

SENATE BILL REPORT

SB 5652

As Reported by Senate Committee On:
Transportation, February 27, 2019

Title: An act relating to personal belonging disposal.

Brief Description: Clarifying personal belonging disposal for impounded vehicles. [**Revised for 1st Substitute:** Clarifying personal belongings 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, 2/27/19 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Creates a personal belongings storage request form that must be sent to the registered owner of the vehicle with the notice of impound.
- Requires that registered tow truck operators (RTTO) hold belongings for 30 days from the date of impound, or 60 days if the 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 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

Majority Report: That Substitute Senate Bill No. 5652 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Sheldon, Assistant Ranking Member; Cleveland, Fortunato, O'Ban, Padden, Takko, Wilson, C. and Zeiger.

Minority Report: That it be referred without recommendation.

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.

Signed by Senators Das, Lovelett, Nguyen and Randall.

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 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 (First Substitute): 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. DOL must adopt a rule specifying the form and content of a personal belongings storage request form.

A 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 requirement that the RTTO give personal belongings from an auctioned vehicle to the local law enforcement agency that originally directed the impound is removed.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):

- Requires that the notice of impound sent within 24 hours of the vehicle impoundment 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.
- Specifies that the RTTO must store the personal belongings 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.
- Provides, that if the personal belongings storage request form is submitted to the RTTO within 30 days from impound, then the RTTO will 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.
- Clarifies that abandoned personal belongings can be sold with the vehicle at auction to satisfy the towing and storage lien.
- Removes the requirement that the RTTO give personal belongings from an auctioned vehicle to the local law enforcement agency that originally directed the impound.
- Directs DOL to create a personal belongings storage request form by rule.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* 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.