
HOUSE BILL 2359

State of Washington

68th Legislature

2024 Regular Session

By Representatives Peterson, Donaghy, Reed, Ramel, and Simmons

Read first time 01/15/24. Referred to Committee on Transportation.

1 AN ACT Relating to vehicle impounds; amending RCW 46.55.090,
2 46.55.120, 46.55.130, 46.55.140, 46.55.230, and 46.53.010; reenacting
3 and amending RCW 46.55.010; and adding a new section to chapter 46.55
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.55
7 RCW to read as follows:

8 (1) An impounded vehicle that is used as a vehicle residence is
9 subject to additional procedures and protections including, but not
10 limited to, those outlined in this section.

11 (2) A state or its agents or a local government or its agents
12 shall develop procedures to ensure that vehicle residences are only
13 impounded pursuant to the provisions of this chapter and impounded as
14 a last resort after considering all available, reasonable
15 alternatives to impoundment including, but not limited to:

16 (a) Contacting the individual residing in the vehicle to inform
17 the individual of parking laws and alternate places to move the
18 individual's vehicle;

19 (b) Towing or moving the vehicle to a safe lot or safe parking
20 area after proper notification; and

1 (c) Moving the vehicle to an alternative legal location within
2 the jurisdiction where the vehicle may be retrieved at no cost to the
3 individual residing in the vehicle.

4 (3) If a state or its agents or a local government or its agents
5 receives information or observes an indication that a vehicle is a
6 vehicle residence, the state or its agents or local government or its
7 agents must notify the registered tow truck operator when requesting
8 an impound or 24 hours after impoundment that the vehicle may be a
9 vehicle residence and may be subject to additional protections.

10 (4) (a) If at any point before public auction, an operator or any
11 of its agents or employees receives information pursuant to
12 subsection (3) of this section, or if any individual tells an
13 operator or any of its agents or employees that the impounded vehicle
14 is a vehicle residence, any public auction procedures under RCW
15 46.55.130 must be stopped. The operator must provide to any
16 individual claiming to live in the vehicle:

17 (i) Written notice of the right of redemption and opportunity for
18 a hearing;

19 (ii) A form to be used for requesting a hearing;

20 (iii) The name of the person or agency authorizing the impound;
21 and

22 (iv) A copy of the current towing and storage invoice.

23 (b) The information in (a)(i) through (iv) of this subsection
24 must be provided again, even if it has already been previously mailed
25 or provided under the procedures described in RCW 46.55.110.

26 (5) A vehicle residence may be considered an abandoned vehicle
27 if:

28 (a) Ninety days have passed since notice from a state or its
29 agents or local government or its agents under subsection (3) of this
30 section;

31 (b) Ninety days have passed since providing or reproviding the
32 notice under subsection (4) of this section; and

33 (c) No individual claiming to reside in the vehicle or any other
34 individual authorized to redeem the vehicle under RCW 46.55.120 has
35 requested a hearing, redeemed the vehicle by payment, or communicated
36 with the operator to arrange redemption of the vehicle.

37 (6) An operator may proceed forward with the public auction
38 procedures under RCW 46.55.130 after expiration of the 90-day period,
39 by providing a mailing of notice of custody and sale to the
40 registered and legal owners, and by providing the notice to any

1 individuals that previously came forward to say they lived in the
2 vehicle. The vehicle may then proceed to auction 15 days after
3 expiration of the notice of custody and sale, pursuant to the general
4 procedures of RCW 46.55.130, or 15 days after a court has ordered the
5 vehicle released.

6 (7) If an impounded vehicle is subject to the provisions of this
7 section, personal belongings shall be kept intact and shall be
8 returned to the vehicle's owner or agent during normal business hours
9 upon request and presentation of a driver's license or other
10 sufficient identification, and may not be considered abandoned or
11 disposed of at the operator's discretion until the date of auction.
12 No personal belongings request form is required under RCW 46.55.090.

13 (8) If the impound was carried out at the direction of the state
14 or its agents or a local government or its agents, they are
15 responsible for paying any storage costs to the operator. If the
16 impound was private and without governmental involvement, no
17 additional storage costs may accrue once either an individual has
18 notified the operator the individual resides in the vehicle or after
19 a hearing has been requested.

20 **Sec. 2.** RCW 46.55.010 and 2023 c 326 s 1 are each reenacted and
21 amended to read as follows:

22 The definitions (~~(set forth)~~) in this section apply throughout
23 this chapter(~~(+)~~) unless the context clearly requires otherwise.

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

27 (2) "Abandoned vehicle report" means the document prescribed by
28 the state that the towing operator forwards to the department after a
29 vehicle has become abandoned.

30 (3) "Immobilize" means the use of a locking wheel boot that, when
31 attached to the wheel of a vehicle, prevents the vehicle from moving
32 without damage to the tire to which the locking wheel boot is
33 attached.

