
SENATE BILL 5735

State of Washington

68th Legislature

2023 Regular Session

By Senators Wagoner, J. Wilson, Saldaña, Muzzall, Warnick, Van De Wege, Hunt, Kuderer, Shewmake, Stanford, and Valdez

Read first time 02/09/23. Referred to Committee on Transportation.

1 AN ACT Relating to notice for active duty military owners of
2 impounded vehicles; and amending RCW 46.55.110 and 46.55.130.

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

4 **Sec. 1.** RCW 46.55.110 and 2019 c 401 s 2 are each amended to
5 read as follows:

6 (1)(a) When an unauthorized vehicle is impounded, the impounding
7 towing operator shall notify the legal and registered owners of the
8 impoundment of the unauthorized vehicle and the owners of any other
9 items of personal property registered or titled with the department.
10 The notification shall be sent by first-class mail within (~~twenty-~~
11 ~~four~~) 24 hours after the impoundment to the last known registered
12 and legal owners of the vehicle, and the owners of any other items of
13 personal property registered or titled with the department, as
14 provided by the law enforcement agency, and shall inform the owners
15 of the identity of the person or agency authorizing the impound.

16 (b) The notification shall include the name of the impounding tow
17 firm, its address, and telephone number. The notice shall also
18 include the location, time of the impound, and by whose authority the
19 vehicle was impounded. The notice shall also include the written
20 notice of the right of redemption and opportunity for a hearing to
21 contest the validity of the impoundment pursuant to RCW 46.55.120.

1 (c) The notification must include a notice that the registered
2 tow truck operator will store personal belongings found in the
3 vehicle at no cost if the vehicle's owner or agent is present to
4 retrieve the personal belongings from the vehicle and sign a personal
5 belongings storage request form before the date of auction. If the
6 vehicle's owner calls a registered tow truck operator to inquire
7 about the impounded vehicle, the registered tow truck operator shall
8 inform the owner of the owner's ability to retrieve any personal
9 belongings from the vehicle and to request the registered tow truck
10 operator to store the personal belongings by signing a personal
11 belongings storage request form before the date of auction.
12 Registered tow truck operators shall store personal belongings at no
13 cost for (~~thirty~~) 30 days from the date the personal belongings are
14 removed from the vehicle by the owner and the vehicle's owner or
15 agent has signed a personal belongings storage request form.
16 Registered tow truck operators shall maintain a record of any signed
17 personal belongings storage request form.

18 (2) In addition, if a suspended license impound has been ordered,
19 the notice must state the length of the impound, the requirement of
20 the posting of a security deposit to ensure payment of the costs of
21 removal, towing, and storage, notification that if the security
22 deposit is not posted the vehicle will immediately be processed and
23 sold at auction as an abandoned vehicle, and the requirements set out
24 in RCW 46.55.120(1)(c) regarding the payment of the costs of removal,
25 towing, and storage as well as providing proof of satisfaction of any
26 penalties, fines, or forfeitures before redemption. The notice must
27 also state that the registered owner is ineligible to purchase the
28 vehicle at the abandoned vehicle auction, if held.

29 (3) (a) In the case of an abandoned vehicle, or other item of
30 personal property registered or titled with the department, within
31 (~~twenty-four~~) 24 hours after receiving information on the legal and
32 registered owners, which includes an active duty military status
33 check, from the department through the abandoned vehicle report, the
34 tow truck operator shall send by first-class mail a notice of custody
35 and sale to the legal and registered owners and of the penalties for
36 the traffic infraction littering—abandoned vehicle. The notice must
37 include a notice that the registered tow truck operator will store
38 personal belongings found in the vehicle at no cost if the vehicle's
39 owner or agent is present to retrieve the personal belongings from
40 the vehicle and sign a personal belongings storage request form

1 before the date of auction. The tow truck operator shall obtain a
2 certificate of mailing from the United States postal service when
3 notice is mailed.

4 (b) If the legal or registered owner shows an active duty
5 military status, as provided by the department, then the registered
6 tow truck operator shall not sell the vehicle until criteria provided
7 in the servicemembers civil relief act has been satisfied.

8 (4) If the date on which a notice required by subsection (3) of
9 this section is to be mailed falls upon a Saturday, Sunday, or a
10 postal holiday, the notice may be mailed on the next day that is
11 neither a Saturday, Sunday, nor a postal holiday.

12 (5) No notices need be sent to the legal or registered owners of
13 an impounded vehicle or other item of personal property registered or
14 titled with the department, if the vehicle or personal property has
15 been redeemed.

