

SENATE BILL REPORT

SB 5652

As of February 26, 2019

Title: An act relating to personal belonging disposal.

Brief Description: Clarifying personal belonging disposal for impounded vehicles.

Sponsors: Senators Fortunato, Rivers, Becker, Hawkins, Brown, Hobbs, Warnick, Honeyford, Wilson, L., Short and Palumbo.

Brief History:

Committee Activity: Transportation: 2/07/19.

Brief Summary of Bill

- Authorizes a registered tow truck operator (RTTO) to sell personal property found in an impounded vehicle at auction to fulfill a lien against the vehicle.
- Removes the requirement that a RTTO turn over personal property found in an impounded vehicle that goes unclaimed to law enforcement offices that directed the impound.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: Impounds, meaning taking and holding a vehicle in legal custody without the consent of the owner, may only be performed by registered tow truck operators. 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.

When a vehicle is impounded, an RTTO must send an impound notice to the legal owner 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, DOL provides information to the RTTO regarding the owner of the vehicle. The RTTO must send, by first class mail, a notice of custody and sale to the

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owner. If the vehicle remains unclaimed for 15 days, 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 order.

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 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 prohibition on the sale of personal property at auction by an RTTO to satisfy a lien is removed.

The requirement that an RTTO turn over unclaimed personal property to the local law enforcement office that had directed the impound of the vehicle is removed.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Vehicles sold at an insurance auction have all kinds of personal effects in the vehicle. Law enforcement agencies do not want this stuff. The way the law works right now is that you have to clean out the car before you sell it and then store the property. When can they dispose of it? I do not want to take anybody's stuff and I do not want to try to figure out what is special to someone else and what can be thrown away. I also do not want to have to separately sell someone's stuff. Some of these vehicles are full of dangerous substances, needles, garbage. I do not want my employees to have to deal with that. We should be able to auction the car without removing the items in the car. The police will not take the property. The towing statutes are out of date and need to be updated to reflect how things work today.

CON: We all know Washington is experiencing a homelessness crisis. There are thousands of people living out of their vehicle in our state. Their car is their home and therefore all of their clothes and vital documents are in that car. When their car is towed, their home disappears. This bill fails to protect them and their property.

Persons Testifying: PRO: Senator Phil Fortunato, Prime Sponsor; Kris Zachary, Burns Towing; Paul Bressi, Nisqually Towing; Emily Wade, Jim's Northgate Towing, Day and Nite Towing, and Big D Towing.

CON: Antonio Ginatta, Columbia Legal Services.

Persons Signed In To Testify But Not Testifying: No one.