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

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

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

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

6 (a) Is three years old or older;

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

10 (c) Is apparently inoperable;

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

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

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

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

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

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

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

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

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

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

39 Subject to removal after:

- 1 (a) Public locations:
- 2 (i) Constituting an accident or a traffic hazard as
- 3 defined in RCW 46.55.113 Immediately
- 4 (ii) On a highway and tagged as described in RCW
- 5 46.55.085 24 hours
- 6 (iii) In a publicly owned or controlled parking
- 7 facility, properly posted under RCW
- 8 46.55.070 Immediately
- 9 (iv) Within the right-of-way used by a regional transit
- 10 authority for high capacity transportation where
- 11 the vehicle constitutes an obstruction to the
- 12 operation of high capacity transportation vehicles
- 13 or
- 14 jeopardizes public safety. Immediately
- 15 (b) Private locations:
- 16 (i) On residential property Immediately
- 17 (ii) On private, nonresidential property,
- 18 properly posted under RCW
- 19 46.55.070 Immediately
- 20 (iii) On private, nonresidential property,
- 21 not posted 24 hours

22 (15) "Vehicle residence" means a vehicle that is used as a home,
 23 residence, shelter, and/or homestead pursuant to chapter 6.13 RCW.
 24 Vehicle residences are not considered abandoned and are instead
 25 subject to additional protections and procedures, as outlined in this
 26 chapter.

27 **Sec. 3.** RCW 46.55.090 and 2019 c 401 s 1 are each amended to
 28 read as follows:

29 (1) All vehicles impounded shall be taken to the nearest storage
 30 location that has been inspected and is listed on the application
 31 filed with the department.

32 (2) All vehicles and stored personal belongings shall be handled
 33 and returned in substantially the same condition as they existed
 34 before being towed.

35 (3) For purposes of this (~~subsection~~[section]) section,
 36 "personal belongings" means personal property and contents in a
 37 vehicle, with the exception of those items of personal property that

1 are registered or titled with the department. For a period of
2 (~~twenty~~) 20 days from impound, personal belongings shall be kept
3 intact, and shall be returned to the vehicle's owner or agent during
4 normal business hours upon request and presentation of a driver's
5 license or other sufficient identification. A vehicle's owner or
6 agent may retrieve personal belongings from the vehicle and request
7 that the registered tow truck operator store the personal belongings
8 for a period of (~~thirty~~) 30 days from the date of signing a
9 personal belongings storage request form. If a personal belongings
10 storage request form is not submitted, personal belongings not
11 claimed within (~~twenty~~) 20 days from the date of the impound are
12 considered abandoned and may be disposed of at the registered tow
13 truck operator's discretion. If a personal belongings storage request
14 form is submitted to the registered tow truck operator, personal
15 belongings not claimed within (~~thirty~~) 30 days of the date the
16 personal belongings storage request form is submitted are considered
17 abandoned and may be disposed of at the registered tow truck
18 operator's discretion. Abandoned personal belongings may be sold at
19 auction with the vehicle to fulfill a lien against the vehicle. The
20 department shall adopt rules prescribing the content and format of
21 the personal belongings storage request form. If an impounded vehicle
22 is subject to section 1 of this act, the treatment of personal
23 belongings is subject to section 1(7) of this act.

24 (4) Tow truck drivers shall have a Washington state driver's
25 license endorsed for the appropriate classification under chapter
26 46.25 RCW or the equivalent issued by another state.

27 (5) Any person who shows proof of ownership or written
28 authorization from the impounded vehicle's registered or legal owner
29 or the vehicle's insurer may view the vehicle without charge during
30 normal business hours.

31 **Sec. 4.** RCW 46.55.120 and 2017 c 152 s 1 are each amended to
32 read as follows:

33 (1)(a) Vehicles or other items of personal property registered or
34 titled with the department that are impounded by registered tow truck
35 operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or
36 9A.88.140 may be redeemed only by the following persons or entities:

37 (i) The legal owner;

38 (ii) The registered owner;

39 (iii) A person authorized in writing by the registered owner;

1 (iv) The vehicle's insurer or a vendor working on behalf of the
2 vehicle's insurer;

3 (v) A third-party insurer that has a duty to repair or replace
4 the vehicle, has obtained consent from the registered owner or the
5 owner's agent to move the vehicle, and has documented that consent in
6 the insurer's claim file, or a vendor working on behalf of a third-
7 party insurer that has received such consent; provided, however, that
8 at all times the registered owner must be granted access to and may
9 reclaim possession of the vehicle. For the purposes of this
10 subsection, "owner's agent" means the legal owner of the vehicle, a
11 driver in possession of the vehicle with the registered owner's
12 permission, or an adult member of the registered owner's family;

13 (vi) A person who is determined and verified by the operator to
14 have the permission of the registered owner of the vehicle or other
15 item of personal property registered or titled with the department;

16 (vii) A person who has purchased a vehicle or item of personal
17 property registered or titled with the department from the registered
18 owner who produces proof of ownership or written authorization and
19 signs a receipt therefor; ((~~or~~))

20 (viii) If (a)(i) through (vii) of this subsection do not apply, a
21 person, who is known to the registered or legal owner of a motorcycle
22 or moped, as each are defined in chapter 46.04 RCW, that was towed
23 from the scene of an accident, may redeem the motorcycle or moped as
24 a bailment in accordance with RCW 46.55.125 while the registered or
25 legal owner is admitted as a patient in a hospital due to the
26 accident; or

27 (ix) A person who is authorized by a court, after an impound
28 hearing or other procedure, to redeem the vehicle.

29 (A) A court or administrative hearing officer, for the
30 jurisdiction in which the vehicle was impounded, may order release of
31 the vehicle to any person meeting the criteria in (a)(i) through
32 (viii) of this subsection after a hearing or legal proceeding.