16 **Sec. 2.** RCW 46.55.130 and 2017 c 152 s 2 are each amended to
17 read as follows:

18 (1) If, after the expiration of (~~fifteen~~) 15 days from the date
19 of mailing of notice of custody and sale required in RCW 46.55.110(3)
20 to the registered and legal owners, the vehicle remains unclaimed and
21 has not been listed as a stolen vehicle, a suspended license impound
22 has been directed but no commercially reasonable tender has been paid
23 under RCW 46.55.120, or a person eligible to redeem under RCW
24 46.55.120(1)(a)(viii) has not come forth providing information that
25 the registered or legal owner of a motorcycle or moped is an admitted
26 patient in a hospital, the registered tow truck operator having
27 custody of the vehicle shall conduct a sale of the vehicle at public
28 auction after having first published a notice of the date, place, and
29 time of the auction, and a method to contact the tow truck operator
30 conducting the auction such as a telephone number, email address, or
31 website, in a newspaper of general circulation in the county in which
32 the vehicle is located not less than three days and no more than
33 (~~ten~~) 10 days before the date of the auction. For the purposes of
34 this section, a newspaper of general circulation may be a commercial,
35 widely circulated, free, classified advertisement circular not
36 affiliated with the registered tow truck operator and the notice may
37 be listed in a classification delineating "auctions" or similar
38 language designed to attract potential bidders to the auction. The
39 notice shall contain a notification that a public viewing period will

1 be available before the auction and the length of the viewing period.
2 The auction shall be held during daylight hours of a normal business
3 day. The viewing period must be one hour if (~~(twenty-five)~~) 25 or
4 fewer vehicles are to be auctioned, two hours if more than (~~(twenty-~~
5 ~~five)~~) 25 and fewer than (~~(fifty)~~) 50 vehicles are to be auctioned,
6 and three hours if (~~(fifty)~~) 50 or more vehicles are to be auctioned.
7 If the registered tow truck operator is notified that the registered
8 or legal owner of the moped or motorcycle is an admitted patient in
9 the hospital as evidenced by a declaration on a form authorized by
10 the department, the registered tow truck operator may delay the
11 auction of the moped or motorcycle for a reasonable time in a good
12 faith effort to provide additional time for the redemption of the
13 vehicle.

14 (2) The following procedures are required in any public auction
15 of such abandoned vehicles:

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

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

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

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

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

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

33 (g) The registered tow truck operator shall post a copy of the
34 auction procedure at the bidding site. If the bidding site is
35 different from the licensed office location, the operator shall post
36 a clearly visible sign at the office location that describes in
37 detail where the auction will be held. At the bidding site a copy of
38 the newspaper advertisement that lists the vehicles for sale shall be
39 posted;

1 (h) All surplus moneys derived from the auction after
2 satisfaction of the registered tow truck operator's lien shall be
3 remitted within (~~thirty~~) 30 days to the department for deposit in
4 the state motor vehicle fund. A report identifying the vehicles
5 resulting in any surplus shall accompany the remitted funds. If the
6 director subsequently receives a valid claim from the registered
7 vehicle owner of record as determined by the department within one
8 year from the date of the auction, the surplus moneys shall be
9 remitted to such owner;

10 (i) If an operator receives no bid, or if the operator is the
11 successful bidder at auction, the operator shall, within (~~forty-~~
12 ~~five~~) 45 days, sell the vehicle to a licensed vehicle wrecker, hulk
13 hauler, or scrap processor by use of the abandoned vehicle report-
14 affidavit of sale, or the operator shall apply for title to the
15 vehicle.

16 (3) A tow truck operator may refuse to accept a bid at an
17 abandoned vehicle auction under this section for any reason in the
18 operator's posted operating procedures and for any of the following
19 reasons: (a) The bidder is currently indebted to the operator; (b)
20 the operator has knowledge that the bidder has previously abandoned
21 vehicles purchased at auction; or (c) the bidder has purchased, at
22 auction, more than four vehicles in the last calendar year without
23 obtaining title to any or all of the vehicles. In no case may an
24 operator hold a vehicle for longer than (~~ninety~~) 90 days without
25 holding an auction on the vehicle, except for vehicles that are under
26 a police or judicial hold or subject to the servicemembers civil
27 relief act.

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

36 (b) The failure of the registered tow truck operator to comply
37 with the time limits provided in this chapter limits the accumulation
38 of storage charges to five days except where delay is unavoidable.
39 Providing incorrect or incomplete identifying information to the
40 department in the abandoned vehicle report shall be considered a

1 failure to comply with these time limits if correct information is
2 available. However, storage charges begin to accrue again on the date
3 the correct and complete information is provided to the department by
4 the registered tow truck operator.

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