
SENATE BILL 6410

State of Washington

66th Legislature

2020 Regular Session

By Senators King and Nguyen

Read first time 01/16/20. Referred to Committee on Transportation.

1 AN ACT Relating to possessory liens on motor vehicles that an
2 auction company stores; amending RCW 46.70.330; creating a new
3 section; and providing an effective date.

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

5 **Sec. 1.** RCW 46.70.330 and 1998 c 282 s 2 are each amended to
6 read as follows:

7 (1) A wholesale motor vehicle auction dealer may:

8 (a) Sell any classification of motor vehicle;

9 (b) Sell only to motor vehicle dealers and vehicle wreckers
10 licensed under Title 46 RCW by the state of Washington or licensed by
11 any other state; or

12 (c) Sell a motor vehicle belonging to the United States
13 government, the state of Washington, or a political subdivision to
14 nonlicensed persons as may be required by the contracting public
15 agency. However, a publicly owned "wrecked vehicle" as defined in RCW
16 46.80.010 may be sold to motor vehicle dealers and vehicle wreckers
17 licensed under Title 46 RCW by the state of Washington or licensed by
18 any other state.

19 (2) If the wholesale motor vehicle auction dealer knows that a
20 vehicle is a "wrecked vehicle" as defined by RCW 46.80.010, the
21 dealer must disclose this fact on the bill of sale.

1 (3) A wholesale motor vehicle auction dealer that makes advances
2 for freight, storage, services, supplies, or labor for services on a
3 motor vehicle at the request of the owner or lawful possessor of the
4 motor vehicle has a lien on the motor vehicle in the possession of
5 the wholesale motor vehicle auction dealer for the reasonable or
6 agreed charges for labor, materials, or services of the wholesale
7 motor vehicle auction dealer, and the wholesale motor vehicle auction
8 dealer may retain possession of the motor vehicle until the charges
9 are paid.

10 (4) (a) Subject to the requirements of (b) of this subsection, the
11 wholesale motor vehicle auction dealer may title the motor vehicle in
12 the name of:

13 (i) The wholesale motor vehicle auction dealer, if the motor
14 vehicle has remained unclaimed on the auction company's premises for
15 more than thirty days;

16 (ii) The insurance company that directs the wholesale motor
17 vehicle auction dealer to take possession of the motor vehicle; or

18 (iii) An organization with an exemption from taxation under
19 section 501(c)(3) of the internal revenue code that directs the
20 auction company to take possession of the motor vehicle.

21 (b) An owner of a motor vehicle under this section must be
22 notified by the wholesale motor vehicle auction dealer that the
23 owner's vehicle will be retitled at least thirty days before the
24 wholesale motor vehicle auction dealer retitles the motor vehicle. A
25 failure to respond is deemed an affirmative response and the
26 retitling process may proceed.

27 (5) For the purposes of this subsection, a wholesale motor
28 vehicle auction dealer means an entity: (a) That operates throughout
29 the United States; (b) that qualifies as a vehicle dealer under RCW
30 46.70.021; and (c) whose primary activity of which, in this state,
31 consists of disposing of totaled motor vehicles.

32 NEW SECTION. Sec. 2. This act applies to motor vehicles that a
33 wholesale motor vehicle auction dealer possesses on or after the
34 effective date of this section, and that the wholesale motor vehicle
35 auction dealer stores before, on, or after the effective dates of
36 this section.

1 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2021.

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