33 (B) If ownership of the vehicle or authorization from the legal
34 or registered owner to use, reside in, or retrieve the vehicle is
35 disputed, a court or hearing officer may review any additionally
36 presented information and evidence to determine ownership or
37 authorization to the vehicle. If a person establishes at a hearing or
38 other legal proceeding, by a preponderance of the evidence, that they
39 own the vehicle, have authorization to retrieve or reside in the
40 vehicle, or otherwise meet the criteria in (a)(i) through (viii) of

1 this subsection, the court may order release of the vehicle to the
2 requesting person.

3 (C) A court may also order release and retrieval of any personal
4 property inside a vehicle, if a requesting person establishes
5 ownership to that personal property, by a preponderance of the
6 evidence.

7 (D) A court or administrative hearing officer, for the
8 jurisdiction in which the vehicle was impounded, may continue a
9 hearing for up to 30 days to clarify ownership or authorization to a
10 vehicle. If a claimant files a claim to quiet title to the vehicle
11 under RCW 46.12.680 during the 30-day period, a court shall grant an
12 additional continuance until that claim has ended.

13 (b) In addition, a vehicle impounded because the operator is in
14 violation of RCW 46.20.342(1)(c) shall not be released until a person
15 eligible to redeem it under (a) of this subsection satisfies the
16 requirements of (f) of this subsection(~~(, including paying all~~
17 ~~towing, removal, and storage fees)) or if a court has ordered~~
18 release, notwithstanding the fact that the hold was ordered by a
19 government agency. If the department's records show that the operator
20 has been convicted of a violation of RCW 46.20.342 or a similar local
21 ordinance within the past five years, the vehicle may be held for up
22 to (~~(thirty))~~ 30 days at the written direction of the agency ordering
23 the vehicle impounded. A vehicle impounded because the operator is
24 arrested for a violation of RCW 46.20.342 may be released only
25 pursuant to a written order from the agency that ordered the vehicle
26 impounded or from the court having jurisdiction. An agency shall
27 issue a written order to release pursuant to a provision of an
28 applicable state agency rule or local ordinance authorizing release
29 on the basis of the following:

30 (i) Economic or personal hardship to the family, spouse, or
31 domestic partner of the operator, taking into consideration public
32 safety factors, including the operator's criminal history and driving
33 record; (~~(or)~~)

34 (ii) The owner of the vehicle was not the driver, the owner did
35 not know that the driver's license was suspended or revoked, and the
36 owner has not received a prior release under this subsection or RCW
37 46.55.113(3); or

38 (iii) The vehicle is a vehicle residence.

39 In order to avoid discriminatory application, other than for the
40 reasons for release set forth in (b)(i) (~~(and (ii))~~) through (iii) of

1 this subsection, an agency shall, under a provision of an applicable
2 state agency rule or local ordinance, deny release in all other
3 circumstances without discretion.

4 If a vehicle is impounded because the operator is in violation of
5 RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to
6 (~~thirty~~) 30 days at the written direction of the agency ordering
7 the vehicle impounded. However, if the department's records show that
8 the operator has been convicted of a violation of RCW 46.20.342(1)
9 (a) or (b) or a similar local ordinance within the past five years,
10 the vehicle may be held at the written direction of the agency
11 ordering the vehicle impounded for up to (~~sixty~~) 60 days, and for
12 up to (~~ninety~~) 90 days if the operator has two or more such prior
13 offenses. If a vehicle is impounded because the operator is arrested
14 for a violation of RCW 46.20.342, the vehicle may not be released
15 until a person eligible to redeem it under (a) of this subsection
16 satisfies the requirements of (f) of this subsection, including
17 paying all towing, removal, and storage fees, notwithstanding the
18 fact that the hold was ordered by a government agency.

19 (c) If the vehicle is directed to be held for a suspended license
20 impound, a person who desires to redeem the vehicle at the end of the
21 period of impound shall within five days of the impound at the
22 request of the tow truck operator pay a security deposit to the tow
23 truck operator of not more than one-half of the applicable impound
24 storage rate for each day of the proposed suspended license impound.
25 The tow truck operator shall credit this amount against the final
26 bill for removal, towing, and storage upon redemption. The tow truck
27 operator may accept other sufficient security in lieu of the security
28 deposit. If the person desiring to redeem the vehicle does not pay
29 the security deposit or provide other security acceptable to the tow
30 truck operator, the tow truck operator may process and sell at
31 auction the vehicle as an abandoned vehicle within the normal time
32 limits set out in RCW 46.55.130(1). The security deposit required by
33 this section may be paid and must be accepted at any time up to
34 (~~twenty-four~~) 24 hours before the beginning of the auction to sell
35 the vehicle as abandoned. The registered owner is not eligible to
36 purchase the vehicle at the auction, and the tow truck operator shall
37 sell the vehicle to the highest bidder who is not the registered
38 owner.

39 (d) Notwithstanding (c) of this subsection, a rental car business
40 may immediately redeem a rental vehicle it owns by payment of the

1 costs of removal, towing, and storage, whereupon the vehicle will not
2 be held for a suspended license impound.

