
Transportation Committee

SSB 5652

Brief Description: Clarifying personal belongings disposal for impounded vehicles.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Fortunato, Rivers, Becker, Hawkins, Brown, Hobbs, Warnick, Honeyford, Wilson, L., Short and Palumbo).

Brief Summary of Substitute Bill

- Creates a personal belongings storage request form that must be sent to the registered owner of an impounded vehicle with the notice of impound.
- Requires that Registered Tow Truck Operators (RTTOs) hold belongings for 30 days from the date of impound, or 60 days if the personal belongings storage request form is returned to the RTTO within 30 days from impound.
- Provides that personal belongings not claimed within the relevant 30- or 60-day storage period are considered abandoned and may be disposed of at the discretion of the RTTO.
- Removes the requirement that an RTTO turn over personal property found in an impounded vehicle that goes unclaimed to the law enforcement office that directed the impound.

Hearing Date: 3/20/19

Staff: Patricia Hasan (786-7292).

Background:

Impounds, meaning taking and holding a vehicle in legal custody without the consent of the owner, may only be performed by a Registered Tow Truck Operator (RTTO). If on public property, the impound is at the direction of a law enforcement officer; when on private property, the impound is at the direction of the property owner or the property owner's agent.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

When a vehicle is impounded, an RTTO must send an impound notice within 24 hours to the legal and registered owner(s) via first-class mail, based on information received from law enforcement.

After a vehicle is held in impound for more than 120 hours, it is considered abandoned, and an RTTO must file an abandoned vehicle report (AVR) with the Department of Licensing (DOL). In response to the AVR, the DOL provides information to the RTTO regarding the legal and registered owner(s) of the vehicle. The RTTO must send, by first-class mail, a notice of custody and sale to the owner. If the vehicle remains unclaimed for 15 days after the mailing of the notice of custody and sale, the RTTO must conduct a sale at public auction. The RTTO may not hold the vehicle for longer than 90 days, except in the case of a law enforcement or judicial hold.

Vehicles may be redeemed by their legal owners any time before the start of the auction, after paying towing and storage charges.

Personal property in an impounded vehicle must be kept intact, and returned to the vehicle's owner during normal business hours upon request and presentation of proper identification. Personal property may not be sold at auction to fulfill a lien against the vehicle. For law enforcement-directed impounds, personal property that is not claimed prior to the auction must be turned over to the local law enforcement agency from which the initial notification of impoundment was given. Personal property must be disposed of by a police or sheriff's office pursuant to unclaimed property laws.

Summary of Bill:

The notice of impound sent within 24 hours of the vehicle impoundment must include a personal belongings storage request form notifying the vehicle owner that their personal belongings in the vehicle will be held for 30 days, or 60 days if the form is submitted back to the RTTO. The DOL must adopt a rule specifying the form and content of a personal belongings storage request form.

An RTTO must store the personal belongings from an impounded vehicle for 30 days from the date of impound, after which unredeemed belongings are considered abandoned and the RTTO may dispose of the belongings at its discretion. However, if the personal belongings storage request form is submitted to the RTTO within 30 days from impound, then the RTTO must hold the personal belongings for 60 days from the date of impound. Any belongings that are not redeemed after 60 days are considered abandoned and can be disposed of at the RTTO's discretion.

Abandoned personal belongings can be sold with the vehicle at auction to satisfy the towing and storage lien.

The RTTOs are no longer required to give personal belongings from an auctioned vehicle to the local law enforcement agency that originally directed the impound.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.