and registered owners from the department through the abandoned vehicle report, the tow truck operator shall send by first-class mail a notice of custody and sale to the legal and registered owners and of the penalties for the traffic infraction littering—abandoned vehicle. The tow truck operator shall obtain a certificate of mailing from the United States postal service when notice is mailed.

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

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

**--- END ---**