3 (e) Notwithstanding (c) of this subsection, a motor vehicle
4 dealer or lender with a perfected security interest in the vehicle
5 may redeem or lawfully repossess a vehicle immediately by payment of
6 the costs of removal, towing, and storage, whereupon the vehicle will
7 not be held for a suspended license impound. A motor vehicle dealer
8 or lender with a perfected security interest in the vehicle may not
9 knowingly and intentionally engage in collusion with a registered
10 owner to repossess and then return or resell a vehicle to the
11 registered owner in an attempt to avoid a suspended license impound.
12 However, this provision does not preclude a vehicle dealer or a
13 lender with a perfected security interest in the vehicle from
14 repossessing the vehicle and then selling, leasing, or otherwise
15 disposing of it in accordance with chapter 62A.9A RCW, including
16 providing redemption rights to the debtor under RCW 62A.9A-623. If
17 the debtor is the registered owner of the vehicle, the debtor's right
18 to redeem the vehicle under chapter 62A.9A RCW is conditioned upon
19 the debtor obtaining and providing proof from the impounding
20 authority or court having jurisdiction that any fines, penalties, and
21 forfeitures owed by the registered owner, as a result of the
22 suspended license impound, have been paid, and proof of the payment
23 must be tendered to the vehicle dealer or lender at the time the
24 debtor tenders all other obligations required to redeem the vehicle.
25 Vehicle dealers or lenders are not liable for damages if they rely in
26 good faith on an order from the impounding agency or a court in
27 releasing a vehicle held under a suspended license impound.

28 (f) The vehicle or other item of personal property registered or
29 titled with the department shall be released upon the presentation to
30 any person having custody of the vehicle of commercially reasonable
31 tender sufficient to cover the costs of towing, storage, or other
32 services rendered during the course of towing, removing, impounding,
33 or storing any such vehicle, with credit being given for the amount
34 of any security deposit paid under (c) of this subsection. In
35 addition, if a vehicle is impounded because the operator was arrested
36 for a violation of RCW 46.20.342 or 46.20.345 and was being operated
37 by the registered owner when it was impounded under local ordinance
38 or agency rule, it must not be released to any person until the
39 registered owner establishes with the agency that ordered the vehicle
40 impounded or the court having jurisdiction that any penalties, fines,

1 or forfeitures owed by him or her have been satisfied. Registered tow
2 truck operators are not liable for damages if they rely in good faith
3 on an order from the impounding agency or a court in releasing a
4 vehicle held under a suspended license impound. Commercially
5 reasonable tender shall include, without limitation, cash, major bank
6 credit cards issued by financial institutions, or personal checks
7 drawn on Washington state branches of financial institutions if
8 accompanied by two pieces of valid identification, one of which may
9 be required by the operator to have a photograph. If the towing firm
10 cannot determine through the customer's bank or a check verification
11 service that the presented check would be paid by the bank or
12 guaranteed by the service, the towing firm may refuse to accept the
13 check. Any person who stops payment on a personal check or credit
14 card, or does not make restitution within ten days from the date a
15 check becomes insufficient due to lack of funds, to a towing firm
16 that has provided a service pursuant to this section or in any other
17 manner defrauds the towing firm in connection with services rendered
18 pursuant to this section shall be liable for damages in the amount of
19 twice the towing and storage fees, plus costs and reasonable
20 (~~attorney's~~) attorneys' fees.

21 (2) (a) The registered tow truck operator shall give to each and
22 any person who seeks to redeem an impounded vehicle, or item of
23 personal property registered or titled with the department, written
24 notice of the right of redemption and opportunity for a hearing,
25 which notice shall be accompanied by a form to be used for requesting
26 a hearing, the name of the person or agency authorizing the impound,
27 and a copy of the towing and storage invoice. The registered tow
28 truck operator shall maintain a record evidenced by the redeeming
29 person's signature that such notification was provided. The form to
30 request a hearing shall be given to any person who seeks to redeem an
31 impounded vehicle, even if the person does not appear on record as
32 the registered or legal owner. The form to request a hearing must
33 also be made available in all languages spoken by more than 10
34 percent of the population in the county where the operator is
35 registered. The department shall adopt rules prescribing the content
36 and format of the hearing form to ensure that individuals have
37 adequate notice of the hearing procedures and rights outlined in this
38 section.

39 (b) Any person seeking to redeem an impounded vehicle under this
40 section has a right to a hearing in the district or municipal court

1 for the jurisdiction in which the vehicle was impounded to contest
2 the validity of the impoundment, an operator's retention of an
3 impounded vehicle, or the amount of towing and storage charges. The
4 district court has jurisdiction to determine the issues involving all
5 impoundments including those authorized by the state or its agents or
6 impoundments involving tows from private property. The municipal
7 court has jurisdiction to determine the issues involving impoundments
8 authorized by agents of the municipality. Any request for a hearing
9 shall be made in writing on the form provided for that purpose and
10 must be received by the appropriate court within (~~ten~~) 10 days of
11 the date the opportunity was provided for in (a) of this subsection
12 and more than five days before the date of the auction. (~~At the time~~
13 ~~of the filing of the hearing request, the petitioner shall pay to the~~
14 ~~court clerk a filing fee in the same amount required for the filing~~
15 ~~of a suit in district court.~~) If an individual wishes to request a
16 hearing but has misplaced or claims to have not received the hearing
17 request form from the operator, courts shall ensure that an
18 additional copy of the form is provided to anyone who requests it.
19 Courts may require filing fees for hearing requests, but courts shall
20 waive these fees for individuals who cannot pay due to financial
21 hardship or if they are requesting a hearing to redeem a vehicle they
22 claim is a vehicle residence. If the hearing request is not received
23 by the court within the (~~ten-day~~) 10-day period, the right to a
24 hearing (~~is~~) may be waived and the registered owner is liable for
25 any towing, storage, or other impoundment charges permitted under
26 this chapter, unless the court has received information that the
27 vehicle is lived in and comes under the alternate provisions of this
28 section, which allow for additional time to request a hearing. Courts
29 may consider late hearing requests, prior to auction of the vehicle,
30 upon good cause. Good cause shall be freely granted where an
31 individual claims financial hardship due to loss of the vehicle or
32 where the vehicle is a vehicle residence.

