

SSB 5317 - H COMM AMD
By Committee on Transportation

ADOPTED 03/24/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 46.55.010 and 2022 c 186 s 708 are each amended to
4 read as follows:

5 The definitions set forth in this section apply throughout this
6 chapter:

7 (1) "Abandoned vehicle" means a vehicle that a registered tow
8 truck operator has impounded and held in the operator's possession
9 for 120 consecutive hours.

10 (2) "Immobilize" means the use of a locking wheel boot that, when
11 attached to the wheel of a vehicle, prevents the vehicle from moving
12 without damage to the tire to which the locking wheel boot is
13 attached.

14 (3) "Abandoned vehicle report" means the document prescribed by
15 the state that the towing operator forwards to the department after a
16 vehicle has become abandoned.

17 (4) "Impound" means to take and hold a vehicle in legal custody.
18 There are two types of impounds—public and private.

19 (a) "Public impound" means that the vehicle has been impounded at
20 the direction of a law enforcement officer or by a public official
21 having jurisdiction over the public property upon which the vehicle
22 was located.

23 (b) "Private impound" means that the vehicle has been impounded
24 at the direction of a person having control or possession of the
25 private property upon which the vehicle was located.

26 (5) "Junk vehicle" means a vehicle certified under RCW 46.55.230
27 as meeting at least three of the following requirements:

28 (a) Is three years old or older;

29 (b) Is extensively damaged, such damage including but not limited
30 to any of the following: A broken window or windshield, or missing
31 wheels, tires, motor, or transmission;

32 (c) Is apparently inoperable;

1 (d) Has an approximate fair market value equal only to the
2 approximate value of the scrap in it.

3 (6) "Master log" means the document or an electronic facsimile
4 prescribed by the department and the Washington state patrol in which
5 an operator records transactions involving impounded vehicles.

6 (7) "Registered tow truck operator" or "operator" means any
7 person who engages in the impounding, transporting, or storage of
8 unauthorized vehicles or the disposal of abandoned vehicles.

9 (8) "Residential property" means property that has no more than
10 four living units located on it.

11 (9) "Suspended license impound" means an impound ordered under
12 RCW 46.55.113 because the operator was arrested for a violation of
13 RCW 46.20.342 or 46.20.345.

14 (10) "Tow truck" means a motor vehicle that is equipped for and
15 used in the business of towing vehicles with equipment as approved by
16 the state patrol.

17 (11) "Tow truck number" means the number issued by the department
18 to tow trucks used by a registered tow truck operator in the state of
19 Washington.

20 (12) "Tow truck permit" means the permit issued annually by the
21 department that has the classification of service the tow truck may
22 provide stamped upon it.

23 (13) "Tow truck service" means the transporting upon the public
24 streets and highways of this state of vehicles, together with
25 personal effects and cargo, by a tow truck of a registered operator.

26 (14) "Unauthorized vehicle" means a vehicle that is subject to
27 impoundment after being left unattended in one of the following
28 public or private locations for the indicated period of time:

29 Subject to removal after:

- 30 (a) Public locations:
 - 31 (i) Constituting an accident or a traffic hazard as
32 defined in RCW 46.55.113 Immediately
 - 33 (ii) On a highway and tagged as described in RCW
34 46.55.085 24 hours
 - 35 (iii) In a publicly owned or controlled parking
36 facility, properly posted under RCW
37 46.55.070 Immediately

- 1 (iv) (~~During the 2021-2023 fiscal biennium, within~~
2 ~~the~~) Within the right-of-way used by a regional
3 transit authority for high capacity transportation
4 where the vehicle constitutes an obstruction to the
5 operation of high capacity transportation vehicles
6 or
7 jeopardizes public safety. Immediately
- 8 (b) Private locations:
- 9 (i) On residential property Immediately
- 10 (ii) On private, nonresidential property,
11 properly posted under RCW
12 46.55.070 Immediately
- 13 (iii) On private, nonresidential property,
14 not posted 24 hours

15 **Sec. 2.** RCW 46.55.080 and 2022 c 186 s 709 are each reenacted to
16 read as follows:

17 (1) If a vehicle is in violation of the time restrictions of RCW
18 46.55.010(14), it may be impounded by a registered tow truck operator
19 at the direction of a law enforcement officer, authorized regional
20 transit authority representative under the conditions described in
21 RCW 46.55.010(14)(a)(iv), or other public official with jurisdiction
22 if the vehicle is on public property, or at the direction of the
23 property owner or an agent if it is on private property. A law
24 enforcement officer may also direct the impoundment of a vehicle
25 pursuant to a writ or court order.

26 (2) The person requesting a private impound or a law enforcement
27 officer, authorized regional transit authority representative, or
28 public official requesting a public impound shall provide a signed
29 authorization for the impound at the time and place of the impound to
30 the registered tow truck operator before the operator may proceed
31 with the impound. A registered tow truck operator, employee, or his
32 or her agent may not serve as an agent of a property owner for the
33 purposes of signing an impound authorization or, independent of the
34 property owner, identify a vehicle for impound.

35 (3) In the case of a private impound, the impound authorization
36 shall include the following statement: "A person authorizing this
37 impound, if the impound is found in violation of chapter 46.55 RCW,
38 may be held liable for the costs incurred by the vehicle owner."

1 (4) A registered tow truck operator shall record and keep in the
2 operator's files the date and time that a vehicle is put in the
3 operator's custody and released. The operator shall make an entry
4 into a master log regarding transactions relating to impounded
5 vehicles. The operator shall make this master log available, upon
6 request, to representatives of the department or the state patrol.

7 (5) A person who engages in or offers to engage in the activities
8 of a registered tow truck operator may not be associated in any way
9 with a person or business whose main activity is authorizing the
10 impounding of vehicles."

11 Correct the title.

EFFECT: Limits the definition of an unauthorized vehicle subject to immediate impoundment in instances when a vehicle in a public location constitutes an obstruction to the operation of high capacity transportation vehicles or jeopardizes public safety to instances when a vehicle is within, rather than on or within 10 feet of, the right-of-way used by a regional transit authority.

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