33 (c) If an impounded vehicle is still held by the operator and has
34 not been redeemed, courts shall develop procedures to ensure that a
35 hearing is conducted within two business days after the request for a
36 hearing. If extraordinary circumstances delay the hearing beyond two
37 business days and the impounded vehicle is claimed to be used as a
38 vehicle residence, courts shall order the release of the vehicle to
39 the claimed occupant and hearing requester if they qualify to redeem
40 the vehicle under subsection (1)(a)(i) through (viii) of this

1 section, pending final determination at the hearing. Upon receipt of
2 a timely hearing request, the court shall proceed to hear and
3 determine the validity of the impoundment.

4 (d) If an impounded vehicle has already been redeemed by the
5 hearing requester and is not in the operator's possession, courts
6 shall schedule hearings within 30 days of the request for hearing.
7 Upon receipt of a request, the court shall proceed to hear and
8 determine the validity of the impoundment. Upon receipt of a timely
9 hearing request, the court shall proceed to hear and determine the
10 validity of the impoundment.

11 (3) (a) The court, (~~within five days~~) immediately after
12 receiving the request for a hearing, shall notify the registered tow
13 truck operator, the person requesting the hearing if not the owner,
14 the registered and legal owners of the vehicle or other item of
15 personal property registered or titled with the department, and the
16 person or agency authorizing the impound in writing of the hearing
17 date and time.

18 (b) At the hearing, the person or persons requesting the hearing
19 may produce any relevant evidence to show that the impoundment,
20 towing, or storage fees charged were not proper. The court may
21 consider a written report made under oath by the officer who
22 authorized the impoundment in lieu of the officer's personal
23 appearance at the hearing.

24 (c) At the conclusion of the hearing, the court shall determine
25 whether the impoundment was proper and in accord with applicable law
26 and constitutional standards, whether the towing or storage fees
27 charged were in compliance with the posted rates, and who is
28 responsible for payment of the fees. (~~The court may not adjust fees~~
29 ~~or charges that are in compliance with the posted or contracted~~
30 ~~rates.~~) If the impoundment is found proper, the court shall
31 determine whether those fees are proper in light of the responsible
32 individual's financial circumstances. If the vehicle is still within
33 the operator's possession, the court shall also determine whether the
34 vehicle shall be released to the individual requesting the hearing.

35 (d) (~~If the impoundment is found proper, the impoundment,~~
36 ~~towing, and storage fees as permitted under this chapter together~~
37 ~~with court costs shall be assessed against the person or persons~~
38 ~~requesting the hearing, unless the operator did not have a signed and~~
39 ~~valid impoundment authorization from a private property owner or an~~
40 ~~authorized agent.~~

1 ~~(e))~~ If the impoundment was authorized at the direction or
2 request of the state or its agents or a local government or its
3 agents, the court must determine whether the impound fees, storage
4 fees, or any other impound related charges are excessive, taking into
5 consideration the individual's ability to pay, the effect of the
6 impound and fees on the individual's livelihood, and any other
7 applicable factors. The court shall lower fees and charges if they
8 are excessive. In addition to lowering the fees and charges, the
9 court may also allow payment of any reduced imposed towing and
10 storage fees on an affordable monthly or other term payment plan. If
11 the court lowers impound or storage fees, the state or its agents or
12 local government or its agents must pay the remaining costs of the
13 impoundment or storage to the operator, or as otherwise determined by
14 the contract with the operator.

15 (e) If the impoundment was not authorized at the direction or
16 request of a state or its agents or a local government or its agents
17 such as during a privately requested impound from private property,
18 the court may determine whether the fees or charges and impound were
19 proper, but the court may not adjust fees or charges that are in
20 compliance with posted or contracted rates. However, the court shall
21 take into consideration the individual's ability to pay and financial
22 hardship, and must order payment of any imposed towing and storage
23 fees on an affordable monthly or other term payment plan.

24 (f) If the impounded vehicle is a vehicle residence, regardless
25 of whether the impound was authorized by the state or its agents or a
26 local government or its agents or at the request of a private
27 citizen, the vehicle may not be sold under the public auction
28 procedures under RCW 46.55.130 and may not be retained by the
29 operator for unpaid charges. If the person or persons who requested
30 the hearing provide any information, evidence, or statements to the
31 court that they reside in the vehicle or if they provide any
32 information to the court that the vehicle is a vehicle residence, the
33 court must order release of the vehicle to the person requesting the
34 hearing after determining that any other person was authorized or
35 deemed eligible by the court under this section. A statement on the
36 record in court that someone resided in the vehicle before impound is
37 sufficient information that the vehicle qualifies as a vehicle
38 residence, and any vehicle claimed as a vehicle residence is presumed
39 valid. A state or its agents or a local government or its agents who
40 authorized an impound may contest the fact that a vehicle is not a

1 vehicle residence at an impound hearing, but must provide clear and
2 convincing evidence that the vehicle is not used as a residence. The
3 court may additionally lower imposed towing and storage fees, but the
4 court may not condition release of the vehicle upon any immediate
5 payment of any of those fees. If the person at the hearing does not
6 meet the requirements of a person authorized to redeem the vehicle
7 under this section, the court may reschedule the hearing to allow the
8 requester time to gather additional information to show authorization
9 to redeem the vehicle, such as a written statement from the
10 registered owner, and/or proof of pending title or registration
11 change.

12 (g) If the impoundment is determined to be in violation of this
13 chapter or if the operator did not have a signed and valid
14 impoundment authorization from a private property owner or an
15 authorized agent, then the registered and legal owners of the vehicle
16 or other item of personal property registered or titled with the
17 department shall bear no impoundment, towing, or storage fees, and
18 any security shall be returned or discharged as appropriate, and the
19 person or agency who authorized the impoundment shall be liable for
20 any towing, storage, or other impoundment fees permitted under this
21 chapter. The court shall enter judgment in favor of the registered
22 tow truck operator against the person or agency authorizing the
23 impound for the impoundment, towing, and storage fees paid. In
24 addition, the court shall enter judgment in favor of the registered
25 and legal owners of the vehicle, or other item of personal property
26 registered or titled with the department, for the amount of the
27 filing fee if required (~~by law~~) for the impound hearing petition as
28 well as reasonable damages for loss of the use of the vehicle during
29 the time the same was impounded against the person or agency
30 authorizing the impound. However, if an impoundment arising from an
31 alleged violation of RCW 46.20.342 or 46.20.345 is determined to be
32 in violation of this chapter, then the law enforcement officer
33 directing the impoundment and the government employing the officer
34 are not liable for damages if the officer relied in good faith and
35 without gross negligence on the records of the department in
36 ascertaining that the operator of the vehicle had a suspended or
37 revoked driver's license. If any judgment entered is not paid within
38 (~~fifteen~~) 15 days of notice in writing of its entry, the court
39 shall award reasonable attorneys' fees and costs against the
40 defendant in any action to enforce the judgment. Notice of entry of

1 judgment may be made by registered or certified mail, and proof of
2 mailing may be made by affidavit of the party mailing the notice.
3 Notice of the entry of the judgment shall read essentially as
4 follows:

5 TO:
6 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in
7 the Court located at in the sum of
8 \$., in an action entitled, Case
9 No. YOU ARE FURTHER NOTIFIED that attorneys fees and
10 costs will be awarded against you under RCW . . . if the
11 judgment is not paid within 15 days of the date of this
12 notice.

13 DATED this day of, (year) . . .
14 Signature
15 Typed name and address
16 of party mailing notice

17 (4) (~~Any~~) An impounded abandoned vehicle or item of personal
18 property registered or titled with the department that is not
19 redeemed within (~~fifteen~~) 15 days of mailing of the notice of
20 custody and sale as required by RCW 46.55.110(3) shall be sold at
21 public auction in accordance with all the provisions and subject to
22 all the conditions of RCW 46.55.130. If the impounded vehicle is a
23 vehicle residence it is subject to additional procedures under
24 section 1 of this act. A vehicle or item of personal property
25 registered or titled with the department may be redeemed at any time
26 before the start of the auction upon payment of the applicable towing
27 and storage fees.

28 **Sec. 5.** RCW 46.55.130 and 2017 c 152 s 2 are each amended to
29 read as follows:

30 (1) If, after the expiration of (~~fifteen~~) 15 days from the date
31 of mailing of notice of custody and sale required in RCW 46.55.110(3)
32 to the registered and legal owners, the vehicle remains unclaimed and
33 has not been listed as a stolen vehicle, a suspended license impound
34 has been directed but no commercially reasonable tender has been paid
35 under RCW 46.55.120, (~~or~~) a person eligible to redeem under RCW
36 46.55.120(1)(a)(viii) has not come forth providing information that
37 the registered or legal owner of a motorcycle or moped is an admitted
38 patient in a hospital, or no individual or agency has come forth

1 providing any information to the operator that the vehicle is a
2 vehicle residence pursuant to section 1 of this act, the registered
3 tow truck operator having custody of the vehicle shall conduct a sale
4 of the vehicle at public auction after having first published a
5 notice of the date, place, and time of the auction, and a method to
6 contact the tow truck operator conducting the auction such as a
7 telephone number, email address, or website, in a newspaper of
8 general circulation in the county in which the vehicle is located not
9 less than three days and no more than (~~ten~~) 10 days before the date
10 of the auction. For the purposes of this section, a newspaper of
11 general circulation may be a commercial, widely circulated, free,
12 classified advertisement circular not affiliated with the registered
13 tow truck operator and the notice may be listed in a classification
14 delineating "auctions" or similar language designed to attract
15 potential bidders to the auction. The notice shall contain a
16 notification that a public viewing period will be available before
17 the auction and the length of the viewing period. The auction shall
18 be held during daylight hours of a normal business day. The viewing
19 period must be one hour if (~~twenty-five~~) 25 or fewer vehicles are
20 to be auctioned, two hours if more than (~~twenty-five~~) 25 and fewer
21 than (~~fifty~~) 50 vehicles are to be auctioned, and three hours if
22 (~~fifty~~) 50 or more vehicles are to be auctioned. If the registered
23 tow truck operator is notified that the registered or legal owner of
24 the moped or motorcycle is an admitted patient in the hospital as
25 evidenced by a declaration on a form authorized by the department,
26 the registered tow truck operator may delay the auction of the moped
27 or motorcycle for a reasonable time in a good faith effort to provide
28 additional time for the redemption of the vehicle.

29 (2) Vehicles used as a vehicle residence are subject to the
30 procedures of section 1 of this act.

31 (3) The following procedures are required in any public auction
32 of such abandoned vehicles:

33 (a) The auction shall be held in such a manner that all persons
34 present are given an equal time and opportunity to bid;

35 (b) All bidders must be present at the time of auction unless
36 they have submitted to the registered tow truck operator, who may or
37 may not choose to use the preauction bid method, a written bid on a
38 specific vehicle. Written bids may be submitted up to five days
39 before the auction and shall clearly state which vehicle is being bid
40 upon, the amount of the bid, and who is submitting the bid;

1 (c) The open bid process, including all written bids, shall be
2 used so that everyone knows the dollar value that must be exceeded;

3 (d) The highest two bids received shall be recorded in written
4 form and shall include the name, address, and telephone number of
5 each such bidder;

6 (e) In case the high bidder defaults, the next bidder has the
7 right to purchase the vehicle for the amount of his or her bid;

8 (f) The successful bidder shall apply for title within
9 (~~fifteen~~) 15 days;

10 (g) The registered tow truck operator shall post a copy of the
11 auction procedure at the bidding site. If the bidding site is
12 different from the licensed office location, the operator shall post
13 a clearly visible sign at the office location that describes in
14 detail where the auction will be held. At the bidding site a copy of
15 the newspaper advertisement that lists the vehicles for sale shall be
16 posted;

17 (h) All surplus moneys derived from the auction after
18 satisfaction of the registered tow truck operator's lien shall be
19 remitted within (~~thirty~~) 30 days to the department for deposit in
20 the state motor vehicle fund. A report identifying the vehicles
21 resulting in any surplus shall accompany the remitted funds. If the
22 director subsequently receives a valid claim from the registered
23 vehicle owner of record as determined by the department within one
24 year from the date of the auction, the surplus moneys shall be
25 remitted to such owner;

26 (i) If an operator receives no bid, or if the operator is the
27 successful bidder at auction, the operator shall, within (~~forty-~~
28 ~~five~~) 45 days, sell the vehicle to a licensed vehicle wrecker, hulk
29 hauler, or scrap processor by use of the abandoned vehicle report-
30 affidavit of sale, or the operator shall apply for title to the
31 vehicle.

32 (~~(+3)~~) (4) A tow truck operator may refuse to accept a bid at an
33 abandoned vehicle auction under this section for any reason in the
34 operator's posted operating procedures and for any of the following
35 reasons: (a) The bidder is currently indebted to the operator; (b)
36 the operator has knowledge that the bidder has previously abandoned
37 vehicles purchased at auction; or (c) the bidder has purchased, at
38 auction, more than four vehicles in the last calendar year without
39 obtaining title to any or all of the vehicles. In no case may an
40 operator hold a vehicle for longer than (~~ninety~~) 90 days without

1 holding an auction on the vehicle, except for vehicles that are under
2 a police or judicial hold or vehicle residences.

3 ~~((4))~~ (5)(a) The accumulation of storage charges applied to the
4 lien at auction under RCW 46.55.140 may not exceed ~~((fifteen))~~ 15
5 additional days from the date of receipt of the information by the
6 operator from the department as provided by RCW 46.55.110(3) plus the
7 storage charges accumulated prior to the receipt of the information.
8 However, vehicles redeemed pursuant to RCW 46.55.120 prior to their
9 sale at auction are subject to payment of all accumulated storage
10 charges from the time of impoundment up to the time of redemption.

11 (b) The failure of the registered tow truck operator to comply
12 with the time limits provided in this chapter limits the accumulation
13 of storage charges to five days except where delay is unavoidable.
14 Providing incorrect or incomplete identifying information to the
15 department in the abandoned vehicle report shall be considered a
16 failure to comply with these time limits if correct information is
17 available. However, storage charges begin to accrue again on the date
18 the correct and complete information is provided to the department by
19 the registered tow truck operator.

20 **Sec. 6.** RCW 46.55.140 and 2010 c 161 s 1121 are each amended to
21 read as follows:

22 (1) A registered tow truck operator who has a valid and signed
23 impoundment authorization has a lien upon the impounded vehicle for
24 services provided in the towing and storage of the vehicle, unless
25 the impoundment is determined to have been invalid or is discharged
26 or adjusted by the court under RCW 46.55.130. The lien does not apply
27 to personal property in or upon the vehicle that is not permanently
28 attached to or is not an integral part of the vehicle except for
29 items of personal property registered or titled with the department.
30 The registered tow truck operator also has a deficiency claim against
31 the registered owner of the vehicle for services provided in the
32 towing and storage of the vehicle not to exceed the sum of ~~((five~~
33 ~~hundred dollars))~~ \$500 after deduction of the amount bid at auction,
34 and for vehicles of over ten thousand pounds gross vehicle weight,
35 the operator has a deficiency claim of ~~((one thousand dollars))~~
36 \$1,000 after deduction of the amount bid at auction, unless the
37 impound is determined to be invalid or is discharged or adjusted by
38 the court under RCW 46.55.130. The limitation on towing and storage
39 deficiency claims does not apply to an impound directed by a law

1 enforcement officer. In no case may the cost of the auction or a
2 buyer's fee be added to the amount charged for the vehicle at the
3 auction, the vehicle's lien, or the overage due. A registered owner
4 who has completed and filed with the department the report of sale as
5 provided for in RCW 46.12.650 and has timely and properly filed the
6 report of sale is relieved of liability under this section. The
7 person named as the new owner of the vehicle on the timely and
8 properly filed report of sale shall assume liability under this
9 section.

10 (2) Any person who tows, removes, or otherwise disturbs any
11 vehicle parked, stalled, or otherwise left on privately owned or
12 controlled property, and any person owning or controlling the private
13 property, or either of them, are liable to the owner or operator of a
14 vehicle, or each of them, for consequential and incidental damages
15 arising from any interference with the ownership or use of the
16 vehicle which does not comply with the requirements of this chapter.

17 **Sec. 7.** RCW 46.55.230 and 2021 c 65 s 52 are each amended to
18 read as follows:

19 (1)(a) Notwithstanding any other provision of law, any law
20 enforcement officer having jurisdiction, or any employee or officer
21 of a jurisdictional health department acting pursuant to RCW
22 70A.205.195, or any person authorized by the director shall inspect
23 and may authorize the disposal of an abandoned junk vehicle if that
24 abandoned junk vehicle is not a vehicle residence. The person making
25 the inspection shall record the make and vehicle identification
26 number or license number of the vehicle if available, and shall also
27 verify that the approximate value of the junk vehicle is equivalent
28 only to the approximate value of the parts.

29 (b) A tow truck operator may authorize the disposal of an
30 abandoned junk vehicle if the vehicle has been abandoned two or more
31 times, the registered ownership information has not changed since the
32 first abandonment, and the registered owner is also the legal owner.

33 (2) The law enforcement officer or department representative
34 shall provide information on the vehicle's registered and legal owner
35 to the landowner.

36 (3) Upon receiving information on the vehicle's registered and
37 legal owner, the landowner shall mail a notice to the registered and
38 legal owners shown on the records of the department. The notification
39 shall describe the redemption procedure and the right to arrange for

1 the removal of the vehicle. This notification shall also be posted
2 directly on the vehicle.

3 (4) If the vehicle remains unclaimed more than ~~((fifteen))~~ 15
4 days after the landowner has mailed notification to the registered
5 and legal owner, posted notification on the vehicle, and if no one
6 has come forward claiming the vehicle as a residence or home, the
7 landowner may dispose of the vehicle or sign an affidavit of sale to
8 be used as a title document.

9 ~~((If no information on the vehicle's registered and legal~~
10 ~~owner is found in the records of the department, the landowner may~~
11 ~~immediately dispose of the vehicle or sign an affidavit of sale to be~~
12 ~~used as a title document.~~

13 ~~((6))~~ It is a gross misdemeanor for a person to abandon a junk
14 vehicle on property. If a junk vehicle is abandoned, the vehicle's
15 registered owner shall also pay a cleanup restitution payment equal
16 to twice the costs incurred in the removal of the junk vehicle. The
17 court shall distribute one-half of the restitution payment to the
18 landowner of the property upon which the junk vehicle is located, and
19 one-half of the restitution payment to the law enforcement agency or
20 jurisdictional health department investigating the incident.

21 ~~((7))~~ (6) For the purposes of this section, the term
22 "landowner" includes a legal owner of private property, a person with
23 possession or control of private property, or a public official
24 having jurisdiction over public property.

25 ~~((8))~~ (7) A person complying in good faith with the
26 requirements of this section is immune from any liability arising out
27 of an action taken or omission made in the compliance.

28 **Sec. 8.** RCW 46.53.010 and 2018 c 287 s 5 are each amended to
29 read as follows:

30 (1) A registered tow truck operator, as defined in RCW 46.55.010,
31 vehicle wrecker, as defined in RCW 46.80.010, or scrap processor, as
32 defined in RCW 46.79.010, and scrap metal businesses, as defined in
33 RCW 19.290.010, may apply to the department on a form prescribed by
34 the department for cost reimbursement for the towing, transport,
35 storage, dismantling, and disposal of abandoned recreational vehicles
36 from public property.

37 (2) The department may only use funds under RCW 46.68.175 for
38 cost reimbursement for the towing, transport, storage, dismantling,
39 and disposal of abandoned recreational vehicles. The department may

1 not authorize reimbursements that total more than (~~ten thousand~~
2 ~~dollars~~) \$10,000 per vehicle for which cost reimbursements are
3 requested.

4 (3) After consulting with the 2017 stakeholder group, the
5 department may develop rules including, but not limited to, towing,
6 transport, storage, dismantling, and disposal rates, application form
7 and contents, and cost reimbursement and the reimbursement process,
8 to implement this section.

9 (4) The department shall convene a stakeholder work group every
10 two years, with the first meeting to be held within (~~twelve~~) 12
11 months of rule adoption, to make recommendations on rule amendments.

12 (5) For the purposes of this section, an "abandoned recreational
13 vehicle" means a camper, motor home, or travel trailer not claimed as
14 a vehicle residence under section 1 of this act that has been
15 impounded from public property, abandoned pursuant to chapter 46.55
16 RCW, and received no bids at auction, or declared an abandoned junk
17 vehicle by a law enforcement officer, pursuant to chapter 46.55 RCW,
18 while on public property.

--- END ---